

The *Harvard Kennedy School Journal of African American Public Policy* is a student publication at the Harvard Kennedy School. All views expressed in the journal are those of the authors or interviewees only and do not represent the views of Harvard University, the Harvard Kennedy School, and the staff of the *Harvard Kennedy School Journal of African American Public Policy* or any of its affiliates.

© 2017 by the President and Fellows of Harvard College. All rights reserved. Except as otherwise specified, no article or portion herein is to be reproduced or adapted to other works without the expressed written consent of the editors of the *Harvard Kennedy School Journal of African American Public Policy*.

ISSN# 1081-0463

Table of Contents

5 **Editor's Note**
by Derecka Purnell

17 **Trayvon, Rest in Power**
by Sara Trail

M4BL Policy Platform

9 **Movement for Black Lives Policy Roundtable**

12 **M4BL Policy Platform, English**

14 **M4BL Policy Platform, Spanish**

16 **The American Dream**
by Alyssa Thach

Teaching the Movement

18 **Black Lives Matter and the Law**
by Justin Hansford

22 **Law, Protests, and Social Movements: A Syllabus**
by Amanda Alexander

31 **A Radical Education Platform for the 21st Century**
by Tressie McMillan Cotton and Angela Angulo

37 **A Call to End School Privatization**
by Alexis Morgan

40 E11, Protect and Serve?
by Yosief Teckle

41 E14, Mass Incarceration
by Ashley Morris and
Mailan Carr

The Scope of the Platform

**43 From #BlackLivesMatter
to Black Liberation:
*An Interview with
Professor Keeanga-
Yamahtta Taylor***
by Aya Saed and Alessandra
Brown

50 Hands Up, Don't Shoot
by Bryan Robinson

**51 Hard Times Like, "God!"
Reparations in the
Movement for Black
Lives**
by Quinn Rallins

57 My Blood Is in the Soil
by Laura Madriz

58 I Am Not My Clothes
by Carina Cabriaes

The Margins of the Margins

**59 The Hidden Cost of
Money Bail:
*How Money Bail Harms
Black Women***
by Gina Clayton, Taina
Vargas-Edmond, and Tanea
Lunsford

67 Inequality 4 All
by Yareli Martinez

**68 Education: The Only
Way Out**
by Jamia Williams

**69 Disability Solidarity:
*Completing the 'Vision
for Black Lives'***
by the Harriet Tubman
Collective

**73 Honoring Arnaldo Rios
Soto and Charles Kinsey:
*Achieving Liberation
through Disability
Solidarity***
by Talila Lewis

**79 Standing at the
Intersection of Race
and Disability**
by Kerima Çevik

82 The 1%ers
by Alonso Saenz

**83 Gentrification:
*An American Nightmare***
by Juan Tapia

Editorial Staff

Derecka Purnell

Aaron Francis

Alexis Morgan

Anneke Gronke

Aya Saed

Caleb Gayle

Elorm Avakame

Malcolm Temple

Rae Shih

Acknowledgements

The editorial board of the *Harvard Kennedy School Journal of African American Public Policy* would like to thank the following individuals for their generous support and contributions to the publication of this issue:

Movement for Black Lives Policy Table

Richard Parker, Faculty Advisor

Martha Foley, Publisher

Tracy Campbell, Copy Editor

Monique Z. Osius, Graphic & Layout Designer

Basil Kincaid, Cover Art

Dean Karen Weaver, Senior Associate Dean for Degree Programs & Student Affairs Degree Programs

Douglas Elmendorf, Dean of the John F. Kennedy School of Government

Editor's Note

I grew up in South St. Louis. My neighborhood mostly consisted of poor, Black Americans and East African refugees. Ethiopians gave food to my family that I now pay an embarrassingly bourgeois amount to eat in D.C. Before Edward Snowden, boys in my hood served as whistleblowers, noting which cops watched us walk to the candy lady who sold snow cones out of her trunk at the playground. Mechanics -- with their pliers -- sometimes doubled for dentists because most of us could not afford dental insurance. Elders loaned their vehicles to large families when the last grocery store in the neighborhood closed. Churches ran Freedom School programs out of their basements. Chinese restaurant owners would give boxes of rice on credit. We took care of each other.

I do not wish to romanticize my hood. However, I want to demonstrate how policy in the trap is responsive to the failures of the state. The Movement for Black Lives Policy Table (also known as M4BL or Policy Table) names many of those failures and seeks to concretize some of that policy.

This is the twenty-third edition of the Harvard Kennedy School Journal of African American Public Policy. In 2015, my predecessor, Deloris Wilson, called for a “continued discourse and informed strategic action,” so that we may “bear witness to the import of the Black Lives Matter movement.” This year, our partnership with the M4BL Policy Table answered: **black vision. black revolution.**

Black vision is full of struggle and imagination. Marcus Garvey mobilized a pan-Africanist movement to the motherland. Fannie Lou Hamer championed democratic inclusion and participation. We can learn from the range of our resistance in order to disrupt the status quo and pursue freedom dreams. Black revolution is a commitment to challenging our oppressors, changing our conditions, and choosing to becoming a better person- and people- while we navigate the terrain. In this particular moment, our revolution requires relentless solidarity with people who are eradicating class oppression, white supremacy, patriarchy, homoantagonism, genocide, environmental destruction, religious intolerance, ableism, and arbitrary state violence against the people and other nations.

.....
**I do not wish to
romanticize my hood.
However, I want to
demonstrate how policy in
the trap is responsive to
the failures of the state.**
.....

The M4BL Policy Roundtable introduces our issue. This group describes the process that created the *Vision for Black Lives Platform* that dropped last summer. All of its contributors are grounded in the interdisciplinary work of the Black Lives Matter movement, spanning law, policy, media, ministry, and grassroots organizing. Their hope? That “others can continue to build on the long history of liberation movements that we understood as our inheritance.”

criminal justice bail reforms that destructively impact Black women as prisoners, rather than collaterally as girlfriends, sisters, daughters, and mothers.

The *Vision for Black Lives Platform* is not without critique. This year, our journal features a number of voices who have been and are marginalized in the struggle for Black liberation. The Harriet Tubman Collective “completes” the Policy Platform by centering disability, ableism, and audism as intersecting stories, identities, struggles, and opportunities for resistance.

Talila Lewis expands this critique regarding state violence toward differently-abled and deaf Black people and people of color. Lewis ends the powerful account with a list of demands, questions, and considerations for advocate accountability in social movements.

Kerima Cevik describes her personal and professional advocacy as a parent of a son who is nonspeaking and autistic. She describes the shift in her organizing efforts after learning that police officers with specialized awareness training to accommodate people with disabilities continue to kill neurodivergent teens who are Black or Brown.

The 2017 Harvard Kennedy School Journal of African American Public Policy expresses sincere gratitude to our donors, contributors, and supporters who played key roles in its publication. The support of our staff, advisors, subscribers, and student body at the Harvard Kennedy School of Government is a testament to the teamwork, dedication, and genuine commitment indicative of public service. We hope this issue serves to uplift, echo, and pay tribute to those in the struggle for the liberation of all oppressed people.

Let’s get free.

Derecka Marie Purnell

2017 Editor- In- Chief

Harvard Kennedy School Journal of African American Public Policy
Harvard Law School, Class of 2017

Harvard Kennedy School Journal of African American Public Policy

The *Harvard Kennedy School Journal of African American Public Policy* is a student-run, nonpartisan scholarly review published annually by the John F. Kennedy School of Government at Harvard University. Our mission is to educate and provide leadership that improves the quality of public policies affecting the African American community. In so doing, we hope to further the economic, social, and political empowerment of African Americans. We seek to open dialogue on various policy sectors as well as topics ranging from philosophy to urban planning and even literature, as they all inform our sensibilities when it comes to developing policy that affects African Americans—and all Americans. Manuscripts are accepted from all policy areas, academic disciplines, and related organizations. In addition to articles, the Journal welcomes essays, lectures, speeches, community-based initiative profiles, photography, symposia, position papers, art, illustrations, poetry, interviews, short stories, photo essays, and book reviews. The Journal seeks innovative and solution-oriented strategies that address the relationship between policy making and the political, social, and economic environments affecting African Americans at local, state, and national levels in the United States.

Submission Guidelines

To be eligible for the editorial review, please use the following guidelines:

- Articles must be original and unpublished (or proof of reprint permission).
- Any work of art/photography/design can be published elsewhere, but the submission must be the sole property of the individual submitting; all other places where the piece is published should be noted.
- Commentaries should be 400–600 words; longer commentaries should be cleared with editors beforehand.
- Articles should be 1,200–3,500 words.
- Articles should be formatted in any version of Microsoft Word.
- Endnotes should be formatted according to the guidelines and the Chicago Manual of Style.
- All figures, tables, and charts should be submitted as entirely separate files. In addition, we request that all authors submit the following:
 - A cover page with the submission title, author's name, mailing address, e-mail address, daytime telephone number, and a brief biography.
 - A 100-word abstract. Authors are required to cooperate with editing and factchecking.

E-mail entries to hjaap@hks.harvard.edu

For additional information, please visit www.hjaap.org

Mail entries to:

Harvard Kennedy School Journal of African American Public Policy
John F. Kennedy School of Government
79 John F. Kennedy Street
Cambridge, MA 02138

Movement for Black Lives Policy Table

The Movement for Black Lives Policy Table is incredibly excited to work with the Harvard Journal for African American Public Policy to publish an edition dedicated to exploring the possibilities of radical policy reform and its implications for the present moment. The Movement for Black Lives Leadership Table, a collection of eight representatives from national and local organizations, which stewarded the development of the Platform, wanted to take a moment to share some reflections on the process that led to the creation of the *A Vision for Black Lives: Policy Demands for Black Power, Freedom, & Justice*.

The Leadership Team believes that for us to realize liberation, we must commit to processes that reflect our politics. These are rarely fast and never easy. As a result, the *Vision for Black Lives* Platform's development took over a year. It included over six in-person meetings (three for the core organizations and three for the leadership team), the creation of four working groups (Economic Justice, Mass Criminalization,

Education, and Health) that meet bi-weekly for over four months, two national calls, two national surveys, and endless hours of editing, consulting, and struggle. The core group of over twenty Black-led organizations agreed early to ground the *Vision* in a set of principles. The principles served both as a litmus test for specific policies as well as an articulation of our politics, which we asked the more than eighty contributing organizations and hundreds of endorsing organizations to support.

Our hope was to engage in a process that created a level of political alignment across sectors, organizations, and geographies and that would result in us collectively advancing a radical yet clear vision of the world we want for our people with some specific steps that can take us there. We hoped that the *Vision* would serve as a shield to fight against hollow or even regressive reforms that would increase corporate and state profits and perpetuate the criminalization and surveillance of our people. We also crafted the *Vision* to fortify us for the historical backlash

that would come as our people built and exercised increasing amounts of power (and most recently manifesting in Donald Trump's electoral college victory). Lastly, and most importantly, we created the *Vision* to articulate and elevate a shared set of priorities that reflect the ongoing work of our people, who every day continue to build the infrastructure, organization, vision, and strategy that will allow our communities to be free, thrive, and imagine together.

The *Vision* has its origins in the Movement for Black Lives Convening in the summer of 2015 held in Cleveland, Ohio. On the last day of the convening, hundreds of people came together for a workshop that focused on the need for national collaboration and alignment. Although the workshop was challenging—as organizers and individuals from across the country struggled to find shared targets, values, and alignment in less than two hours—one resounding point of consensus was the need for a shared platform that would articulate our vision and provide resources. Following the

workshop, a number of the organizations involved in the planning of the Convening issued a call to organizations across the country interested in developing a radical platform.

A core group of over twenty Black-led organizations came together in the fall of 2015 to begin the process. While some of us thought that the Platform would be done in a few months, it became clear that we needed time to develop relationships, practice imagining a different world together, study the work and formations of our ancestors and elders, and conduct collective research. At our first meeting, we decided that it was necessary to develop a set of principles that would guide the process and substance of the *Vision* as well as hold us accountable to our values. These principles included a set of beliefs and practices.

1. We believe that there is a need for a radical realignment of power and a transformation of the systems we live inside of, including our current criminal legal, educational, and economic systems. Our vision is based on the world we want, not the one we are currently in. We seek to create a movement-based vision instead of a reactionary one.

2. We reject any reform that consolidates power or increases the profit of violent state agents or corporations. This includes a rejection of solutions that increase the funding of police departments or corrections agencies. We also reject reforms that result in increased profits for corporations, which make money off of the surveillance, occupation, incarceration, and abuse of our communities.

3. We will not support policy that harms ANY Black lives. We will not support policy that ignores our Trans family or condemns some to

increased punishment. We believe in centering and elevating the marginalized in our movements including Queer Black lives, Trans Black lives, Gender Non-conforming



We will not support policy that harms ANY Black lives.

Black lives, Formerly Incarcerated Black lives, Poor and Working Class Black lives, Differently abled Black lives, Black Women's lives, Undocumented and Immigrant Black lives, etc.

4. We believe in community control and will not support policies or legislation that wrestle control out of the communities most impacted or that do not honor in action power belonging to those who are directly impacted and therefore have the most credible expertise.

5. We believe in reparations and the need for reallocating government funds and corporate profits into communities in ways that communities control.

6. We believe that we must model accountability, collaboration, and cooperation in both our vision and our process.

Once we developed the principles, we also worked to create a set of bottom lines that clearly articulated the shared policy visions of differ-

ent organizations in the formation. These bottom lines, which were reflective of the work of organizations in the collective, became the basis for our working groups as well as for the Platform categories.

The bottom lines included:

1. Community Control

- a. Full control over the systems that impact our communities and affect our abilities to live, thrive, and build, including the food system, political system, economic system, policing, education, etc.
- b. We need to be articulating and developing policies that get us to full community control of everything, and we cannot reinvent and push policies that keep giving the state power.
- c. We want to shift from framing resources as simply about demanding access to one of demanding control.

2. Invest/Divest

- a. We want to develop principles that build up communities and take away from institutions.
- b. We seek to use policy as a metric on how we can shift resources and power into communities instead of leaving them in existing corporations or punitive state structures.

3. Alternative Structure

- a. We want to build Black infrastructure to be self determining in the world we want to live in.
- b. We are constantly asking ourselves "if we win, what do we do?"

- c. We are willing to say no to things that do not meet the Platform that we have put forth.

Throughout the next year, different organizations joined working groups where most of the policy development work happened. We invited over fifty additional organizations to join these working groups, and together they helped develop the contours of the policies. These working groups met bi-monthly, voted on policy priorities, and conducted research.

We also engaged in an intense study of the relentless vision of our ancestors and elders, including the processes of the African National Congress's Freedom Charter and the Black Radical Congress's Freedom Agenda. Key lessons from these studies included the need to engage our people in the policy-development process. As a result, we held two national calls to share drafts of the *Vision* and asked individuals and organizations to fill out national surveys reacting to the drafts we shared. We used the convenings to continue shared study, refine the policy ideas, and constantly check the developing policies with our agreed-upon principles and bottom lines. As a collective, we struggled with how to co-create policies that made real our critique of racialized capitalism, how to ensure that we did not situate policy as the key to liberation while also expanding the confines of what policy could do, and how to make sure the document was international in scope and inspirational while targeting the US government.

Following the release of the Platform, we were incredibly proud and excited by the outpouring of support, love, and work. The local groups that have used the Platform as inspiration for the development of local platforms or political education have moved us beyond words. Disability rights orga-

nizations have humbled us through their critiques and challenges to the non-inclusion of Disability demands in the Platform. We have worked with them to make the *Vision* more inclusive.

We hope that, in sharing the details of our process, others can continue to build on the long history of liberation movements that we understood as our inheritance.



A VISION FOR BLACK LIVES:

**POLICY DEMANDS FOR BLACK
POWER, FREEDOM, & JUSTICE**

**THE
MOVEMENT
FOR BLACK LIVES**



END THE WAR ON BLACK PEOPLE

We demand an end to the war against Black people. Since this country's inception there have been named and unnamed wars on our communities. We demand an end to the criminalization, incarceration, and killing of our people.



REPARATIONS

We demand reparations for past and continuing harms. The government, responsible corporations and other institutions that have profited off of the harm they have inflicted on Black people—from colonialism to slavery through food and housing redlining, mass incarceration, and surveillance—must repair the harm done



DIVEST-INVEST

We demand investments in the education, health and safety of Black people, instead of investments in the criminalizing, caging, and harming of Black people. We want investments in Black communities, determined by Black communities, and divestment from exploitative forces including prisons, fossil fuels, police, surveillance and exploitative corporations.



ECONOMIC JUSTICE

We demand economic justice for all and a reconstruction of the economy to ensure Black communities have collective ownership, not merely access.



COMMUNITY CONTROL

We demand a world where those most impacted in our communities control the laws, institutions, and policies that are meant to serve us – from our schools to our local budgets, economies, police departments, and our land – while recognizing that the rights and histories of our Indigenous family must also be respected.



POLITICAL POWER

We demand independent Black political power and Black self-determination in all areas of society. We envision a remaking of the current U.S. political system in order to create a real democracy where Black people and all marginalized people can effectively exercise full political power.



UNA VISIÓN PARA LAS VIDAS NEGRAS:

DEMANDAS DE POLÍTICAS
PÚBLICAS PARA EL PODER,
LIBERTAD Y JUSTICIA NEGRAS

THE
MOVEMENT
FOR BLACK LIVES



HAY QUE TERMINAR LA GUERRA EN CONTRA DEL PUEBLO NEGRO

Exigimos el fin de la guerra en contra de las personas negras. Desde su inicio, en este país se han generado guerras con y sin nombre en contra de nuestras comunidades. Demandamos el fin de la criminalización, encarcelación y el asesinato de nuestra gente.



REPARACIONES

Reclamamos reparaciones por los daños históricos y continuos. El gobierno, las corporaciones y otras instituciones que son las responsables de ellos y se han beneficiado del daño infligido a la comunidad negra—desde el colonialismo a la esclavitud, hasta prácticas alimenticias discriminatorias y discriminación en la vivienda (N. del T.—“redlining”), la encarcelación masiva y la vigilancia—deben reparar los daños sufridos.



DESINVERSIÓN-INVERSIÓN

Exigimos la inversión en la educación, salud y seguridad de las personas negras, en vez de la inversión en su criminalización, la encarcelación en jaulas y los daños infligidos en ellas. Queremos inversiones en las comunidades negras, determinadas por las comunidades negras, y la desinversión en fuerzas de explotación como las prisiones, combustibles fósiles, la policía, sistemas de vigilancia y corporaciones explotadoras.



JUSTICIA ECONÓMICA

Exigimos la justicia económica para todxs y la reconstrucción de la economía para asegurar que las comunidades negras, más allá del acceso, gocen de propiedad colectiva. access.



CONTROL COMUNITARIO

Exigimos un mundo en el que los más impactados controlen las leyes, instituciones y políticas que deben servirnos a todxs—desde nuestras escuelas a nuestros presupuestos, economías, departamentos policiales y tierras locales—a la vez que reconocemos que hay que respetar los derechos e historias de nuestrxs hermanxs indígenas.



PODER POLÍTICO

Reclamamos un poder político negro que sea independiente y la libre determinación negra en todos los ámbitos de la sociedad. Imaginamos la remodelación del sistema político actual en EEUU con el fin de crear una democracia real, en la que las personas negras y todos los seres marginados puedan ejercer efectivamente su poder político en su totalidad.



“The American Dream”

by Alysia Thach



“Trayvon, Rest in Power”

by Sara Trail

Black Lives Matter and the Law

Georgetown University Law Center

Professor Hansford

Spring 2017

Office Hours: Hotung 6016, Tuesday and Thursday 3:30–5:00 p.m., phone: 202-661-6783

Email: jdh36@law.georgetown.edu; Assistant Elizabeth Moulton, eam303@law.georgetown.edu

Texts: Required texts: **The New Jim Crow** by Michelle Alexander, **Policing the Planet** by Jordan Camp et al., ed., **From #BlackLivesMatter to Black Liberation** by Keeanga-Yamahtta Taylor, **Freedom Is a Constant Struggle** by Angela Y. Davis, **Nobody** by Marc Lamont Hill, and **Ferguson’s Fault Lines** by Kimberly Norwood, ed., and also recommended text **Scholarly Writing for Law Students, Seminar Papers, Law Review Notes and Law Review Competition Papers** by Elizabeth Fajans et al. (4th ed., West Academic Series [2011])

This course will explore the Black Lives Matter movement as a nascent social movement for racial justice. In addition to understanding BLM’s fundamental concepts and arguments, students will emerge from this class with a clear understanding of the historical context of the movement, the role that the lawyers and the law have played in the movement thus far, and the place of the law in the struggle as it continues. In addition to the key cases and responses that have emerged since the Ferguson moment, students will engage in analysis of how law students and lawyers can play a meaningful role through policy, litigation, and rebellious lawyering for social change.

REQUIREMENTS

Students are expected to attend class regularly, to complete *all* assigned readings in advance of each seminar meeting, and to participate vigorously in seminar discussions.

The topic of the paper must be chosen in consultation with Professor Hansford. The paper must engage the subject matter and material in the course, and explore an original thesis in a rigorous and scholarly manner. All papers must use standard font, format and spacing. Sources should be cited in standard Bluebook citation form. The paper will be used to fulfill your writing requirement and accordingly must meet the guidelines of the registrar. Here are the requirements:

1. Use of legal forms of citation (when appropriate)
2. Submission of an outline
3. Submission of a first draft of at least 6,000 words (excluding footnotes)
4. Submission of a revised final paper of at least 6,000 words (excluding footnotes) based on the professor’s comments

I am eager to engage with you! We should meet twice this semester to discuss your outline and your draft after you have submitted each one before the deadline. Please see me after class to schedule these two meetings during the course of the semester.

Grading

80%: Final Paper 20%: In Class Participation

SEMESTER SCHEDULE

- Jan. 19** **WEEK 1: Introduction**
-Keeanga-Yamahtta Taylor, *From #BlackLivesMatter to Black Liberation* (2016), Chs. 5 & 6.
- Jan. 26** **WEEK 2: The New Jim Crow as Context**
-Michelle Alexander, *The New Jim Crow* (2010)
-James Foreman Jr, *Racial Critiques of Mass Incarceration: Beyond the New Jim Crow*, 87 N.Y.U. L. Rev. 21 (2012)
- Feb. 2** **WEEK 3: The Cases That Made the Movement**
-Marc Lamont Hill, *Nobody: Casualties of American's War on the Vulnerable, From Ferguson to Flint and Beyond* (2016)
- Feb. 9** **WEEK 4: Core Critiques of the Civil Rights Movement: Intersectionality, Respectability, Aspirational Politics, and the Law**
Kimberlé Williams Crenshaw, Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color
Fredrick C. Harris, *The Rise of Respectability Politics*, DISSENT MAGAZINE (2014), <https://www.dissentmagazine.org/article/the-rise-of-respectability-politics>
-Randall Kennedy, *Lifting as We Climb: A Progressive Defense of Respectability Politics*, HARPER'S MAGAZINE, October 2015, <http://harpers.org/archive/2015/10/lifting-as-we-climb/>
-Amna Akbar, *Law's Exposure: The Movement and the Legal Academy*, 65 J. Legal Educ. 352 (2016)
-Movement for Black Lives Policy Platform, <https://policy.m4bl.org/platform/>
-Campaign Zero, <https://www.joincampaignzero.org/#vision>
- Feb. 16** **WEEK 5: Theorizing the Lawyer's Role in the BLM Movement**
-Justin Hansford, *Demosprudence on Trial: Ethics for Movement Lawyers, in Ferguson and Beyond*, 85 Fordham L. Rev. (2017)
-Anthony V. Alfieri, Angela Onwuachi-Willig, *Next Generation Civil Rights Lawyers: Race and Representation in the Age of Identity Performance*, 122 Yale L.J. 484 (2013) (excerpt)
-Nancy Polikoff, *Am I my Client?: The Role Confusion of a Lawyer Activist*, 31 Harv. C.R.-C.L. L. Rev. 415 (1996)
-Derrick Bell, *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 Yale L.J. 470 (1976).
-Law For Black Lives, <http://www.law4blacklives.org/>; Guest Speaker: Purvi Shah (tentative)
- Feb. 23** **LAW SCHOOL WIDE FACULTY RETREAT/ NO CLASSES**
- Mar. 2** **WEEK 6: Structural Racism and Criminal Law**

-“St. Louis County Municipal Courts, For-Profit Policing, and the Road to Reforms,” in *Ferguson Fault Lines* 57-71 (2016)

-Investigation of the Ferguson Police Department (Executive Summary)

-Investigation of the Chicago Police Department (Executive Summary)

-Investigation of the Baltimore City Police Department (Executive Summary)

-Investigation of the Cleveland Division of Police (Summary of Findings)

Mar. 9 **WEEK 7: Lawyering for Black Lives Nationally**

-Devon W. Carbado, *Blue-on-Black Violence: A Provisional Model of some of the Causes*, 104 *Geo. L.J.* 1479 (2016).

-Paul Butler, *The System is Working the Way it's Supposed to: The Limits of Criminal Justice Reform*, 104 *Geo. L.J.* 1419 (2016)

-Barack Obama, Commentary, *The President's Role in Advancing Criminal Justice Reform*, 130 *Harv. L. Rev.* 911 (2017)

Mar. 16 **SPRING BREAK**

Mar. 23 **WEEK 8: Special Issues: Police Reform and Interest Convergence**

-Derrick Bell, *Brown v. Board of Education: Reliving and the Interest Convergence Dilemma*, 93 *Harv. L. Rev.* 518 (1980)

-President's Task Force on 21st Century Policing. 2015. *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services.

-Justin Hansford, “Body Cameras won't stop police brutality. Eric Garner is only one of several reasons why.” *The Washington Post*, December 4, 2014.

-Howard M. Wasserman, “The Uncertain Hope of Body Cameras,” 217- 231 in *Ferguson's Fault Lines* (2016).

March 24: Paper Outline due, with 5 sources in an annotated bibliography.

Mar. 30 **WEEK 9: Lawyering for Black Lives Globally**

-Angela Davis, *Freedom is a Constant Struggle: Ferguson, Palestine, and the Foundations of a Movement* (2016)

-Walter Johnson, *To Remake the World: Slavery, Capitalism, and Justice*, in *The Boston Review*, October 2016.

-Justin Hansford, Meena Jagganth, *Ferguson to Geneva: Using the Human Rights Framework to Push Forward a Vision for Racial Justice in the United States after Ferguson*, 12 *Hastings Race & Poverty L.J.* 21 (2015)

-Carol Anderson discusses the difference between Civil Rights and Human Rights, <https://www.youtube.com/watch?v=5pQtwOsHHV8>;

Apr. 6 **WEEK 10: Narrative and the Court of Public Opinion**

-Osagie K. Obasogie & Zachary Newman, *Black Lives Matter and Respectability Politics in Local News Accounts of Officer-Involved Civilian Deaths: An Early Empirical Assessment*, 2016 Wis. L. Rev. 541 (2016)

-Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 Mich. L. Rev. 2411 (1989).

Marshall Ganz, *Public Narrative, Collective Action, and Power*, in

ACCOUNTABILITY THROUGH PUBLIC OPINION: FROM INERTIA TO PUBLIC

ACTION 273 (Sina Odugbemi and Taeku Lee eds., 2011).

-Opportunity Agenda, A Social Justice Communications Toolkit,

<http://toolkit.opportunityagenda.org/>

April 13 **WEEK 11: The Role of the Lawyer and Black Lives Matter on Campus**

-Robin Kelly, *Black Study, Black Struggle*, available at: <http://bostonreview.net/forum/robin-d-g-kelley-black-study-black-struggle>

-Please read one of the responding essays and be prepared to analyze in class

-Chapter 11, *The Law of Student on Campus Protest*, (Excerpt from the 7th Edition of *Race, Racism, and American Law* by Bell, Harris, Hansford)

April 12: First Draft Due

April 20 **WEEK 12: Lawyering for Black Lives in Protest**

-Chapter 10: Bell, Harris, Hansford, *The Parameters of Racial Protest* (Excerpt from the 7th Edition of *Race, Racism, and American Law*)

-National Lawyers Guild, *Legal Observer Training Manual* (2003), http://www.sds-1960s.org/sds_wuo/nlg/LO_Manual.pdf

-Black Movement Law Project, <https://bmlp.org/>; Guest Speaker: Nicole Lee (tentative)

April 27 **WEEK 13: Lawyering for Black Lives in the Age of Trump**

-Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (2016) (excerpt)

-Full Text, Donald J. Trump Law & Order Speech, August 16, 2016. <http://heavy.com/news/2016/08/read-full-transcript-donald-trump-transcript-law-and-order-speech-west-bend-wisconsin/>

-Jordan Camp, Christian Heatherton, *Policing the Planet: Why the Policing Crisis Led to Black Lives Matter* (2016) (select one chapter, *not* "Community Policing Revisited" by Justin Hansford)

Graduating seniors: Final Paper Due May 12

Non-Graduating students: Final Paper Due June 12

Law, Protest, and Social Movements:

A Syllabus

Amanda Alexander, JD/PhDⁱ

Amanda Alexander is a racial justice lawyer and historian who works with community-based movements to end mass incarceration and build thriving and inclusive cities. She is an assistant professor in the Department of Afro-American & African Studies, a postdoctoral scholar at the School of Law at the University of Michigan, and a member of the Michigan Society of Fellows. As a 2013–2015 Soros Justice Fellow, she founded Michigan Law’s Prison & Family Justice Project, which serves families divided by incarceration and the foster care system. Alexander serves on the steering committee of Law for Black Lives, a national network of lawyers committed to building the power of the Black Lives Matter Movement. Previously she has worked with the Detroit Center for Family Advocacy; the UN Special Rapporteur on the Right to Housing in Sao Paulo, Brazil; and the Centre for Civil Society in Durban, South Africa, and she was an Ella Baker Fellow at the Center for Constitutional Rights. She received her JD from Yale Law School and her PhD in history from Columbia University.

We know about the lead in Flint’s water because of organizers like Nayyirah Shariff. For well over a year, while officials insisted the water was safe, Shariff and members of the Flint Democracy Defense League tested their own water, reached out to journalists, filed grievances, and called protests. They set up a water distribution site, checked in on their elderly and homebound neighbors, kept telling their stories, and made the world pay attention. Today, the Flint Rising

coalition, with Shariff at the helm, is working to build power among Flint residents for a long-haul fight for justice in their city. With organizing tools, they are developing a shared analysis and vision, forging relationships and organizational structures, and cultivating residents’ capacity to tackle the water crisis and whatever problems they face next.

Across the country, organizers with the Movement for Black Lives, the Black Youth Project (BYP 100), and local groups like Assata’s Daughters have pushed questions of state violence, criminalization, and economic exploitation to the forefront. They have shaped popular narratives, built political power, and impacted the outcome of local elections. In Chicago and Cleveland, organizers succeeded in ousting prosecutors who declined to charge or indict police officers in the shooting deaths of seventeen-year-old Laquan McDonald and twelve-year-old Tamir Rice. Notably, these organizers worked to unseat incumbent prosecutors without promising support for their opponents; should their replacements fail to make changes, local communities will hold them accountable as well. Overall, the past several years have served as a reminder that community organizers and those most directly impacted by violence will provide the visionary leadership necessary for deep-seated change.

Given this, what roles might lawyers play in transformative social change? How can lawyers and legal workers hasten change in cities like Detroit, where interlocking crises—tens of thousands of water shutoffs and tax foreclosures, sky-high asthma rates, school closures, entrenched poverty, and stratification—do not map easily onto civil rights claims? We are trained as lawyers to shoehorn complex problems into neat claims about equal protection or due process. But this moment demands more of us. When organizers pose fundamental questions about power, freedom, and the essential conditions of our lives, as they do now, we must listen. While legal strategies might prove useful as part of a larger campaign, we must be careful not to take up too much space with partial answers. We should admit the law offers some useful half-truths, but then encourage people to keep building power for real change.

ⁱ Movement lawyering and organizing are collaborative endeavors, and this syllabus builds on the individual and collective wisdom of many people. Thanks to Amna Akbar, Marshall Ganz, Lani Guinier, Dean Spade, and Gerald Torres for providing models for how to teach organizing, law, and social movements. Thanks to the teachers in my family for invaluable lessons about pedagogy, community building, and life: Ann McKay Bryson, Elizabeth McKay, Kathleen McKay, and Molly McKay Bryson. And for all they have taught me about law and organizing, thanks to Zackie Achmat, Amna Akbar, Katie McKay Bryson, Darius Charney, Paul Davis, Ashwin Desai, Jeff Edison, Mark Fancher, Desiree Ferguson, Katherine Franke, Iman Freeman, Alana Greer, Peter Hammer, Meena Jagannath, Mangaliso Kubheka, Toussaint Losier, Manning Marable, Austin McCoy, Danae McElroy, Joey Mogul, Oren Nimni, Zodwa Nsibande, Raj Patel, Tawana Petty, Derecka Purnell, Bill Quigley, Andrea Ritchie, Asia Russell, Audrey Sasson, Purvi Shah, Nayyirah Shariff, Pam Spees, Marbre Stahly-Butts, Adam Taylor, Rebecca Thompson, Brooke Tucker, Vince Warren, Ben Wikler, Frank Wilderson, III, S’bu Zikode, and countless activists with ACT-UP, Abahali baseMjondolo, South Africa’s Landless People’s Movement, and the Movement for Black Lives.

Second, I highlight the long tradition of internationalism in US social movements. Our case studies begin in the 1940s, when the NAACP fought for an economic and human rights agenda at the United Nations (UN)—until Cold War politics caused them to narrow their focus to a domestic fight for civil rights. We study the Civil Rights Congress’s We Charge Genocide petition, presented to the UN in 1951. And we explore more recent attempts by organizers and lawyers to appeal to international fora, such as advocates’ successful appeal to the UN Committee against Torture on behalf of people subjected to torture by the Chicago Police Department between 1972 and 1991. Our aim is to understand when and why advocates have chosen to appeal to international fora, how human rights frameworks might advance domestic struggles, and what is gained or lost by using an internationalist strategy.

Of all the lessons I have learned about how to create social change, none has been more profound than this: that it is essential to define problems for ourselves and thereby set the terms of debate. As writer and theorist Frank Wilderson puts it, “The power to pose the question is the greatest power of all.”^{iv} It is all too easy to be drawn into overly narrow debates, scrambling for answers to questions that are beside the point. For her part, Rosa Parks knew that the problem in Montgomery was not merely one of integration. She was clear: “I have never been what you would call just an integrationist. I know I’ve been called that. . . . Integrating that bus wouldn’t mean more equality. Even when there was segregation, there was plenty of integration in the South, but it was for the benefit and convenience of the white person, not us. So it is not just integration.” Instead, the question that needed to be posed, which Parks wrestled with her entire life, was how to “discontinue all forms of oppression against all those who are weak and oppressed.”^v How we frame a problem will dictate our solutions and strategies. If we pose better questions about injustice, we are less likely to be distracted by partial or irrelevant reforms that keep underlying systems intact. I hope this course helps us pause and articulate the questions worth answering, worth fighting for.

LAW, PROTEST, AND SOCIAL MOVEMENTS

Professor Amanda Alexander

University of Michigan

alexanas@umich.edu

This course is for students interested in learning how to create social change through collective action.^{vi} The dual aims of the course are to enrich our understanding of the mechanics of social change and to critically examine the relationship between law, lawyers, and social movements. Together, we will develop a nuanced understanding of law as a complex tool that has the potential to both co-opt social movements and support liberation. We will take a historical and theoretical case-study approach, with emphasis on the Civil Rights and Black Power movements in the United States. We will also draw lessons from contemporary movement-building efforts. During the semester, guest speakers on the front lines of racial and economic justice movements here in Michigan will join us to share their insights and ground our discussion.

iv Frank B. Wilderson III, *Red, White, and Black: Cinema and the Structure of U.S. Antagonisms* (Durham, NC: Duke University Press, 2010), ix. See also: Frank B. Wilderson III, *Incognegro: A Memoir of Exile and Apartheid* (New York: South End Press, 2008).

v Theoharis, *The Rebellious Life*, 70.

vi With thanks to Marshall Ganz.

Course Objectives

In this course, students will

- Gain familiarity with bold visions for social change and key concepts in organizing;
- Attain understanding of the various roles and tools of lawyers and organizers in social movements;
- Develop appreciation of the complex relationship between lawyers, law, and social movements;
- Sharpen their written and oral analytic skills through written reflections, class discussion, short writing assignments, and a final paper;
- Develop their ability to pose deep and important questions—of themselves, their communities, and those in authority; and
- Develop a critical theoretical and historical underpinning for their own work.

Course Structure and Requirements

Preparation and participation are mandatory basic requirements. We will cultivate an ethos of community and accountability. We treat each other with respect, even as we encourage debate and critical thinking.

Students are expected to read the assigned material in advance of class, attend every class, and participate actively in section discussions. You will be evaluated on your mastery of the materials, your use of critical thinking skills, your active participation, your short writing assignments, and your final paper. The grading rubric is as follows.

Participation: 40% of final grade

Discussion questions: 15% of final grade

Discussion participation: 20% of final grade

1 Short “inspiration” presentation and blog post: 5% of grade

Short writing assignments: 30% of final grade

Political autobiography: 15% of final grade

Final paper proposal: 5% of final grade

1 Blog post about a guest speaker: 10% of final grade

Final paper: 30% of final grade

Assignments

Discussion questions^{vii} – The most regular assignment in this course should take no more than a few minutes a week. By midnight the night before our class meets, every student must submit two open-ended discussion questions that directly concern the reading due. These questions should not be inquiries for more factual information. One quick way to decide whether you have generated a discussion question is to ask yourself if you could find the answer to your question by searching the internet. If you could—if you are asking for facts—then it is not a discussion question. All questions will be graded on a credit/no credit basis, which means as long as you turn in open-ended questions on time, you will receive full credit.

I ask you to send me your questions because I am interested in what has made you think, what you think deserves more attention, or what is puzzling. More generally, I want to reinforce the idea that we should all be generating questions as we read, rather than looking for the “right” answers. Further, it is actually quite difficult to come up with good

vii With thanks to Allison Alexy.

questions and learning to do so is a skill. Please take this opportunity to be creative. Don't be afraid to ask big questions, but please keep that day's readings in mind. Always feel free to think across the readings and discussions.

The discussion questions can be a helpful resource when you're trying to figure out a final paper topic. Think through the questions that you've posed and see what sparks a possible paper.

Political autobiography (approx. 1000 words)^{viii} – You will be responsible for writing a four-page essay that describes your “political project” as an individual member of the course, as a member of a social group, as a participant in political activities, and as a professional in the future. The essay could be used to help think through your interest in a particular social problem or issue. Or it could be used to help you think through how all the strands of your life come together to shape your approach as a lawyer, organizer, or other professional and your interest in social change. This essay can be a persuasive and linearly argued piece of expository writing; it can be a poem; it can be a narrative. It can include photographs or be illustrated with magazine cutouts in a collage with an explanatory legend. But it must reflect a “critical” perspective that situates or critiques the individual within his or her race, gender, and class position prior to arriving at Michigan and then within the larger society.

Your political autobiography must reference at least two concepts that we have addressed in the course (e.g., Van Jones's grid theory; Alicia Garza's discussion of allyship and co-optation; Marshall Ganz's concept of the story of self; Angela Davis's notion of radicalism; Ella Baker's version of facilitative leadership). You can weave discussions of these concepts into your text or add them as footnotes.

Blog post about guest speaker (approx. 500–800 words) – We will engage with several guest speakers throughout the semester. Each student will write a blog post about one speaker's visit to our class. You can write about the issues that the speaker works on, a policy they are advocating for, highlights from the discussion, and/or questions that their presentation sparked for you. I encourage you to draw connections with our course readings in your post. This is an opportunity to share the speaker's content and your own reflections with a broader audience. Your blog post is due one week after the speaker's visit.

Inspiration presentation and blog post – In the last five minutes of each class, one student will share something from the news that inspired them over the past week. While it's easy to feel overwhelmed by the problems facing the world and to be discouraged by setbacks in social change, we can also find inspiring examples of resistance. This could be a news article about a court victory, a photograph of a protest, a clever meme, or a powerful anecdote—whatever gave you goose bumps about the potential of change. Students will also create a short blog post (approx. one paragraph) about their selection and share it on the course blog.

Final paper (6–8 pages) – Thirty percent of your grade will come from your final paper. You may use the paper as an opportunity to think deeply about questions of social change by engaging several of the course readings. Or you may utilize the course readings and other materials (as needed) to develop a short case study of a social movement effort, either historical or contemporary. Your paper may be based on deep intellectual engagement with course readings, archival/traditional research, or experiential research.

Course Outline

I. Approaches to Lawyering and Organizing

1: Thursday, January 5 | Introductions & Course Overview

Short film in class: Law for Black Lives Rad Talk by Vince Warren, <http://www.law4blacklives.org/videos>

viii With thanks to Lani Guinier and Gerald Torres.

2: Tuesday, January 10 | The Power of Collective Impact

Van Jones, *Rebuild the Dream*, Ch. 4: The Grid

Mark Engler and Paul Engler, *How Did Gandhi Win?* (2014) <http://wagingnonviolence.org/feature/gandhi-win/>

3: Thursday, January 12 | Ferguson & Black Lives Matter

Alicia Garza, A Herstory of the #BlackLivesMatter Movement, *Feminist Wire*, Oct. 7, 2014, <http://thefeministwire.com/2014/10/blacklivesmatter-2/>

Philip Agnew (Umi Selah), What President Obama told me about Ferguson's movement: Think big, but go gradual, *The Guardian*, Dec. 5, 2014, <http://www.theguardian.com/commentisfree/2014/dec/05/obama-ferguson-movement-oval-office-meeting>

Keeanga-Yamahtta Taylor, *From #BlackLivesMatter to Black Liberation*, Ch. 6: Black Lives Matter: A Movement, Not a Moment (pp. 153–190)

Russell Rickford, Black Lives Matter: Toward a Modern Practice of Mass Struggle, *New Labor Forum* (2015)

Theodore Shaw, Introduction, *The Ferguson Report* (2015)

4: Tuesday, January 17 | The Role of Lawyers in Social Change

Michael Grinthal, Power With: Practice Models for Social Justice Lawyering, *U. Pa. J.L. & Soc. Change* (2011)

5: Thursday, January 19 | Organizing & Direct Action

Charles Payne, Slow and Respectful Work: Organizers and Organizing, *I've Got the Light of Freedom: The Organizing Tradition and the Mississippi Freedom Struggle* (1995), pp. 236–264

In class: PBS, *Freedom Summer: Mississippi Blocks Voter Registration* <https://dptv.pbslearningmedia.org/resource/amex26.soc.fsvote/freedomsummermississippiblocksvoterregistration/#.WMiFIhiZMfM>

PBS, *Freedom Summer: The Catalyst* <https://dptv.pbslearningmedia.org/resource/amex26.soc.fscatalyst/freedomsummerthecatalyst/#.WMiFJRiZMfM>

II. Case Studies

6: Tuesday, January 24 | Before the Civil Rights Movement: Internationalist Organizing

Carol Anderson: *Eyes Off the Prize*, Introduction (2003)

We Charge Genocide, Preface, Foreword, Introduction, and Opening Statement (1951)

7: Thursday, January 26 | *Brown v. Board of Education*

Waldo Martin, *Brown v. Board of Education: A Brief History with Documents*, Introduction (1998)

8: Tuesday, January 31 | Rosa Parks and Civil Rights Narratives

Jeanne Theoharis, *The Rebellious Life of Mrs. Rosa Parks*, Introduction, Chs. 2 & 3 (2013)

9: Thursday, February 2 | Montgomery Bus Boycott: Social Change and Social Movements I

Jeanne Theoharis, *The Rebellious Life of Mrs. Rosa Parks*, Ch. 4 and half of Ch. 5 (2013) (pp. 72–135)

Taylor Branch, *Parting the Waters* (1988) (pp. 120–205)

10: Tuesday, February 7 | Montgomery Bus Boycott: Social Change and Social Movements II

Steven E. Barkan, Legal Control of the Southern Civil Rights Movement, *American Sociological Review* (1984)

Robert Jerome Glennon, The Role of Law in the Civil Rights Movement: The Montgomery Bus Boycott, 1955-1957, *Law & History Review* (1991) (pp. 59–62 (Intro); 89–94 (section III); skim 94–100 (sections IV and epilogue))

11: Thursday, February 9 | The Black Panther Party

Donna Murch, Men with Guns, *Living for the City: Migration, Education, and the Rise of the Black Panther Party in Oakland, California* (2011) (pp. 119–142)

Free Angela and All Political Prisoners (film on reserve)

In class: *The Black Panthers: Vanguard of the Revolution* (excerpt: 26:30–31:40)

Emory Douglas: The Art of the Black Panthers: <https://vimeo.com/128523144>

III. Storytelling and Forms of Leadership

12: Tuesday, February 14 | Storytelling & Social Change

Marshall Ganz, *Telling Your Public Story*

The Speeches of Fannie Lou Hamer, Introduction and 1964 speech

3-minute video clip about Hamer's testimony at the 1964 Democratic National Convention:

<https://www.youtube.com/watch?v=07PwNVCZCcY>

13: Thursday, February 16 | Ella Baker & Forms of Leadership

Barbara Ransby, *Ella Baker & the Black Freedom Movement: A Radical Democratic Vision* (pp. 1, 13–16, 239–247, 357–374)

In class: Diane Nash Remembers Activist Ella Baker: <http://www.usatoday.com/videos/news/2013/08/15/2663025/>

[Political autobiography assignment distributed in class]

IV. Community Lawyering and Movement Lawyering: Tactics and Strategies

14: Tuesday, February 21 | Approaches to Community Lawyering

Charles Elsesser & Purvi Shah, "Purvi and Chuck: Community Lawyering, Organizing Upgrade," June 1, 2010, available at <http://www.organizingupgrade.com/index.php/modules-menu/community-organizing/item/71-purvi-amp-chuck-community-lawyering>.

E. Tammy Kim, Lawyers as Resource Allies in Workers' Struggles for Social Change, *N.Y. City Law Review* (2009).

15: Thursday, February 23 | Approaches to Movement Lawyering

Law for Black Lives values statement, <http://www.law4blacklives.org/>

Law For Black Lives video:

<https://www.youtube.com/watch?v=fRiRTstA1eY&feature=youtu.be>

Guest speaker: Purvi Shah, Director, Bertha Social Justice Institute, Center for Constitutional Rights

| SPRING BREAK |

16: Tuesday, March 7 | Law Reform & Movement Building

Dean Spade, *Normal Life*, Ch. 5: Law Reform and Movement Building (2011)

Miami Workers Center/Bertha Justice Institute, Four Pillars of Social Justice Infrastructure

Betty Hung, Law and Organizing From the Perspective of Organizers: Finding a Shared Theory of Social Change, *L.A. Public Interest Law Journal* (2009) (pp. 7–30)

17: Thursday, March 9 | Rule Shifting vs. Culture Shifting

Thomas B. Stoddard, Bleeding Heart; Reflections on Using the Law to Make Social Change, *New York University Law Review* (1997) <http://www.nyulawreview.org/sites/default/files/pdf/NYULawReview-72-5-Stoddard.pdf>

Paul Butler, Race-Based Jury Nullification: Case-In-Chief, *The John Marshall Law Review* (1997) [http://library.jmls.edu/pdf/ir/lr/jmlr30/39_30JMarshallLRev911\(1996-1997\).pdf](http://library.jmls.edu/pdf/ir/lr/jmlr30/39_30JMarshallLRev911(1996-1997).pdf)

18: Tuesday, March 14 | Revisiting Internationalism

Alice Speri, “Michael Brown’s Mom is Taking Her Son’s Case to the UN in Geneva,” <https://news.vice.com/article/mike-browns-mom-is-taking-her-sons-case-to-the-un-in-geneva>

Araz Hachadourian, “Chicago Just Became the First U.S. City to Pay Reparations to Victims of Police Torture,” <http://www.yesmagazine.org/peace-justice/chicago-is-the-first-city-to-offer-reparations-for-victims-of-police-violence-now-they-want-to-make-sure-no-one-forgets>

V. Community Organizing and Campus Organizing

19: Thursday, March 16 | Organizing Reprised

Eric Mann, *Playbook for Progressives* (2011) (excerpts)

20: Tuesday, March 21 | Campus Organizing I

Martha Biondi, *Black Revolution on Campus*, Ch. 1: “Moving Toward Blackness: The Rise of Black Power on Campus” (2012)

Abbey-Lambertz, Kate. “How a Twitter Hashtag Sparked a Push for Diversity at The University of Michigan,” *The Huffington Post*, February 21, 2014.

Basanyi Baloyi and Gilad Isaacs, “South Africa’s ‘Fees Must Fall’ Protests Are About More than Tuition Costs,” *CNN*, <http://www.cnn.com/2015/10/27/africa/fees-must-fall-student-protest-south-africa-explain-er/>

21: Thursday, March 23 | Campus Organizing II

McCoy, Austin. “What Am I Supposed to Say to Prospective Black Grad Students?,” *Student Union of Michigan Blog*, February 22, 2014.

Black Liberation Collective, Our Demands, <http://www.blackliberationcollective.org/our-demands/> (read demands of at least five campuses)

Guest speaker: Austin McCoy, United Coalition for Racial Justice/Ann Arbor to Ferguson

VI: Prisons and Criminal Justice: Anatomy of a Movement

22: Tuesday, March 28 | Prisons & Abolitionist Movements

Angela Davis, *Abolition Democracy: Beyond Prison, Torture, and Empire* (2005) (excerpts)

Michelle Alexander, *The New Jim Crow*, Ch. 6: “The Fire This Time” (2010)

Critical Resistance, “The Abolitionist Toolkit” (excerpts)

23: Thursday, March 30 | Prison Organizing and Prisoners’ Rights Approaches

James B. Jacobs, “The Prisoners’ Rights Movement and Its Impact, 1960–80,” *Crime and Justice* (1980) (excerpts)

Dan Berger, *Captive Nation: Black Prison Organizing in the Civil Rights Era* (2014) (excerpts)

Pelican Bay Hunger Strike Demands

24: Tuesday, April 4 | Criminal Justice—Lawyering and Movement Building

Meghna Philip, “Where Criminal Defense Meets Civil Action: An Interview with Runa Rajagopal,” *NYU Review of Law & Social Change*

“Court by Court, Lawyers Fight Policies That Fall Heavily On the Poor,” *NYTimes* (2015), <http://www.nytimes.com/2015/10/24/us/court-by-court-lawyers-fight-practices-that-punish-the-poor.html>

Michelle Alexander, *Go to Trial: Crash the System*, *NYTimes* (2012), <http://www.nytimes.com/2012/03/11/opinion/sunday/go-to-trial-crash-the-justice-system.html>

Ella Baker Center, *Who Pays? The True Cost of Incarceration on Families* (2015) (excerpts)

VII. Building Power: From Protest to Creating Alternatives

25: Thursday, April 6 | Building Power: Grace Lee Boggs in Detroit

American Revolutionary (film on reserve)

Guest speaker: Tawana Petty, Boggs Center, Detroiters Resisting Emergency Management

26: Tuesday, April 11 | Building Power: Jackson, Mississippi

Kali Akuno, *Casting Shadows: Chokwe Lumumba and the Struggle for Racial Justice and Economic Democracy* (2015)

27: Thursday, April 13 | Building Power: Economic Justice in Detroit

David Moberg, “Fast Food Workers in 236 Cities Pull Off Largest Strikes Yet as Other Low-Wage Workers Join Fight,” <http://inthesetimes.com/working/entry/>

17851/fast_food_workers_in_236_cities_pull_off_largest_strikes_yet_as_other_low_w

Guest speaker: Rebecca Thompson, Good Jobs Now Detroit

28: Tuesday, April 18 | Closing Reflections

Dean Spade, *Intersectional Resistance & Law Reform*, *Signs* (Summer 2013)

Bree Newsome, *I Did it Because I’m Free*, (2015) <http://bluenationreview.com/exclusive-bree-newsome-speaks-for-the-first-time-after-courageous-act-of-civil-disobedience/>

“Five Days that Left a Confederate Flag Wavering, and Likely to Fall,” *NYTimes* (2015), http://www.nytimes.com/2015/06/29/us/how-the-rebellion-against-south-carolinas-confederate-flag-grew.html?_r=0

A Radical Education Platform for the 21st Century

Tressie McMillan Cottom and Angela Angulo



Tressie McMillan Cottom, PhD is an assistant professor of sociology at Virginia Commonwealth University and faculty associate with Harvard University's Berkman Klein Center for Internet & Society. Her research on higher education, work, and technological change in the new economy has been supported by the Microsoft Research Network's Social Media Collective, The Kresge Foundation, the American Educational Research Association, and the UC Davis Center for Poverty Research. Millions List, a leader in publishing, named her book *Lower Ed: The Troubling Rise of For-Profit Colleges in the New Economy* one of the most anticipated nonfiction books of 2016. She has published on race/class/gender, education, and technology in the new economy. McMillan Cottom is also co-editor of two academic books: *Digital Sociologies* from Policy Press and *For Profit U* from Palgrave MacMillan. She speaks extensively, including recent invitations to the White House, South Africa, New Zealand, and Italy. Her public scholarship has appeared in the *New York Times*, *Washington Post*, *Slate*, and the *Atlantic* to name a few.

Angela Angulo is currently a graduate research and teaching assistant pursuing her Master's degree in sociology at Virginia Commonwealth University. She received a Bachelor's of Science in Sociology and a Bachelor's of Science in Psychology from Virginia Commonwealth University in 2015. She has worked as a research assistant on multiple projects relating to issues of racial/ethnic inequality and acculturation throughout her undergraduate and graduate career. Her and her fellow research team's work regarding acculturation within the Latin American community was presented in a poster entitled "The Role of Public Policies in Latinx Immigrants' Enactment of Culture across the United States at the Society for Community Research and Action's 2017 Biennial Conference.



It is telling that almost immediately upon earning their freedom from bondage, Black folks turned their attention to the matter of education. Every turn of the Black civil rights struggle has engaged the question of "education for whom and for what?"¹ It is fitting that the Movement for Black Lives policy platform (Platform) continues this

tradition. The Platform comes, of course, at a specific social and political moment. While the oppression of Black people has been an enduring characteristic of the US political economy, it is true that the oppression takes on different guises. It adapts, adopts, and absorbs all manner of dissent, ideologies, and resistance to maintain racial hier-

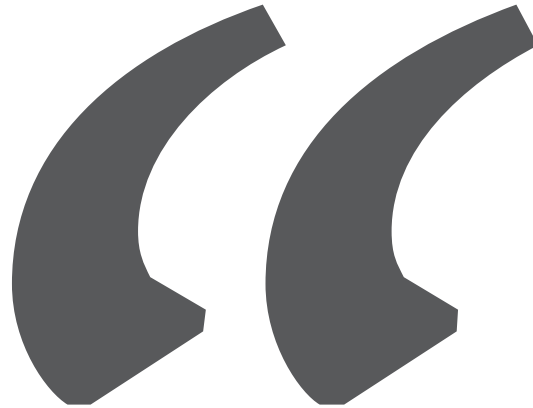
archies.² That is why social movements, like Black Lives Matter, are in large part a game of whack-a-mole in which we root out the racist logic even while we constantly prepare for its twin to appear just to its left or right. To understand the profundity of the Black Lives Matter statement on education, it is necessary that we

understand this iteration of racist oppression.

One could start just about anywhere in the US educational system and root out the racist logics. Some of this story is old news to most readers. At every level of the educational system, proxies for race determines one's life chances. Residential segregation, at historically high levels, drives school segregation.³ In locality after locality, many Black students are as likely to attend a racially segregated school as they were before *Brown v. the Board of Education*.⁴ White resistance, spanning White violence to racist gerrymandering and disenfranchisement through imprisonment, has made it as though one of the greatest achievements of the Civil Rights Movement never happened.⁵ Should Black children manage the good fortune of being born to parents who can afford a home in a predominantly White neighborhood that resists the pull of White flight long enough for said child to attend one of the nation's well-resourced public schools, she is still more likely to attend a less selective university than her similarly positioned White peers. And, should she attend college, she is more likely to take on significant personal and family debt to do so, to take longer to complete her first degree due to poor university resources and financial woes, and to be paid less upon completing her degree than a White college graduate.⁶

We call this system of cumulative disadvantage one where the idea of "equal opportunity" rules despite empirical evidence that educational options are not created equal. It is only because we think that opportunity comes at a significant cost to

Black students rather than White students that we don't balk at the outright lie of the name. Despite the rhetoric, our system of education is just as likely to compound the disadvantage as it is to mitigate it. For example, L'Heureux Lewis-McKoy



The Platform for Black Lives is a radical document with practical, concrete goals.

documents how even in well-resourced, integrated schools, Black students and their families receive lower quality resources because schools do not respond to them as they do to White students and families.⁷ Lewis-McKoy says that White parents always have the "exit threat," or the threat of pulling out of the school district, to make public schools function as private schools to their children's benefit.⁸ Similarly, I have shown in other work how social policy and racial inequality constrains Black women's higher education options, making them more

likely to attend high-cost, high-risk for-profit colleges.⁹ These kinds of racialized patterns of education are not new. What is new are the forms this oppression now takes, namely through privatization and debt. I will take the issue of student loan debt as an example of how the the Platform understands accurately our political economy and articulates the form our resistance must take.

The Platform demands "an end to the privatization of education and real community control by parents, students and community members of schools." The Movement understands this as a corrective to the "systematic attack" on public education that values Black lives, an attack that is part of an "international education privatization agenda, bankrolled by billionaire philanthropists." It is easy to mistake this clarification call for local control with the conservative mantra that the federal government has no business in local school affairs. We see an example of that motivated reasoning when Secretary of Education Betsy DeVos describes local school choice as an example of Black civil rights.

This ignores the fact that for many Black families school choice is a function of school failures, while for many White parents school choice is about opportunity hoarding. Conflating the two and wrapping them in the banner of Black liberatory language is a rhetorical tool to make privatization seem like it is in the Black civil rights tradition. The Platform does something important here that distinguishes it from conservative calls for localism that are often thinly veiled claims to White tribalism.¹⁰ The Platform links local control to anti-oppression by directly attacking the international agenda to privatize education for

minorities incur more debt to attend college and Black women, in particular, struggle to repay long into their working lifetimes.

Black students are disproportionately enrolled in for-profit colleges.¹⁷ It is not hard to see why. Black students are more likely to attend a K–12 school system from which they can graduate yet not meet the minimum admissions requirements to the state’s flagship university. Even among the minority of Black students who do meet the minimum requirements, or exceed them, for the nation’s most elite colleges, they

of Black people who either graduate from high school without college aspirations or with a general equivalency diploma or have just a few credit hours of college or a year’s worth of work experience. For these Black folks, most of them workers or actively seeking work, there are few options for gaining the educational credentials that now divide the economy between good jobs and bad jobs. The bad jobs are those in the care economy, which the Platform cites. These are the jobs in fast food, in retirement homes, in medical facilities and day cares. The

tax structure became aggressively more regressive, domestic education privatization for millions trapped at or beneath a living wage offered one solution: go to college. Elite colleges were a nonstarter for these workers. And even public, more accessible institutions became difficult to access as education costs increased and state funding to public higher education declined. The solution was private for-profits that are now the number one producer of Black bachelor’s degree holders in the United States.

These patterns of privatization,

At the K–12 school level, for-profit education companies ship laptops and United States–centric curriculums to Africa, promising low-cost human capital development that also just happens to produce more consumers for global consumption.

are more likely to attend less selective institutions.¹⁸ These institutions may be more welcoming environments (as in the case of historically Black colleges especially), but again history rears its head. These institutions are also less likely to have the economic resources to provide the kind of “intrusive counseling” that benefits Black students, especially those with little family exposure to higher education.^{19,20} And the students who attend a good college, if not necessarily the best college that they could have attended, are the best-case scenarios. At the other end of the spectrum are the millions

work is important. But the pay and job quality are bad. Black workers, especially Black women, are disproportionately employed in these “bad jobs” that are defined by care work, physical and affective labor, low pay, little upward mobility, and low status. For the past nineteen years, in the sector’s “Wall Street era” of expansion and growth, Black workers have flocked to for-profit colleges in droves to upgrade their job quality when it became clear that state and federal governments were not going to strengthen the social safety net for millions.²¹ As the

global racial hierarchies, and inequalities manifest in the high cost of educational attainment. Black households, already beset by racial inequalities in homeownership, home equity, income disparities, and residential segregation have also taken on student loan debt at disproportionately high rates.²² Given that Black persons have lower return to their educational attainment than do Whites, the reality is that greater educational debt equals paying more for less. As a record number of all students now use some form of federal student aid to pay for college,²³ Black student borrowing was espe-

cially high. “Black educational debt roughly tripled between 2001 and 2013.”²⁴ Even as Blacks have lower credit and lower housing and vehicle debt than Whites, “black households had significantly higher student debt levels than white households

also steeped in the particulars of our current political economy. Its focus on education exemplifies this. The Platform has articulated education as a social institution and not just a collection of schools. It understands that demand for education is rooted

Endnotes can be found online at <http://hjaap.org/>.



Even as Blacks have lower credit and lower housing and vehicle debt than Whites, “black households had significantly higher student debt levels than white households in 2010.

in 2010.”²⁵ Student loans, the albatross weighing down access and mobility for millions, has, for Black Americans, become a racialized debt. Seamster and Charron-Chénier call this kind of racist inclusion in a financial scheme for private profit under the neoliberal logic of “democratized access” *predatory inclusion*. The Platform rightfully names the predatory inclusion as a “continuing harm” with deep historical ties by locating its redress in the reparations section. Free college and student loan forgiveness could free millions of Black households from its single greatest debt peonage.

The Platform for Black Lives is a radical document with practical, concrete goals. In that way, it is rather unique. But it also exists within a long tradition of Black radical documents. It owes a great deal to the Black Panther Party platform,²⁶ among others. That is a good thing. It is linked to the traditions of radical revisioning but

in the desire for human dignity and that human dignity cannot only be achieved through formal schooling in a functioning anti-racist democracy. When formal schooling becomes the sole means of inclusion in the social contract, education becomes a socioeconomic tool for global oppression. In becoming a commodity, education can be traded in geopolitical war games for cultural, economic, and social control. True education must be accessible but also achievable, without debt peonage. It must separate birth position from earned achievement. And it must be divorced from dignified work, healthcare, and the ravages of the market. The Platform’s understanding of education is a liberatory policy platform for times that sorely need it.

MEMBERS OF THE UNITED FRONT

Black Alliance for Just Immigration
Black Youth Project 100 (BYP100)
Project South
Southerners On New Ground
Philadelphia Student Union
Alliance for Educational Justice
Black Lives Matter Network
Dream Defenders
Baltimore Bloc
Freedom Inc.
Organization for Black Struggle
BlackBird

Highlander Research and Education
Center
Million Hoodies Movement for Justice
The National Conference of Black
Lawyers
Black Women's Blueprint
Ella Baker Center for Human Rights
SpiritHouse Inc.
The Worker's Center for Racial Justice
The BlackOut Collective
Open Democracy Project at Crescent

City Media Group
National Black Food and Justice
Alliance
Coleman Advocates for Children and
Youth
Dignity and Power Now
Center for Media Justice
Environmental Justice Advocates of
Minnesota
BIG: Blacks in Green
Mothers Against Police Brutality

ENDORISING ORGANIZATIONS

Endorsement of the platform reflects support of the forty policy demands listed but not necessarily an endorsement of the accompanying policy briefs or campaigns listed under the "Take Action" section of the Policy Table website.

Color of Change
Black Leadership Organizing Collaborative
Black Liberation Collective
Black Organizing for Leadership & Dignity
FIERCE
ONE DC
Center for Constitutional Rights
People of Color Beyond Faith
Central Illinois CBTU
Racial Justice Action Center (RJAC)
Solutions Not Punishment Coalition (Snap Co.)
Million Women March Cleveland
The National Committee for Responsive Philanthropy
Women of Color Network, Inc.
Right To The City
Freedom Side
Jobs With Justice
Philly Coalition for REAL Justice
Race Forward
Center For Third World Organizing
PICO's Live Free Campaign
Southeast Asian Freedom Network
National Economic & Social Rights Initiative
Center for Popular Democracy
Chicago Anti-Eviction Campaign
Project NIA
Community Justice Network for Youth
Institute of the Black World 21st Century
National African American Reparations Commission

Brooklyn Movement Center
The Truth Telling Project
New York State Prisoner Justice Network
Good Jobs Now
The Ordinary People's Society
People's Justice Project
Missourians Organizing for Reform and Empowerment
Urban Youth Collaborative
European Reparations Commission (ERC)
Showing Up for Racial Justice (SURJ)
Direct Action for Rights and Equality (DARE)
PolicyLink
Minnesota Voice
Fellowship of Reconciliation, USA
North Star Fund
James and Grace Lee Boggs Center to Nurture Community Leadership
Breakthrough
Jews for Palestinian Right of Return
Ferguson Response Network
Democratic Socialists of America
National Lawyer's Guild
Citizen Action of New York
Jewish Voice for Peace
White Coats for Black Lives
Queer Palestinian Empowerment Network
New York Communities for Change
The Power Shift Network
US Campaign to End the Israeli Occupation
Ashoka Changemakers

Partnership for Working Families
Wildfire Project
Prison Action Network
Initiative for Equality (IfE)
Just Food
Sacred Heart Catholic Church
HIV Prevention Justice Alliance
Legal Services for Prisoners with Children / All of Us or None
Working Families Party: People of Color Caucus
Majority Minority Foundation
Sanctuary Health
Black Love Resists in the Rust
National Immigration Law Center
Oakland Food Policy Council
Alliance for Police Accountability
Rethinking Schools
House of Battles
European Dissent NYC
Soil Generation
Asians for Black Lives in the Bay Area
Regenerative Finance
Freeze Flame Productions Inc
Fossil Fuel Divestment Student Network (DSN)
Racial Justice Duluth
Umi's Table
PeopleNow.Org
Vegans Against the Occupation
Forward Together
Portland Hearing Voices
OneLife Institute
People-Places-Things
White People for Racial Justice of San Gabriel Valley

...continued on page 42

A Call to End School Privatization

Alexis K. Morgan

Alexis K. Morgan is a second-year doctoral student in the Education Leadership program at Harvard Graduate School of Education. Previously she spent ten years as a teacher for students with exceptionalities, a state interventionist for New Jersey Department of Education, and an instructional lead for the Office of Special Education in Newark, New Jersey. Her practice currently focuses on redesigning schools to support the cognitive and emotional needs of a wide range of diverse learners.



In 2016, the Movement for Black Lives developed an education policy platform calling for an end to the privatization of education and the return of schools to community control. Beginning in the 1960s, the privatization of services, such as maintenance of schools and transportation of students, in order to address debts and focus on the quality of instructional services was primarily used as a mechanism for financial school reform.¹ District school systems saw an opportunity in contracting out to private firms that specialized in providing a particular service or good at a lower cost. However, since the 1990s, the agenda of school reformers has aimed its initiatives to reshape state and federal policies to allow for the expansion of market-based reforms in predominantly urban areas. These reforms are focused on diverting public tax dollars from the public

school system to private, charter, and for-profit organizations.

The recent appointment of Betsy DeVos as United States secretary of education has reignited the ongoing debate of school choice or privatization. For most of Americans operating in a free-market economy, the word “choice” implies a freedom and autonomy to choose services and goods from competitors without intervention from the government. In an environment where the consumer is perceived to be the winner, a free-market approach is hailed as an opportunity for families in the education sector. While a free-market approach is framed as the lever to improving postsecondary outcomes, advocates for privatization are fervent in using school choice as a means to dismantle segregated schools or “isolated schools” with unequal educational opportunities. Researchers define segregated

schools, which are often found in low-income areas, as those in which 75 percent or more students are of the same race or class.² These schools offer fewer science, technology, engineering, and math (STEM) courses, fewer college-prep courses and higher rates of students being held back, suspended, or expelled.³ They are quick to use standardized test scores as a way to demonstrate that Black and brown children in public schools are not “winning.”

The Black Lives Platform outlines the systematic attacks on urban education by policy makers, lobbyists, and philanthropists, all under the guise of “choice” and “quality.” By removing geographical constraints and influencing state and federal legislation, the new administration promises to expand educational options by providing access to higher performing schools instead of the “substandard education” delivered

by the district schools as characterized by DeVos.⁴ Unlike towns with higher home values and the ability to raise taxes to supplement government funds, schools in predominantly Black communities rely on the funding from state and local aid. With significant cuts to state

cation in Black communities, these issues, endemic to all schools, have been used by those with financial means and power to impose an “experimental, market-based approach” as a panacea for providing underserved families and students with greater educational opportunities.⁷

eroded the confidence of families.⁹ The Movement’s proposal to “place a moratorium on charter schools and school closures” highlights the disruptive impact of these reforms on communities of color. With the passing of Michigan’s charter school law in 1993, policy makers

By exposing the hidden and damaging aspects of philanthropists’ campaign to dismantle public schools, including the elimination of organized labor, overemphasizing standardized testing, and the use of school closures in Black communities, the Movement reveals the strands of systematic oppression within the education sector that are allowed to exist without any forms of accountability.

funding for K–12 education, public schools have seen fewer resources to support students with diverse needs, including fewer teachers and staff, loss of programs, and outdated textbooks and equipment.⁵

Many may argue that DeVos and other reformists’ philosophy that would allow financially disadvantaged families of color to choose alternative options other than the publicly provided schools isn’t without merit. In the early 80s, the publication of *A Nation at Risk* rang the alarm about the quality of education in public schools.⁶ The report cast a disparaging light on the preparation of teachers and the educational performance of American students. However, as the Platform points out, instead of improving instructional outcomes and access to quality edu-

In other words, by rewriting the narrative of urban public education, people of color are stripped of their fundamental human rights to develop and design schooling options for their children.

The Coalition’s call to action to end external control of public education is even more consequential given the beliefs and track record of the new secretary of education. In her home state of Michigan, DeVos and her husband have advocated for school choice since 1999, as a remedy that would “fundamentally improve education.” Since the 1970s, Detroit Public Schools began shuttering its buildings in response to a decline in student enrollment.⁸ During the 1990s, the inefficiencies and financial malfeasance of the school district further

and lobbyists like DeVos advanced the expansion of charter schools through financial incentives and reduced accountability.¹⁰ By 2013, charter schools exceeded district public schools, and by 2016, more than sixty thousand students living in Detroit used the school choice policies to attend charter versus their neighborhood school.¹¹ During her confirmation hearing in January 2017, DeVos restated her belief that “a lot has gone right in Detroit and in Michigan with regard to charter schools.”¹² However, in a study by Research for Action, displaced students “will not benefit academically as planned.”¹³ Communities such as those in Detroit are misled by reports illustrating the performance growth of all charter students because they omit acknowledging the

overall low performance of students in both charter and public schools.¹⁴ The 2013–14 Michigan Educational Assessment Program (MEAP), a standardized test administered to all public school students in Michigan, showed 43 percent of charter students proficient in reading compared with 39 percent of students in traditional public school.¹⁵ On the National Assessment of Educational Progress (NAEP), the country's largest assessment of US students across various subjects, students in Michigan ranked 41st in the nation in 2015 on fourth-grade reading, a stark contrast to ranking 28th on fourth-grade reading in 2003. Low achievement performance was found across demographic lines, including ethnicity, language proficiency, and special education.¹⁶

Other calls to action include eliminating privately backed funding from all levels of the federal Department of Education and increasing federal funding for schools. But missing from the proposal is action against another dimension of privatization and choice: school voucher programs, or scholarships and subsidies that families may use to pay tuition at private schools. As of 2017, there are twenty-five voucher programs in fourteen states and the District of Columbia that provide state-funded vouchers to students who meet their criteria. A state-by-state comparison of qualifying students reveals the differences across states.¹⁷ In Arkansas, only students with an Individual Education Plan (IEP) are eligible for vouchers, whereas in Louisiana, the criteria expands to include students with household incomes up to 250 percent of the federal poverty guideline and who attend a public school that received a grade of C or lower. Furthermore, while states like Ohio provide vouchers of 4,250 dollars for students in grades K–8 and 5,000 dollars for students in grades 9–12,

this does not fully cover the average cost of private school tuition.¹⁸ Even with the subsidies, by the time most families are able to apply for enrollment, private schools have few, if any, available seats for their children. Martin Carnoy, a professor at the Stanford Graduate School of Education, has found voucher programs to have a “modest impact on high school graduation rates” and “no evidence” of significantly improving achievement performance.¹⁹ Furthermore, voucher programs “carry hidden costs, and they’re distracting us from other solutions that could yield higher returns.”²⁰ One hidden cost is the proposed solution of using existing federal grants to expand voucher programs. The defunding of one federal funding program for another disadvantages children even further and increases the risk of students not meeting academic standards or having successful post-secondary outcomes.

When the Movement for Black Lives released their national platform, which outlines a list of policy demands that call for an end to the criminalization of Black people and reparations for harms, central to their solution for Black students was an end to privatization in education. Under the umbrella of one of its six planks, “Community Control,” the Movement asserts that philanthropists acting in tandem with federal, state, and local government have divested Black families of their human rights and ability to “self-determine the kind of education their children receive.”²¹ By exposing the hidden and damaging aspects of philanthropists’ campaign to dismantle public schools, including the elimination of organized labor, overemphasizing standardized testing, and the use of school closures in Black communities, the Movement reveals the strands of systematic oppression within the education sector that are allowed to exist without any forms

of accountability. Under the guise of ameliorating the disparities in public education, lobbyists, philanthropists, and entrepreneurs are able to create a narrative of education reform that does not fully include the ideas, values, or experience of families and educators in the Black community. As the Movement points out, when the end goal of education is in cutting costs to increase profits, educational quality will never be achieved.

Endnotes can be found online at <http://hjaap.org/>.



“Protect and Serve”

by Yosief Teckle



“Mass Incarceration”

by Ashley Morris and Mailan Carr

continued from page 36...

Sustainable Economies Law Center
Haley House
Partner & Partners
Radical Arts and Healing Collective
Green Worker Cooperatives
Zeta Phi Beta Sorority, Inc., Omega
Kappa Zeta Chapter
Training for Change
Sacramento Regional Coalition for
Palestinian Rights
Alabama Coalition for Immigrant Jus-
tice
The Public Justice Center
The Hampton Institute
No Labels Clothing Cooperative
Eradicate Boston College Racism
Malcolm X Center For Self Determina-
tion
Tarrant County Green Party
HPBoycott
Lutherans for Justice in the Holy Land –
A Ministry of Central Lutheran Church
US Campaign for the Academic and
Cultural Boycott of Israel
100 Black Men Deep Coalition
Center for Economic Democracy
SUSU Movement
Donkeysaddle Projects
Friends of Sabeel North America
Vox Populi
Iraq Veterans Against the War
RYSE Center
Washington Peace Center
Liberty Tree Foundation for the Demo-
cratic Revolution
Black Student League Penn State
SJSU Human Rights Program and
Working Group
Tompkins County (NY) Workers' Center
Silver Gorilla Apparel
Labor Fightback Network
Racial Justice Allies of Sonoma County
Northwest Atlantic Marine Alliance
Save City College Coalition
AFT 2121 Local
Friends of Deir Ibzi'a
Butterflies & Blueberries, Inc
Chicago Alliance Against Racist and
Political Repression
Virginia Sexual and Domestic Violence
Action Alliance
Economics for Everyone
Pan-African Community Action
River City Community Church
Sacramento Area Peace Action
Africans Deserve Reparations
The Georgia Coalition to End the New
Jim Crow
Talk with Tenney: Online Radio
Jews Say No!

Many Languages One Voice
Rachel Corrie Foundation for Peace
and Justice
Art Responders
United for a Fair Economy
Art in Praxis
War Resisters League
Golden Age World Heritage Publica-
tion
Destiny: The Rock of Escape
Love & Protect
Latino Advocacy and Northwest Deten-
tion Center Resistance
Congress of Day Laborers
National Coalition of Anti-Violence
Programs
The Network/La Red
Fund for Democratic Communities
Queer Women of Color Media Arts
Project
Episcopal Peace Fellowship
End the New Jim Crow Action Network
The Criminalization of Race and Pov-
erty Project at the Institute for Policy
Studies
The Funambulist
PARCEO
New Economy Maryland
Unitarian Universalists for Justice in the
Middle East
Civil Liberties and Public Policy Pro-
gram
Northeast Ohio Black Health Coalition
The Harry Potter Alliance
Circle of the Living Earth-AIWP
HOPE Collaborative
Brave New Films
5 Boro Defenders
GDPR REVOLUTION99 – GRATEFUL
DREAD PEACE MEDIA
Bay Area Sex Worker Advocacy Net-
work
Labor for Palestine
James and Grace Lee Boggs Center to
Nurture Community Leadership
Backbone Campaign
The Cooperative New School for Urban
Studies and Environmental Justice
CODEPINK
Deconstructing Oppression Now
Through Solidarity Liberation Empow-
erment Equity and Perseverance
Church Within A Church Movement
Flying Over Walls
Everyday Feminism
Compassionate Activism
Popular Resistance
At The Table
Fuerza Mundial Global
Peoplmovr

Enlace
Clear Faith Christian Ministries COGIC
Community Organizing Center for
Mother Earth
Natural Tastes Farm
The Philadelphia Coalition for Boycott,
Divestment, and Sanctions against
Israel
Social Movement Technologies
Community Change Inc
We are Conyers Institute
Legal Justice Committee on Civil/Hu-
man Rights
Allied Media Projects
Mobilize Missouri
Mama Africa Black Power Feminist
Organization
The Democracy Collaborative
Global Pan African Movement
Reinvest In Our Power
Center for Social Inclusion
Christian-Jewish Allies of Greater Phil-
adelphia
St. Louis Palestine Solidarity Commit-
tee
ThinkDance
Resource Information Help for the
Disadvantaged and Disenfranchised
(RIHD)
Community Connection Consulting
Connections Early Childhood Consult-
ing
Grandmothers for Race and Class
Equality: GRACE
Blaksox
Northwest Bronx Community & Clergy
Coalition
Vermonters for a New Economy
Maywood Youth Mentoring
Lehigh-Pocono Committee of Concern
(LEPOCO)
Solidarity: a socialist, feminist, anti-rac-
ist organization
Alachua County Green Party
Club de Investigaciones Urbanas (Rosa-
rio, Argentina)
Georgia Stand-Up
Families for Justice – Dane County
United Nations of Consciousness
BLACK Liberation Art & Creative
Knowledge
Labor Network for Sustainability
Black Empowerment
Newark Pride Alliance
Asian American Organizing Project
Sola School of Contemplative Arts
Mobilize Missouri
Human Rights Coalition FedUp!

From #BlackLivesMatter to Black Liberation

An Interview with Professor Keeanga-Yamahtta Taylor

Aya Saed and Alessandra Brown

Aya Saed is pursuing a joint JD at Harvard Law School and a master's in public affairs at the Woodrow Wilson School of Public and International Affairs at Princeton University. She is a student-attorney for the Harvard Legal Aid Bureau, president of the Muslim Law Students Association, and research assistant to Professor Intisar Rabb. She hopes to pursue a career in litigation and community organizing in Black Muslim communities, with a specific interest in curating safe spaces for young Black Muslims from which to advocate and build political power.

Alessandra Brown is a first-year master's in public affairs student at Princeton University. Born and raised in Houston, Texas, and an alumna of Georgetown University, she spent the past five years in state government in Sacramento, California, where she focused on environmental and land use policy. After graduating, she hopes to continue her career in public service in government and work on policy that assists in the development of sustainable and equitable cities.



Abstract

This interview with Professor Keeanga-Yamahtta Taylor explores the ways in which social movements inform and, to a large extent, engineer political change. It pays particular attention to the Movement for Black Lives's economic and criminal justice arms of the agenda. The interview puts in conversation Professor Taylor's fourth chapter "The Double Standard of Justice" with the Movement for Black Lives's agenda under "End the War on Black People," demanding a demilitarization of law enforcement and an end to all jails, detention centers,

youth facilities, and prisons. Professor Taylor asserts that many of these Movement for Black Lives goals are not policies, per se, but calls for a fundamental transformation in how society is organized. Abolishing the police "will be the product of a massive social upheaval that doesn't just change the police, but changes the entire order of a society that needs police to protect this kind of law and order."

On 19 January 2017, the day before the inauguration, I met my classmate Alessandra Brown at eight in the morning to unpack my angst. Like people across the country, we were in a state of outrage. This day was the beginning of a new reality—a reality marked by a creeping demagoguery and an assault on fundamental rights and liberties. It was also on this day that we would be talking with Dr. Keeanga-Yamahtta Taylor about her newest book, *From #BlackLivesMatter to Black Liberation*. Many of us at the Woodrow Wilson School read Professor Taylor’s book with enthusiasm months before, not realizing how seminal a reading it would become in the wake of our new reality. We came to the interview ready to dream, to scheme, and to sketch a new world order. Professor Taylor’s mastery of history and her courageous commitment to the movement proved to be fuel for a fire that had long been brewing.

We began the conversation by talking about the Democratic Party and our reservations around the Women’s March movement. Professor Taylor pushed us to be stewards of a transformative resistance tradition by looking at King’s Poor People’s March. “We have to build multiracial, independent, radical social movements if we really want to change the things that we want to see change,” she stated.

Professor Taylor begins her book with “Black Awakening in Obama’s America,” in which she discusses the ascendancy of Black political power as a ripe moment for Black protest. She states, “The most significant transformation in all of Black life over the last fifty years has been the emergence of a Black elite, bolstered by the Black political class that has been responsible for administering cuts and managing meager budgets on the backs of Black constituents.”¹ As we lay to rest the Obama era, and with it any hope for representation as panacea for inequality, Alessandra and I asked about Black political power. Baltimore, Professor Taylor asserted, ushered the end of relying on “Black faces in high places.”² “When the Black mayor calls the Black head of the National Guard and mobilizes the military to crush a Black rebellion led by young Black people, to me that means we have reached the end of that electoral strategy.”

We slowly transitioned to discussing the Movement for Black Lives’s political platform, with a particular focus

on economic and criminal justice arms of the agenda. Here, we focused on Professor Taylor’s fourth chapter, “The Double Standard of Justice,” and its particular convergence and divergence with the Movement for Black Lives’s agenda under “End the War on Black People,” which demands a demilitarization of law enforcement and an end to all jails, detention centers, youth facilities, and prisons. She asserted that many of these demands are not policies but calls for a fundamental transformation for how society is organized. Abolishing the police “will be the product of a massive social upheaval that doesn’t just change the police but changes the entire order of a society that needs police to protect this kind of law and order.”

In Professor Taylor’s final chapter, “From #BlackLivesMatter to Black Liberation,” Professor Taylor argues that “capitalism is contingent on the absence of freedom and liberation for Black people and anyone else who does not directly benefit its economic disorder.”³ To that end, she puts in conversation Marxism with Black liberation. We

asked her about the applicability of socialism in today’s movement and its incorporation to the Movement for Black Lives’s economic platform.

Our conversation spanned three hours. Much of our interview, sadly, could not make into the segment below. We hope this conversation elicits in you a deeper understanding of the movement and the world we are hoping to build. Professor Taylor’s profoundly

refreshing, and deeply historical, understanding of our world and our movement is a necessary first step of consciousness. Above all else, Professor Taylor implored us to better understand the ramifications of the struggle and the importance of social movements in this moment. She made one thing clear: policies alone will not liberate us. Our movement alone can set us free. “There is no shortcut to freedom; there is no shortcut to liberation. That’s why they call it struggle. It’s hard, but there is no other way.”

Why do you feel like you need to be there [Women’s March]? I ask as someone who has been to every major march since the Trayvon incident in 2011; I feel as though this moment requires something new. Protests

But we actually have to have bodies on the street to confront what is happening and to ultimately stop it.

aren't enough. We need new tactics. I think we need new ways of disruption.

It's not about new forms of protests but effective forms of protests. We have to build a fighting resistance to Donald Trump. And part of that means being in the streets. There are many things that can be done and should be done, whether it's speaking to a thousand people in the theater, writing a book, or writing for a journal about what is actually happening—those are all important. But we actually *have* to have bodies on the street to confront what is happening and to ultimately stop it. You can look historically; you can look most recently; you can just look at Black Lives Matter—the only reason why the issue of police and violence is an issue at all is not because of some roundtables with Obama or a white paper. No. It's because people are in the streets, and it made the issue unavoidable. That's what we have to do.

Protest is not just about the impact that it has on the political establishment; it is also about the impact that it has on the individuals that go there. People have been in a state of shock and disbelief and misery since the election. And part of dealing with that is to be around other people who are also pissed off and who are also trying to figure out what to do about it. And people will leave the march ready to do *stuff*.

I often have this discussion with people on the left who understandably get frustrated with liberals, but we have to bring people along with us. We have to argue with people; we have to challenge people; and we have to understand that the movement that is necessary to confront what is happening will not fall from heaven. It has to be built. And it has to be built with the human material that exists.

We have to build multiracial, independent, radical social movements if we really want to change the things that we want to see change. There is no shortcut to freedom; there is no shortcut to liberation. That's why they call it struggle. It's hard, but there is no other way. I am talking about what King was referring to in 1967, and early 1968, when he was planning the Poor People's Movement. In his plan, which may have had to do with his assassina-

tion, was that you bring so many people together that your mere presence alone shuts down the functionality of the government until you get what you want. We're a long way from that, but we have to start thinking in terms of how do we build that.

What should the left be doing?

In my opinion, the Democratic Party is not part of the left; the Democratic Party is part of the problem. When I am talking about the left, I am talking about people that have some type of sense that the state has some responsibility to protect the welfare of the public and that people want to fight for an investment in that. And then there's the much smaller, but growing, harder left-wing critique that looks at market capitalism as a problem, that could even be described as anti-capitalist, that believes in a significant redistribution of resources, that believes in expanding political and economic power to ordinary people, to working-class people. To me, the Democratic Party stands outside of that.

If you look at the Party platform, the Democratic Party is a free-market bastion that supports privatization of public resources, that supports military intervention, and that supports police occupation.

Those things, in my opinion, are antithetical to what constitutes the left. And that is part of the problem with the Party. They can talk about the Russians and the FBI as to the reasons why they lost the election. What they will not talk about is their politics. Their inability to articulate a political agenda that could actually connect with the millions of voters who, even with the stakes being this high with a buffoon—a crazy man—running for office, don't bother voting.

Do you think the Democratic Party can be reformed?

No. The Democratic Party wants you to think that it can be reformed. Here is the issue: It cost, in 2012, a billion

We have to build multiracial, independent, radical social movements if we really want to change the things that we want to see change.

dollars from each party to win the election. This past election, it cost slightly more. Where does that money come from? It's not coming from you or from me or these cute little five-dollar donations the Obama people like to talk about. Of course, they did raise money that way, but the reality is the reason why Wall Street got bailed out—the reason why the car companies got bailed out—is because they pay the big bucks. Those are the people who are at the heart of not only the economic system but are also the influential voices in politics. And the Democratic Party is not giving that up. So long as money is the nexus around which politics rotates in this country, they will always have disproportionate power.

A lot of people have a constrained view of politics that shifts between Democrat and Republican. A lot of it had to do with Trump and the inconceivability of what life would be like. To me, the Democratic Party always operates as a disaster in slow motion. This is now a disaster in fast motion. To me, the last eight years demonstrates how the lesser evil always paves the way for a greater evil.

Expecting the Democratic Party to lead the way in the redistribution of resources is like squeezing an orange and expecting apple juice to come out. It is completely, and wholly, unrealistic. The Democratic Party is the Party of slavery. This is a Party that never had an orientation onto itself. F.D.R. said he was the best friend of capitalism. Then there were the 60s, where from 1964 to 1968, more than five hundred thousand Black peo-

**There is no shortcut to freedom;
there is no shortcut to liberation.
That's why they call it struggle. It's
hard, but there is no other way.**

ple participated in armed insurrections in the country, almost the same number of troops in Vietnam, and that produced the Great Society. Yes, the Democratic Party has been susceptible to some pressure, but it is always half-hearted.

Don't we need politicians who will listen?

If you're in Congress for any period of time, you learn fairly quickly that you either play by the rules of the

game or you are out. So long as money is the fluid that makes the gears work in American politics, you are either in it to win it, or you are out.

There are no radical Congress people. Even radical politicians do not bring about change. Ron Dellums, a radical around the Black Panther Party in Oakland in the 1970s, co-sponsored Ronald Reagan's Drug Abuse Act. The thing that set off mass incarceration. Not just him—seventeen of the twenty-one members of the Congressional Black Caucus, the conscious of the Congress, co-sponsored Reagan's legislation. Even the most radical of Black politicians could not set us free. What does that tell you about the limits of Black political power?

You conform to the system, or it gets rid of you.

In your book, you segment post-Civil Rights policing into three eras: the Reagan era, Clinton crime-regime, and the current security state under the War on Terror.⁴ What does the marriage between our military campaign abroad and our domestic policing internally mean?

The way the Bush administration was able to get away with imposing draconian laws, in terms of civil liberties, was by casting the threat as something external. The first line of attack was not only external enemy of the United States but citizens who were deemed as "others." Here, I am talking about the attacks on Arabs and Muslims in

the aftermath of September 11. The combination of the idea of the Arab, Muslim terrorist, both abroad and at home, was used to justify a transformation of our laws in a way to undermine free speech and other civil liberties. In the almost two decades since September 11, we have seen how quickly the external posture of the

justification of these policies can so quickly be turned around on the civilian citizenry itself.

At the end of the 1990s, the issue of racial profiling was under siege. [Racial profiling as a] policing tool was being castigated as high up as the White House, where Bill Clinton in June of 1999, called for a civilian taskforce to investigate the abuses of so-called racial profiling by police. It was with the murder of Amadou Diallo that this became a national phenomenon. Diallo was profiled by the cops and shot at forty-one times, killed. At this point, 80 percent of Black people were polled as opposing that

the use of racial profiling, and that was beginning to gain momentum across the country. And then September 11 happens, and racial profiling was recast as an anti-terrorism tool as a way for law enforcement to find the enemies among us. And Black support flipped: now, a majority of Black people are for racial profiling because everyone is caught up in the whirlwind of the hysteria in the aftermath of September 11. This is really the beginning of ramping up the use of military-grade weaponry by local police departments.

I also think that for something like the Occupy Movement, which was a primarily White movement, you can see how quickly the forces of the state were mobilized to shut that movement down in the winter of 2012, when the FBI coordinated with mayors and municipal officials across the country to lead a crackdown of various Occupy encampments in cities all across the country—all on the basis of security and the illegality of occupying public space. These are all new rules that have been created in the last fifteen years to police the politics and organizing and the movement of regular people that were snuck into law, really, in the dead of night through the Patriot Act but have been used to justify US imperial aims abroad, but also to quarrel dissent within the country. It has created obstacles to organizing that we are going to have to contend with.

The Movement for Black Lives, under their policing umbrella, calls for the abolition of police. What are your thoughts on this platform?

I am all for the abolition of police. The problem is that is not a public policy.

In my opinion, the police are the armed wing of the state. Our state is a free-market, capitalist economy that has a series of political rights that are arbitrarily dispensed. Class, race, gender dictate the ways in which those rights are experienced. And so, the police in our state operate to maintain law and order. The law is not some arbitrary, conceived of set of rules and regulations intended to minimize chaos. Laws are a reflection of the political and economic dominance of those who are in power. That is why it is illegal to shoplift, but it is not a crime for people to go hungry. It is illegal to lie on the sidewalk, in some places, but it is not illegal to have structures, buildings, houses that are empty because they cannot be turned for a profit. The laws, and this sense of order, are from the rich and the elite. That's from whose perspective they are enforcing and for whom they operate at the behest of. To think that those same groups of people—the rich and the powerful who dominate every aspect of our lives

in this society—will agree to some policy that gets rid of the armed agents who protect them is not realistic.

The police are not raiding Wall Street; they are not raiding Bank of America or Wells Fargo when it is discovered that they've broken civil rights laws and discrimination laws. They are raiding Occupy Wall Street, or the projects, or some working-class neighborhood. The police are not some neutral force that lies above the fray of society and exists to enforce law and order; they are the armed agents of the state. The state will never allow for a public policy that calls for their abolition.

So, to me, when we talk about the abolition of police, or prisons, it is completely contingent on the idea that we need a complete reordering of our society. That will be the product of a massive social upheaval that doesn't just change the police but changes the entire order of a society that needs police to protect this kind of law and order. I think that if we had that kind of reordering of society, then you don't need police. You need police in this capitalist free-market society because we are so unequal, and that inequality is what produces crime.

You spend a chapter talking about Marxism in the book, and at one point you mention how the gap between Blacks and Whites in terms of wealth is decreasing not because Whites are doing better but because they're doing worse.

I'm not sure I am comfortable about the idea that we need to, or that we can, form a coalition with the White people who are doing worse. So long as they are invested in Whiteness, they will never understand that we need to get liberated together. How do we form empathy, or how do we build and transform this economic capture with people who, by and large, hate us?

To me, the whole discussion about Whiteness is ideological—is a subjective issue. When we talk about investment in Whiteness, that is, in my opinion, what Du Bois described as the psychological wage of racism, which to me is subjective. The idea that if you're White, you should be entitled to a higher standard of living than Black people, or in whatever way this manifests itself. I believe that because it is subjective, it can change. If you are invested in racist ideas because you think that it will somehow make your situation better, and it doesn't, then it means that it can change. Racism, or investment in Whiteness, however you want to describe it, is not immutable. It is not this static thing that is one thing, and it is most susceptible to changing when it doesn't do what it is supposed to do.

If White people are told “you should be superior,” “you should have a higher standard of living,” “you’re the greatest thing on earth,” and you’re not, then, doesn’t that raise questions about what this is all about? It would raise questions about whether or not that is a realistic or legitimate way to understand how the world works. And that doesn’t mean that White people don’t have advantages or benefits in our society, but when measured against what the elite actually have access to, half of Congress is made up of millionaires. And the median income in this country for White people in this country is, like, sixty thousand dollars per year—for Black people it’s thirty-five thousand dollars per year—but Congress is full of millionaires. It’s clear that there are winners and losers in this society and that some people are doing really well and other people are not.

We can’t make common cause with Nazis and Klan people and the alt-Right. Those people have to be rejected and marginalized. But the vast majority of White people, I would contend, don’t fall into that category. You can be

or childcare, then you don’t get to decide the laws that dictate that for the rest of us. That’s a different conception of what society should look like, and, to me, that’s socialism. So, how do we get to that? And what does that offer African Americans? I think, for Black people, that socialism is a way to get free because I think that in a capitalist free-market society, only a tiny minority of people control the vast majority of resources. How is it that the 1 percent, which is a small group of people out of three-hundred-plus million people in the [United States], hold onto their wealth and power when there is so few of them? They divide and conquer; they have an investment in racism, homophobia, nationalism, gender oppression. They directly benefit from the proliferation of those politics and those ideas; it’s what keeps them shielded from the rest of us.

When Malcolm X says, “you can’t have capitalism without racism,” that’s what he talked about—that this is an economic system that depends on oppression in order for its survival. Black people and other racially and

If you’ve never had to choose between paying your rent or for your prescriptions or figuring out how to pay for food or childcare, then you don’t get to decide the laws that dictate that for the rest of us.

racist, but [Whiteness] is not improving the quality of your life, I’m suggesting it might then raise a question of whether or not there should be a different way.

In terms of socialism and Black liberation, I do not think that there can be genuine freedom, and by “freedom” I mean the ability for people to determine what happens in their lives—self-determination in its most basic form—in a free-market society. There never has been, and I don’t believe there ever will be. This society was not set up to satisfy people’s basic needs, so there has to be not just a mass redistribution of wealth—to me, that’s a given—but there has to be a massive change in how society is actually run.

This requires that millionaires don’t get to decide the rules and regulations by which we conduct our lives but that regular people should decide that. If you’ve never had to choose between paying your rent or for your prescriptions or figuring out how to pay for food

ethnically oppressed people can never be free within a capitalist economic system, and so socialism is a way in which the resources are democratically divided and [in] which political power can be democratically divided. Almost every social movement concerning racial/ethnic/minority and oppressed people—whether it’s a national liberation movement or anti-colonial struggle—all gravitated to socialism. People in this country think that socialism is some White thing that White people are interested in. That would be news to most of the world. Behind the Bible, Karl Marx’s Communist Manifesto is the most-read text on planet Earth, a planet that is mostly made up of non-White people.

The ideas of politics and socialism have been in some way central or even tangential to every anti-colonial, nationalist movement of non-White people in the 20th century, and it is because it is based on the ideals of democracy and freedom and a way to do so that actu-

ally feels legitimate in the eyes of most people. So, each country has its own particular history of socialism, socialist organizations. In this country, you had the Socialist party that formed in the 19th century; you had the rise of the Communist party in the early 20th century, and those movements had deep problems in their relationship to Black people and to other people of color.

The American Communist party in the early 20th century had this view that if we just end economic exploitation and the problems with the distribution of wealth, then that in and of itself would take care of racism, and so we don't need to have a particular focus on racial injustice. Well, that was a problem for Black Socialists who understood that to convince other Black people to become Socialists, the Socialists needed to fight racism. If racism was the most destructive idea among ordinary working-class people, then how would you ever build a unified movement by ignoring this very destructive idea? You couldn't. Management was open about using race to destabilize the labor movement. The 1919 steel strike in the [United States]—what did they do? They imported in Blacks from the South to break the picket lines. They didn't go across town to get other White people who were unemployed and down on their luck to break the picket lines. No, they used Blacks from the South to break the labor strikes. Why? Because it meant that whatever this labor dispute was over, the idea that Black and White workers in that particular workforce would ever work together would never happen. So, if you as a political organization didn't have a strategy to take that on, then you were going to be ineffective and not actually be able to achieve your goals, which the Communist Party finally came to realize through its own experience of witnessing this use of Black labor to break strikes but also because of the global struggle around national oppression.

In the 1920s and 1930s, the dynamics of the anti-colonial struggle in recognizing the rights of the oppressed were applied to an American context. The American Communist Party shifted its practice and began to orient on the Black struggle, so that the Communist Party in Harlem in the 1930s became basically an all-Black organization because they were the only ones who were fighting police brutality. Or the Communist party in Birmingham, Alabama, became an all-Black organization because they were the ones who would take on the Klan and the particular oppression experienced by Black sharecroppers.

The groups were formed by Black people? Or they became all Black because they took on Black issues?

They became Black majority because they took on issues of concern to Black people, and so they were organizing in places that were Black majority, and the organizations began to reflect that. It didn't mean that the White people left. They used to have socials in the CP [Communist Party] in Harlem. There was a very famous incident where a Hungarian immigrant was at a social and refused to dance with a Black woman, and so the party leadership put him on trial for racism in Harlem, and he was found guilty of being racist and kicked out of the party. In the age of Jim Crow, it signaled to the Black people in Harlem that the CP was serious about fighting racism. It wasn't just the show trial—a White member was killed in a police brutality demonstration, beaten to death by a cop. So, White people who would put other White people on trial for being racist, kick them out of the organization, and have a member killed fighting the police—they might be serious about fighting racism. That's how the Communist Party went from having really no Black members in 1919 and 1920, to becoming in places like Chicago and New York in the 1930s, Black-majority organizations.

Now, the Communist Party in the [United States] went politically astray because of the influences of the dictator Joseph Stalin in the 1930s and 1940s, but that meant that they went astray on a whole number of political questions they were gung-ho behind the war in defeating Hitler, and that meant that you support all of the war policies including the internment of Japanese, so it wasn't that they abandoned the Black struggle, which is how it is sometimes portrayed, but they abandoned all struggle over the course of the 1930s and 1940s.

There is a long history of, not just internationally, Blacks gravitating to Marxist ideas—socialist ideas in this country. The Black Panther Party in the 1960s, the largest, most influential political organization, I would argue, in the second half of the 20th century was an avowed Marxist organization that had no problem recruiting Black people, that at its height of popularity in the early 1970s was selling over one hundred thousand copies of its newspapers a week to a primarily Black audience. So the idea that socialism is somehow outside of the Black experience is wrong. Socialism is at the heart of the Black radical tradition, and we have to reclaim it.

Endnotes can be found online at <http://hjaap.org/>.



“Hands Up, Don’t Shoot”

by Bryan Robinson



Hard Times Like, “God!”

Reparations in the Movement for Black Lives

Quinn Kareem Rallins

Quinn Kareem Rallins is a Law Fellow at the Sargent Shriver National Center on Poverty Law where he focuses on criminal injustice advocacy and litigation. Before joining Shriver, Quinn was a law clerk at the NAACP Legal Defense and Educational Fund, Inc., Equal Justice Initiative, and Greater Boston Legal Services. Prior to law, Quinn was a community organizer and has directed successful grassroots campaigns throughout the United States to address issues such as police brutality, housing foreclosure, health care access, youth jobs, predatory lending, and mass incarceration. For his commitment to social justice, he has been recognized as a Harvard University Galbraith Scholar, Institute for International Public Policy Fellow, Cambridge Institute for Economic and Political Studies Scholar, among other awards. Quinn received his Juris Doctor at Northeastern University School of Law, master’s in comparative social policy from Oxford University, and bachelor’s in international studies from Morehouse College.



Introduction

Wouldn’t you know
We been hurt, been down before
N*gga, when our pride was low
Lookin’ at the world like, “Where do we go?”¹

Reparations claims take place in a field of hope and despair. Organizers and advocates, often Black, articulate their argument. Decision makers in courts and legislative halls, often White, articulate their view of the arguments’ validity. The result is, consistently, a conclusion that a remedy for slavery is unjustified. It is this dichotomy—an ongoing saga in America—that further disheartens even the most spirited campaigns

for reparations for the Transatlantic Slave Trade, slavery, racial discrimination, economic exploitation, legalized oppression, and genocide in the United States. The descendants of slaves have neither received formal apologies nor comprehensive compensation. City halls, state capitols, and courts remain deafeningly silent on one of the greatest human rights violations in the history of the world.

The contemporary Black Lives Matter Movement seeks to disturb this silence. Amidst heightened awareness of the socioeconomic conditions in Black communities following uprisings in cities like Ferguson and Baltimore, a coalition of nearly fifty organizations known as the

Movement for Black Lives released a six-point platform, including a demand for reparations. The demand was aspirational—free education, guaranteed minimum livable income, redistribution of wealth and land, apology—and identified corresponding federal and state action for remedies.

This essay seeks to provide further context and content to the Movement’s demand for reparations. I argue that similar demands have been asserted in reparations movements, Black women have been in the forefront, and the present legal challenges may not be insurmountable.

We've Been Hurt, Been Down Before

But the demand was not novel in the enclaves of Black advocacy. Rather these efforts continue a voluminous history of reparation campaigns. As far back as 1830, abolitionist David Walker spoke to the need for reparations. In his famous "Appeal," Walker reminded beneficiaries of slavery that "the greatest riches—in all America have arisen from our blood and tears."² During and post-slavery, Congressman Thaddeus Stevens advocated for reparations in land retribution before Congress.³ Perhaps the most documented instance of measures toward reparations was the 1865 order by General William Sherman to set aside "40-acre plots" on the Georgia and South Carolina coasts for the settlement of thousands of newly freed slaves following the American Civil War.⁴ Unfortunately, after Abraham Lincoln's assassination, President Andrew Johnson rescinded the order⁵ and took back the land that had been distributed.⁶

The reparations movement continued into the 20th century and gained new steam during the American Civil Rights Movement. Under the newly minted United Nations (UN), civil rights organizations sought reparations through international law. For example, the National Association for the Advancement of Colored People sent a document to the UN in 1947 entitled "An Appeal to the World" that asked the organization to redress human rights violations the United States committed against Black Americans.⁷ The document presented evidence of lynching, segregation, and the gross inequalities in education, housing, health care, and voting rights.⁸ Unfortunately, the UN Commission on Human Rights rejected the proposal and no action was taken on the petition.⁹

Five years later, in 1952, W.E.B. Du Bois and the Civil Rights Congress sent another petition to the UN called "We Charge Genocide."¹⁰ It listed hundreds of wrongful executions and lynchings referenced to at least ten thousand undocumented

An upsurge in Black women in the reparations movement will not only strengthen its validity but also fortify strategy.

cases and claimed that the United States had engaged in a conspiracy against Blacks' ability to vote through poll taxes and literacy tests. The Civil Rights Congress sought to demonstrate that systematic oppression of Blacks amounted to genocide and that the Genocide Convention could be used against the United States.¹¹

Ultimately, the UN did not acknowledge receipt of the petition.

Throughout the latter half of the 20th century, Black leaders remained focused on legislation and litigation. After the Civil Liberties Act of 1988 provided an apology and compensation to the survivors and relatives of Japanese Americans for losses due to relocation and in-

ternment during the Second World War,¹² Congressman John Conyers attempted to introduce a bill calling for the federal government to study the impact of American slavery and make recommendations for reparations to their descendants.¹³ Unfortunately, his plea fell on deaf ears until 1992, when President Bill Clinton created a presidential advisory board on race.¹⁴ The board was chaired by historian John Hope Franklin, who argued that the panel must examine the past and should maintain reparations as a central focus of their work.¹⁵ However, Clinton decided that reparations was not a "productive" issue for discussion during his presidency and ruled it out.¹⁶ Alongside efforts at the federal level, states and municipalities passed at least four statutes addressing slavery reparations for Blacks, most notably in California¹⁷ and Chicago.¹⁸

Toward the turn of the 21st century, reparations lawsuits were also brought against the federal government and corporations.¹⁹ Defendants ranged from the United States for condoning slavery to corporations for profiting from slavery. While the arguments were dismissed for reasons that will be discussed in this paper, it is imperative to understand that these varying strategies have been attempted in framing that the government owes a debt for the enslavement and segregation of Blacks for over 150 years.

Wouldn't You Know

Although a great deal of scholarship focuses on individual men and male-dominated organizations in the reparations movement, women have often been the silent, undergirding force in organization and litigation. Scholars, in developing and framing the current reparations movement, rarely reference their work. This is surprising because the

current state of Black women can breed self-interest in the movement, with psychologists noting that the closest personal experience with discrimination, racism, and interactions with the descendants of slaves has unusually strong effects on Black women. This self-interest may have been the driving force for Black women throughout history and could be the impetus for similar activists in present day. An upsurge in Black women in the reparations movement will not only strengthen its validity but also fortify strategy.

Consider the self-interest of Callie House, a Black woman who organized the first mass reparations movement.²⁰ She grew up in Tennessee during the Civil War and Reconstruction Era and was in bondage until the early 1860s when the Union Army swept through her

entitled to redress for their years of uncompensated labor.

Consequently, House co-founded the National Ex-Slave Mutual Relief, Bounty, and Pension Association with a mission of advocating for pensions for former slaves.²¹ For twenty years, House traveled around the United States to organize grassroots support and obtained six hundred thousand signatures from ex-slaves.²² House and the Ex-Slave Pension Association even filed a lawsuit against the government in 1915.²³ In *Johnson v. McAdoo*, ex-slaves claimed that they had a right to the funds collected through the controversial “southern cotton tax.”²⁴ The lawsuit contended that the taxed cotton had been produced by wrongful slave labor and that the proceeds from its sale belonged to freed slaves. The plaintiffs sought

Later she formed the Reparations Committee of Descendants of the United States Slaves, Inc., to educate the grassroots community about reparations and mobilize for reparations from the federal government.²⁶ In 1963, Moore raised the stakes and presented the John F. Kennedy administration with a petition of a million signatures she had gathered. The petition stated, “Without Reparations, our people can never be on equal terms with the white sons of our former slave owners who continue to reap the abundant benefits of the wealth created by our foreparents through their centuries of unrequited labor.”²⁷ Subsequently, Moore petitioned the UN to recognize Black reparations and was rejected.²⁸ Some scholars have acknowledged that between the late 1970s to the 1990s, there was little

“ Without Reparations, our people can never be on equal terms with the white sons of our former slave owners who continue to reap the abundant benefits of the wealth created by our foreparents through their centuries of unrequited labor.”

town and liberated slaves. As a freed slave, House realized the stark reality that former slaves had no savings, pensions, or means of support. The challenge inherent in the mass liberation of enslaved people was that the older generation was too old and disabled to support themselves and that young adults were in no economic position to support their aging family members. Indeed, former slaves were desperately in need of pensions and should have been

over sixty-eight million dollars in taxes collected. As expected, the court denied the claim based on the government’s sovereign immunity, and the US Supreme Court denied certiorari.

Another example is Audley Moore, a Black woman who became the matriarch of the 20th-century Black reparations movement. In 1955, she began her campaign for reparations, authoring a pamphlet entitled *Why Reparations? Money for Negroes*.²⁵

mainstream interest in reparations, but Moore’s efforts helped preserve the movement.²⁹ Moore called for five hundred trillion dollars as practical compensation for historic injustice, which would be spread over four generations. Whereas House had sought reparations for ex-slaves, Moore included immediate descendants of slaves in her vision for redress.

House and Moore receive insufficient acknowledgement in compari-

son to their male counterparts, such as Marcus Garvey, W.E.B. Du Bois, and Representative John Conyers, who have advocated for reparations, and this is disconcerting for truth-telling and strategy. I contend that Black women are the best messengers for reparations because they continue to bare the greatest burden of daily prejudice, racism, and sexism as a result of slavery and ongoing discrimination, which is demonstrated in health, political participation, education, and other areas that reparations seeks to address.

Black women, for example, have generationally suffered from an extensive lack of health care in the United States. Today, nearly 25 percent are uninsured.³⁰ This staggering void in insurance can have detrimental effects on pregnancy, stress, and other areas. For example, Black women are the segment of the population most affected by breast cancer from which, every year, 1,722 die—an average of five Black women per day.³¹

Not unsurprisingly, African American women are disproportionately impacted by employment and wages. In 2010, Black women only made 64 cents to the dollar compared to White men.³² Even in comparing solely across gender, the unemployment rate of Black women in 2013 was 10.5 percent compared to 5.8 percent for White women.³³ Furthermore, of the Black women who are employed, nearly 28 percent of them are employed in the service sector.³⁴

These statistical disparities for African American women cannot be divorced from the urgency of the reparations movement. According to David Hall, former Dean of Northeastern University School of Law, “the history of slavery, segregation, and discrimination helps explain why infant mortality rates and incar-

ceration levels are all higher among Blacks, and the life expectancy is lower.” Hall emphasizes, “Whatever negative social indicator you choose, Blacks find themselves at the bottom of the list. This is not an accident.”³⁵ Moreover, these trends should evoke the advocacy of women such as Callie House and Audley Moore, who came from families and communities that struggled for daily survival. A similar daily survival among Black women in today’s society can prompt tremendous advocacy in the reparations movement.

Lookin’ at the World Like, “Where Do We Go?”

The reparations strategy for Black Americans has been complex. International law mechanisms, such as the Genocide Convention treaty that provided remedies for victims of the Jewish Holocaust, have not provided relief for victims of American slavery even though the slave trade would qualify as “genocide” under the international definition.³⁶ Similarly, although a wave of litigation in American courts has generated billions of remedies to Holocaust victims,³⁷ the precedent has not shifted to lawsuits for slavery reparations largely because of the challenge of standing and the statute of limitations.

Under Article III of the Constitution, the judicial power of the federal courts extends only to cases and controversies. In order to determine whether a case or controversy exists, the court examines whether the person is the proper party to bring the issue before the court for adjudication, also known as standing. In federal court, standing requires the plaintiff to meet three requirements: prove that there was an actual injury, that the injury was caused by a particular defendant, and that there is something the defendant can do to atone for the injury.³⁸

1. Overcoming Standing

Standing presented a barrier in *Cato v. United States* because the plaintiff failed to satisfy the first and second requirements. The plaintiffs brought a suit against the United States for damages due to the enslavement of Blacks and subsequent discrimination against them under the Federal Tort Claims Act,³⁹ which allows private persons to circumvent sovereign immunity and sue the United States in federal court for most torts of persons acting on behalf of the United States. They sought one hundred million dollars in compensatory damages, an acknowledgement of slavery, and an apology from the United States for kidnapping, forced labor, oppression, intimidation, and miseducation. The court determined that the plaintiff lacked standing because the plaintiff failed to articulate an injury from slavery that was caused by the United States. Rather, the plaintiff submitted a generalized grievance that was not fairly traceable to the federal government.

The plaintiff in *Farmer-Paellmann v. FleetBoston Financial Corp. et al.*⁴⁰ sought to overcome the standing challenge by specifying the injury and tracing the cause directly to the defendants. In *Farmer-Paellmann*, the descendant of Africans enslaved in South Carolina brought a suit against several major financial institutions, including FleetBoston Financial Corporation, JP Morgan Chase, New York Life Insurance, Lehman Brothers, and American International Group. The plaintiff asserted that her injuries could be traced to the institutions’ actions in financing, underwriting, and supporting the enslavement of her ancestors.⁴¹ Nevertheless, the court dismissed the claims because of insufficient documentation that the defendants actually financed, underwrote, and supported the enslavement of the plaintiff’s specific

ancestors. For example, there was no documentation that the plaintiff's ancestors were shipped to America by the defendants.

While the plaintiff in *Farmer-Paellmann* was unsuccessful, the case presents a strategy different than *Cato* where the court found that the plaintiff failed to specify with any precision the parties from whom relief was sought. New reparations advocates can build on this strategy by identifying corporations as defendants and conducting exhaustive research to allege specific conduct, such as selling and purchasing

initiated. Typically the time will have elapsed from which a claim for reparations may be brought. But there have been four main strategies to extend the statute of limitations: discovery, continuing violations, equitable estoppel, and equitable tolling.⁴² The reparations movement must employ these strategies in litigation efforts.

Discovery is a pretrial procedure employed by a party to require the adverse party to disclose information that is essential for the preparation of the requesting party's case and that the other party alone

Cato recognized continuing violations as a viable means to overcome the statute of limitations. The plaintiffs argued that they did not allege discrimination within any particular time period because the discrimination was a continuing act and that Blacks were still subjected to the indicia of slavery. The court recognized the possibility of overcoming the statute of limitations but noted that plaintiffs first needed to overcome standing. Nevertheless, it should be noted that plaintiffs asserting that their families have been continually hurt for the atrocities of

International law mechanisms, such as the Genocide Convention treaty that provided remedies for victims of the Jewish Holocaust, have not provided relief for victims of American slavery even though the slave trade would qualify as “genocide” under the international definition.

slaves, as the wrong committed by the defendants. The challenge for the reparations movement will be to conceptualize litigation not only in narrow terms that identify discrete plaintiffs and defendants but to frame the injury-in-fact through new research methods of the 21st century.

2. Overcoming Statute of Limitations

Perhaps the greatest hurdle for the current reparations movement beyond standing is the statute of limitations, which refers to the maximum time after an event within which legal proceedings may be

known or possesses. To extend the statute of limitations for reparations, plaintiffs may argue that discovery was not possible for slaves because they were unaware of the causes and extent of the harms they suffered. They may assert that they were not aware of the nature of the investments, insurance policies, joint ventures, and other schemes and conspiracies developed and utilized in order to profit from slavery.⁴³

Under the continuing violations doctrine, the plaintiffs seeking reparations are allowed to file an action when there is a continuous series of injuries stemming from the same injury.⁴⁴ Even the court in

slavery have not fared well. Courts have found that the ill consequences that flow from forced labor during slavery do not constitute continuing claims but are merely the alleged effects of an injury that occurred over a century ago and not a continuing series of acts.⁴⁵

Equitable estoppel allows a plaintiff to bring a cause of action after the statute of limitations has expired when the “defendant takes active steps to prevent the plaintiff from suing on time.”⁴⁶ In order to satisfy equitable estoppel, the plaintiff must provide concrete facts that the defendant has concealed information in a way that would have prevented

the plaintiff's ancestors from asserting their claims within the proscribed statute of limitations period. Here, a plaintiff would have to produce evidence of active concealment and overcome the counterargument that injury and evidence was typically not concealed in slavery but blatantly open to the public.⁴⁷

Equitable tolling applies when a plaintiff, despite due diligence, is unable to obtain enough information to conclude that there is a basis for a claim.⁴⁸ This could stop the running of the statute of limitations period so long as the plaintiff uses reasonable care and diligence in attempting to learn the facts that would disclose the defendant's fraud or other misconduct.⁴⁹ Plaintiffs seeking reparations could assert that they were only recently able to obtain the necessary information to assert their claim because of the institution of slavery and Jim Crow laws. However, courts have found that plaintiffs' ancestors reasonably knew of their injury from slavery at the time it occurred.⁵⁰ In essence, the argument is that they knew or should have known that they were wrongfully being forced to work without compensation and that somebody was making a profit from their labor. Furthermore, courts can argue that neither plaintiffs nor their ancestors ever asserted these claims in a court of law until the present moment, and they have not shown that they acted with all due diligence in attempting to obtain vital information about their claims and assert them in a timely manner.⁵¹

We Gon' Be Alright

Nearly a year before the Movement for Black Lives released its policy demand for reparations, it held a national convening in Cleveland, Ohio, for the plethora of organizations within the Black Lives Matter Movement. I was in attendance,

joining nearly two thousand other organizers from across the country. We reflected on the state of the movement and celebrated the Black people who had fallen and those who had survived, from the father of Michael Brown to mother of Tamir Rice. Moreover, we were able to begin the process of uniting to articulate a shared vision of the world we want to live in—a vision that includes reparations for slavery and the unapologetic leadership of Black women.

Kendrick Lamar's Grammy-nominated song "Alright" became an anthem that weekend. I'll never forget sitting in a packed auditorium at Cleveland State University and hearing the song begin to blast. We rose from our chairs—some began standing on the seats—and extolled the lyrics, as if to break a psycho-spiritual chain:

"We gon' be alright!"

"We gon' be alright!"

"We gon' be alright!"

This psycho-spiritual chain has been explored in this essay through the history of the reparations movement and the integral role of Black women. This essay suggests that there is an opportunity to break this chain through the continued leadership of Black women and a shift away from a focus on international law claims toward achieving standing and overcoming the statute of limitations in federal court.

Endnotes can be found online at <http://hjaap.org/>.



“My Blood Is in the Soil”

by Laura Madriz



“I Am Not My Clothes”

by Carina Cabriaes

The Hidden Cost of Money Bail

How Money Bail Harms Black Women

Gina Clayton, Taina Vargas-Edmond, and Tanea Lunsford

Gina Clayton is founder and executive director of Essie Justice Group. An award-winning social entrepreneur, attorney, activist, and advocate for women, Gina launched Essie (named after her great grandmother, Essie Baily) in 2014, to support and empower women with incarcerated loved ones.

Gina saw up close the impact of incarceration on women both in her personal and professional life. As a housing attorney, Gina designed and implemented the Housing Defense Practice at The Neighborhood Defender Service of Harlem (NDS) to represent women who were facing eviction as the result of a criminal matter. It was in the course of this work that she became resolved to further examine and expose the harmful impact of mass incarceration on women who have loved ones living behind bars.

Gina grew up in Los Angeles, California, where she started as a youth organizer for the NAACP while studying at the University of Southern California. Under her leadership, the chapter became the largest in a nine-state

Western region. She organized campaigns addressing campus policing, voter registration, and California state sentencing laws. Her successes locally led to her election to the NAACP National Board of Directors where Julian Bond appointed Gina to the Executive Committee and the President/CEO Search Committee, which then selected Benjamin Jealous as NAACP president and CEO.

Gina's experiences as an organizer and civil rights activist in south Los Angeles led her to pursue the law. While in law school, Gina interned or studied under some of the country's most respected criminal justice reform organizations and leaders including the Southern Center for Human Rights, Public Defender Service for the District of Columbia, Charles Ogletree, Ronald S. Sullivan Jr., and Soffiyah Elijah. After law school, Gina dedicated herself full time to working directly with low-income women and families impacted by the criminal justice system.

Gina is a member of the New York State Bar and is proficient in Dutch and Spanish. In 2010, she was awarded an Equal Justice Works Fellowship for her work at NDS. In 2014 Gina won a Soros Justice Fellowship, an Echoing Green Global Fellowship, and a Harvard Public Service Venture Fund Seed Grant in support of her design and launch of Essie.

Gina holds a bachelor's in American studies and ethnicity, with a minor in Education, from the University of Southern California and a juris doctor from Harvard Law School.

Taina Vargas-Edmond is the Essie Fellow Lead with Essie Justice Group. An Afro-Latinx woman with an incarcerated loved one, Taina has previously worked for the California state legislature and has a bachelor's in political science and a master's in diplomacy and international relations.

Tanea Lunsford is a San Francisco Fellow in the Office of the Treasurer & Tax Collector where she works on the Financial Justice Project. She studied anthropology and human rights at Columbia University. She earned her master's in anthropology and social change at the California Institute of Integral Studies. Her completed graduate thesis, an Activist Research Project, is titled "The Circle that Breaks the Square: Reconsidering Restorative Justice in the Context of the Juvenile Legal System." Tanea is a restorative justice practitioner and advocate for social justice.



Today nearly one in two Black women has a family member in prison. This means there are over ten million Black women^{i,1} with incarcerated loved ones—women who are socially marginalized by stigmaⁱⁱ and impoverished by a complex web of private industries that have shifted the costs of incarcerations to families.ⁱⁱⁱ And yet women are generally only considered *collaterally* impacted by mass incarceration as the “mothers, sisters, daughters, wives, and girlfriends” of men.

Black women are more than collateral—we are the subjects of targeted, state-sponsored attacks that strip us of our family members, exploit our labor, and dictate our health and life outcomes.^{iv} One glaring example of the state-sponsored exploitation of Black women is the bail bond industry.

Pretrial detention is a significant driver of mass incarceration. Seventy percent of people held in jails across the country are being held in pretrial detention.² Thirty-four percent of all those who are arrested stay in jail until trial because they

are unable to afford money bail.³ Studies show that people who are unable to afford bail are more likely to plead guilty to crimes they did not commit, are found guilty more often, and on average receive longer prison sentences.^v The high costs of bail may explain why 97 percent of federal convictions and 94 percent of state convictions result from plea bargaining by people under pressure to be released from jail at any cost.⁴ Accounting for the harms caused by pretrial detention—especially those perpetuated by the system of

i Approximately 44 percent of Black women have an incarcerated family member, meaning approximately 10.34 million Black women have a family member in prison.

ii There is a significant amount of social stigma attached to loving someone who is incarcerated. This stigma leads to feelings of shame, isolation, and depression and creates a “barrier for women in vocalizing needs and solutions in the context of the criminal justice system failures. . . . This barrier is caused by the fear of being rendered unworthy of attention because of one’s associations.” See: Brittany Farr, “The Question that Silences Women: An Interview with Gina Clayton, Founder, and Executive Director of the Essie Justice Group,” *Souls: A Critical Journal of Black Politics, Culture, and Society* 18 (2016): 460.

iii The Ella Baker Center’s *Who Pays* report demonstrates the myriad longstanding and often overlooked costs of incarceration on families. The research was conducted across fourteen states and “included surveys with 712 formerly incarcerated people, 368 family members of the formerly incarcerated, 27 employers, and 34 focus groups with family members and individuals impacted by incarceration. The project revealed that many of the costs and penalties associated with incarceration continue long after incarceration ends and reach far beyond the individual being punished, with negative impacts for families and communities.” See: Saneta deVuono-powell, Chris Schweidler, Alicia Walters, and Azadeh Zohrabi, *Who Pays? The True Cost of Incarceration on Families* (Oakland, CA: Ella Baker Center for Human Rights, Forward Together, and Research Action Design, 2015) 7.

iv Black women are also incarcerated at much higher rates than women in any other racial or ethnic group. See: *Incarcerated Women and Girls* (New York, NY: The Sentencing Project, 2016) 2.

v “Jail may affect optimism about the likelihood of winning the case, or may affect risk preferences in such a way that the certainty of a plea deal seems preferable to the gamble of a trial. Detention also impairs the ability to gather exculpatory evidence, makes confidential communication with attorneys more difficult, and limits opportunities to impress the judge with gestures of remorse or improvement. . . . Detained defendants are likely to attend pretrial court appearances in handcuffs and/or prison garb, creating superficial impressions of criminality. Furthermore, if a defendant must await trial behind bars he may be reluctant to employ legal strategies that involve delay.” See: Megan Stevenson, “Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes” (working paper, University of Pennsylvania Law School, 2016) 5.

money bail—is an important step in solving the problem of mass incarceration.

The United States is one of only two countries that allows commercial bail bond companies to operate.^{vi,5} In exchange for a nonrefundable fee, these

Black women are more than collateral—we are the subjects of targeted, state-sponsored attacks that strip us of our family members, exploit our labor, and dictate our health and life outcomes.

companies post bail for individuals who are unable to pay the full bond amount to the court. Typically, this fee is 10 percent of the total bail amount. This system of money

bail shifts the risk of a defendant not appearing in court from the government to a private company. If defendants miss their court date, bail bond agents are authorized to arrest them, meaning the government deputizes private individuals to arrest individuals.

Over half of the time, women are the ones paying bail⁶—either for themselves or for loved ones—meaning that the financial risk and responsibility of bail is ultimately shifted from private companies onto the backs of women. Considering the skewed rates at which African Americans are arrested across the country, this means that Black women are disproportionately harmed by the current system of money bail.⁷

This harm is especially egregious for Black women who have been arrested. Although far too little research has been done on the impact of mass incarceration on Black women, what we do know paints a picture of heightened vulnerability. Women—particularly Black women—are less able to pay bail than men.^{vii} The average pre-incarceration income of Black women who are unable to make bail is just 9,083 dollars.⁸

Money bail presents those caught in its system with the illusion of choice. And Black women are frequently the ones

ensnared in this exploitative system. Black women have the lowest net worth of any demographic group^{viii} and the lowest pre-incarceration income among those in jail who are unable to make bail.^{ix} The result is that when Black women need to pay bail for ourselves or the people we love, the price of finding that money is all too high. We can either “choose” to pay predatory and exploitative bail bond agents—often taking out loans, selling valuables, or using our homes as collateral—in order to come up with the nonrefundable fee or “choose” to leave our loved one in jail. These false choices then become the vehicles of blame and shame. Because we made a choice—even an impossible one—we are at fault. And money bail is just the beginning of a series of illusory and unjust choices created by mass incarceration.

For these reasons, women with incarcerated loved ones have a significant stake in the movement for bail reform. Founded in May 2014, in Oakland, California, Essie Justice Group is harnessing the collective power of women with incarcerated loved ones in order to catalyze decarceration advocacy and end mass incarceration in the United States. Using a “Healing to Advocacy” model, Essie has created a powerful network of women advocating to not only

vi The other country is the Philippines.

vii “Black women have the lowest incomes before incarceration. . . . The typical Black man, Black woman, and Hispanic woman detained for failure to pay a bail bond were living below the poverty line before incarceration.” See: Rabuy and Kopf, *Detaining the Poor*, 2. In addition, black women have the lowest net worth of any demographic group. See also: Mariko Chang, *Lifting as We Climb: Women of Color, Wealth, and America’s Future* (Oakland, CA: Insight Center for Community Economic Development, 2010) 3.

viii “Single black and Hispanic women have a median wealth of \$100 and \$120 respectively; the median for single white women is \$41,500. While white women in the prime working years of ages 36–49 have a media wealth of \$42,600, the media wealth for women of color is only \$5.” See: Chang, *Lifting as We Climb*, 3.

ix “Unsurprisingly, white men have the highest incomes before incarceration while Black women have the lowest incomes before incarceration.” See: Rabuy and Kopf, *Detaining the Poor*, 2.

change our system of laws and policies but also reform a culture that harms them and their incarcerated loved ones. Since 2014, Essie has conducted over fifty listening sessions with women with incarcerated loved ones. These sessions revealed an urgent need for bail reform.

In response to these sessions, Essie members (known as sisters) have joined the fight to reform and end money bail. The stories and leadership of Essie sisters are central to our advocacy model and our strongly held belief that nothing about us should happen without us.

Black matriarchy and Black women's leadership outside of the family unit have served a key and often overlooked role in our reform movements. Similarly, the voices and stories of women with incarcerated loved ones—and Black women in particular—are too often missing from conversations about mass incarceration. Without the input of women with incarcerated loved ones, we as a culture lose both a thorough understanding of what aspects of our criminal justice system are in need of

change and the forceful voices of women leaders directly impacted by an unjust system. In this article we offer two stories of Black women who are part of the Essie Sisterhood.

Black matriarchy and Black women's leadership outside of the family unit have served a key and often overlooked role in our reform movements.

These stories demonstrate the widespread, lasting, and often unacknowledged harms of money bail.

"Nothing I Could Do Would Be Enough" – Taina's Story

I was a month into my school year when my life changed forever. Richard—my best friend and the person I relied on more than anyone else in my life—had been arrested. The police wouldn't tell me

anything, except that he was in LA County Jail^x and that his bail was set at \$360,000.^{xi}

I was shocked at the amount and terrified that it would prevent Richard from being

released on bail pretrial. I knew that my only hope of bailing Richard out would be to work with a bail bond company, but that meant I would have to come up with 10 percent of the total bail amount—thirty-six thousand dollars.^{xii} I was a graduate student with no savings and nowhere near enough income to foot that bill. I considered taking out loans and reached out to his family to ask if they would consider using their house as collateral.^{xiii} Because single Black women face

x I had heard about the horrors of the LA County Jail—sheriff's deputies who would beat you for looking them in the eye or asking them a question, the rotting food you were forced to eat, living in dorms with more than a hundred other people, and the complete lack of medical care.

xi According to the Vera Justice Institute, judicial officers in the LA Sheriff's Department tend to use bail schedules to set bail amounts. A bail schedule is a list that determines the bail amounts for certain crimes. Judges have the discretion to lower these amounts. A reliance on bail schedules means that factors such as whether an individual can afford bail or "whether an individual poses a danger to society or is likely to return to court" are not taken into account when the bail amount is set. See: *Los Angeles County Jail Overcrowding Reduction Project* (New York: Vera Institute of Justice, 2011) x.

xii The 10 percent paid to a bail bond agent is non-refundable. The bail bond industry is a private, for-profit industry. See: Rabuy and Kopf, *Detaining the Poor*, 3.

xiii Many who can't afford bail often put their homes up as collateral. See: Adam Liptak, "Illegal Globally, Bail for Profit Remains in U.S.," *New York Times*, 29 January 2008, <http://www.nytimes.com/2008/01/29/us/29bail.html>. The downturn in the housing market has made this more difficult, however. "For decades, family homes were the ultimate 'get out of jail' cards for the accused, providing collateral for people required to pay bail to remain free prior to or during trial. But in the past few years, home prices have tumbled by more than 30% nationwide." See: Dawn Wotapka, "Underwater and in the Tank: Defendants Find It Tougher to Make Bail as Bond Agents Shun Homes as Collateral," *Wall Street Journal*, 25 April 2011, <http://www.wsj.com/articles/SB10001424052748703648304576265422469205008>. In addition, the housing market crisis hit Black families the hardest, and Black women received the most subprime mortgages of any racial or ethnic group in the United States. See: Sandra Phillips, "The Subprime Mortgage Calamity and the African American Woman," *Review of Black Political Economy* 39, no. 2 (2012): 227–237.

the largest wealth gap in the country, many Black women are similarly unable to pay bail for their loved ones. In 2007, the average household wealth for single Black women was just 100 dollars, compared with 41,500 for White women.^{xiv}

I was seized with an overwhelming sense of panic and dread. *I could not leave him there.*^{xv} But there was nothing I could do.

Richard's inability to pay bail also meant that when the two of us decided to get married, we had to have the ceremony in the county jail visiting

have our wedding kiss until I visited him in state prison four months later.

It was ten long months before Richard would be sentenced. Court hearings were consistently delayed as the District Attorney struggled to put together a case to prove he actually did what he was accused of, and in that time period, Richard's health and well-being suffered tremendously.^{xvi} He was constantly subjected to violence, including one instance where he received a head injury that required eight staples. The pain and trauma

he did not actually commit. I know that our situation could have been so different if only he had been allowed to be released before his conviction.

Richard has now been in prison for almost five and a half years. He has been transferred four times across the state of California, being up to as far as ten hours away from me. I have spent tens of thousands of dollars on legal fees, travel for visits, commissary packages, and phone calls.⁹ The adverse effects of money bail extend over the months and years, causing physical, emotional,

Separated by a barred glass window and elbow to elbow with other visitors in the crowded visiting booths, we said our vows over a telephone receiver.

room. Separated by a barred glass window and elbow to elbow with other visitors in the crowded visiting booths, we said our vows over a telephone receiver. We were not able to

Richard experienced also put an enormous pressure on him to accept a plea deal so that he could be sentenced and sent out of the county jail. He ended up pleading out to crimes that

and financial damage. There are many scars that he, and those who love him, would not have if his bail did not prevent him from coming home pretrial.

xiv With an average net worth of 120 dollars, Latina women do not fare much better than Black women. Importantly, the data in this study was collected in 2007, prior to the economic downturn, meaning that Black and Latina women are likely even worse off today. See: Chang, *Lifting as We Climb*, 7.

xv The LA County Jail is the nation's largest, and abuse of incarcerated people is rampant. In 2011, the year of Richard's arrest, the *LA Times* confirmed that federal investigators were looking into allegations of abuse. Since then, a class-action lawsuit has been filed, and numerous officials from the LA Sheriff's Department have been arrested on charges related to the abuse. See: "Inmate Abuse Timeline," ACLU of Southern California, <https://www.aclusocal.org/en/node/2578>.

xvi There is evidence to suggest that "health challenges are often more severe in PTD [pretrial detention] than in prison for a number of reasons, including that (1) governments invest less in health services in PTD, especially for chronic conditions, because of the assumed transience of the population; (2) cruel and inhuman treatment is most likely to occur in the first days of detention; (3) overcrowding is often more severe in PTD than in prisons; and (4) there are unlikely to be special services and protection for women and children or systems to minimize sexual and physical violence." See: Joanne Csete, "Consequences of Injustice: Pre-Trial Detention and Health," *International Journal of Prisoner Health*, 6 (2010): 3. Although Csete's article focuses specifically on pre-trial detention in developing and transitional countries, several of the factors that impact health in pre-trial detention in those countries can be found in US jails as well. The overcrowding in LA County's jails is "seemingly intractable." See: *Los Angeles County Jail Overcrowding Reduction Project*, i. In addition, jails are designed for short term stays leading them to "often provide inadequate healthcare, activities and programming," all of which have direct consequences for mental and physical health. See: *Moving Beyond Money*, 7.

“I Was Told No a Million Times” – Tanea’s Story

I was a senior in college when my father was arrested in October 2012. They set the bail at five hundred thousand dollars.^{xvii}

The phone call about my father’s arrest returned me to a very familiar place. A place where panic and depression meet and spin frantically, only

pronounce my parents married after the trial. My mother was nine months pregnant with me; my father was wearing an orange sweat suit. I was born the day after.

A few days after my father’s arrest in 2012, I left school and flew across the country in order to liaise with my father, his public defender, and my family.

My family was in a state of severe distress. We didn’t have

are similarly situated as result of laws and policies designed to prevent African American wealth acquisition.¹⁰

I went back to my senior year of college defeated. After waiting in line for visits, waiting on the phone to speak with people, waiting to negotiate, waiting to learn more about the case, waiting on my dad to call, putting in my credit card number to speak with him, paying the meter in downtown San Francisco to meet with the public defender, driving all across town to seek resources, I was told “no.” No. No. No. No a million times. No, I didn’t have power. No, I didn’t have resources to help my dad. No, he was not going to get out.^{xx}

Eight months after my father’s arrest, my grandfather passed away, and the cycle of “no’s” continued. Even though he had yet to be tried for a crime, my dad was not allowed to attend his father’s funeral.^{xxi} We all shared a sense of hopelessness. My grandpa was gone. My grandmother was broken in two. And we didn’t even have the means for my dad to be with us while we mourned.

When I hear about bail, I hear a lot about it being used

It’s not actually used as collateral, it’s used as a barrier to prevent people from getting free.

to come to the same exhausted conclusion: powerlessness.^{xviii}

Neither he, nor I, nor anyone in my family had the power to change the situation.

My relationship to the carceral system started before I was born. The same judge who sentenced my father to prison for a crime that he did not commit used the power vested in her to

half a million dollars. We didn’t even have the 10 percent needed to pay to a bail bondsmen. We barely had 1 percent of the bail amount.^{xix} We had no assets, owned no property, were disenfranchised to the bone. Without having the 10 percent to pay to the bail bonds company, my father stayed in jail. Many Black American families

xvii Bail amounts in the United States have been steadily increasing. “A Bureau of Justice Statistics survey of felony cases in the 75 most populous counties of the U.S. showed that average bail amounts have increased by over \$30,000 between 1992 and 2006.” See: *Bail Fail: Why the U.S. Should End the Practice of Using Money for Bail* (Washington, DC: The Justice Policy Institute, 2012) 10.

xviii Panic and depression are common feelings for women with incarcerated loved ones. According to the *Who Pays* report, “family members who supported their loved ones through incarceration also experience trauma and long-term stress that can result in mental health issues and physical health conditions.” See: deVuono-powell et al., *Who Pays*, 39.

xix According to the Prison Policy Initiative, in 2009, “34% of defendants were detained pretrial for their inability to pay bail.” See: Rabuy and Kopf, *Detaining the Poor*, 1.

xx This experience of waiting is common to women with incarcerated loved ones. Scholars have discussed how this waiting functions as a form of social control. See: Megan Comfort, *Doing Time Together*. (Chicago: University of Chicago Press, 2007). See also: Issa Kohler-Hausmann, “Misdemeanor Justice: Control without Conviction,” *American Journal of Sociology* 119 (2013): 389.

xxi There are no laws prohibiting pretrial detainees from receiving temporary release. These decisions are made at the discretion of the sheriff’s department. “The sheriff of the county may authorize the temporary removal under custody or temporary release without custody of any inmate of the county jail . . . for family emergencies.” See: Cal. Penal Code § 4018.6 (West).

as insurance for people who “jump bail.” But currently and historically, people *can’t* pay bail. People can’t even pay 10 percent of bail. It’s not actually used as collateral, it’s used as a barrier to prevent people from getting free.^{xxii}

This is only one of my bail stories. For every time that we couldn’t make bail for my dad, there was another time where

Essie Justice Group’s Fight for a Bail-Free Future

Unfortunately, our stories are not uncommon. Every year, money bail keeps hundreds of thousands of people behind bars for months, and even years, simply because they cannot afford to pay for their release.¹¹ The presumption

of nonrefundable dollars paid to bail bond agents. It is not just the individuals who cannot afford to pay bail who suffer; their loved ones are punished alongside them. Weddings and funerals are missed. Children are separated from their parents. Time is lost.

This is why Essie Justice Group is working alongside the Movement for Black Lives to end money bail. Essie is part of a coalition of organizations working on legislation aimed at restructuring California’s pretrial release system to dramatically reduce the state’s reliance on money bail. Essie’s narrative-based advocacy work launches a moral attack on the for-profit bail industry, sharing the real experiences of Essie sisters to convey the harms caused by bail and call for the abolition of cash bail.

The bail industry has powerful lobbying groups on its side, and the success of bail reform legislation will depend on our ability to change the way people understand bail.^{xxiv} Money bail makes people and communities *less* safe, not more. The bail industry leads people to believe otherwise. The American Bail Coalition—an organization that represents the bail

In the legislative fight for bail reform, Essie’s work to engage women in breaking the silence on the harm the bail industry has caused is a critical step towards ending an outdated, harmful system.

we had to sacrifice something that we didn’t have, in order to pay to free a loved one.^{xxiii} Money bail is harmful no matter what—you hurt when you pay, and everyone hurts when you can’t.

of innocence is foundational to our justice system, but innocence has no bearing on whether women and men wait for trial in a cage. What matters is money.

The harms of money bail extend beyond the thousands

xxii This argument undergirds an ongoing class-action lawsuit filed against San Francisco officials. The attorneys pursuing the lawsuit claim that “many poor arrestees are promised under the laws of the State of California that they have a right to pretrial release, *but this promise is purely hypothetical*, . . . only those who can afford the arbitrary bail amount are permitted release.” See: *Buffin v. City & Cty. of San Francisco*, No. 15-CV-4959-YGR, at 7 (N.D. Cal. Oct. 14, 2016) (emphasis added).

xxiii As the authors of the *Who Pays* report write, in instances where family members could pay bail “[they] said they struggled to cover basic expenses like rent and food, but endured these sacrifices because failure to pay fees and fines can send incarcerated individuals back to prison or jail.” See: deVuono-powell et. al., *Who Pays*, 83.

xxiv “As a multi-billion dollar industry with the institutional backing of large insurance companies, agents and associations have the resources to hire professional lobbyists to protect their interests in statehouses across the country, particularly when legislation involving pretrial services or forfeiture regulations is in play. In recent years bail lobbyists have been hired in Florida, Texas, California, Virginia and North Carolina, to name but a few. As in other industries, lobbyists not only work by testifying in front of committees, but by building personal relationships with legislators. In Maryland, for instance, bail bondsmen in 2011 hosted a social event for legislators during the session at the Annapolis Yacht Club.” See: Spike Bradford, *For Better or For Profit: How the Bail Bonding Industry Stands in the Way of Fair and Effective Pretrial Justice* (Washington, DC: The Justice Policy Institute, 2012): 26.

industry—misleadingly claims that defendants in jail on pre-trial detention are “not exactly ‘unconvicted.’” They suggest that defendants with prior convictions are less innocent and thus more deserving of being caged pretrial.^{xxv} Elsewhere they describe defendants as threatening to communities.^{xxvi} The bail industry distorts data^{xxvii} and spends millions of dollars on lobbyists in order to prevent bail reform.^{xxviii}

Strategically, it is imperative that we challenge dangerous myths about how bail keeps people safe. As both Taina’s and Tanea’s stories demonstrate, money bail separates families and exacts a high physical and emotional price from both the incarcerated person and the people who love them. In the legislative fight for bail reform, Essie’s work to engage women in breaking the silence on the harm the bail industry has caused is a critical step towards ending an outdated, harmful system.

Women with incarcerated loved ones are taking on the bail industry. We are fighting back against a system that seeks to exploit and silence us, and we are doing it through

community, advocacy, and making sure our stories are heard.

Endnotes can be found online at <http://hjaap.org/>.

xxv “[I]t turns out 60% of the “unconvicted” had at least one prior felony *conviction*, and 77% had three or more prior *convictions*. See: “Fundamental Cracks in the Foundation: A Mid-Year Report on Failing Efforts to Eliminate the Constitutional Right to Bail,” American Bail Coalition, 13 June 2016, <http://www.americanbailcoalition.org/in-the-news/fundamental-cracks-foundation-mid-year-report-failing-efforts-eliminate-constitutional-right-bail/>.

xxvi In an op-ed published in the *Baltimore Sun*, the former executive director of the American Bail Coalition, Nicholas Wachinski wrote, “While our Constitution guarantees that a person released on bail not be subjected to an excessive or oppressive bail, the Constitution and the law recognizes the right of the public to be free from the threats an accused presents when released.” See: Nicholas Wachinski, “The Perils of Bail Reform,” *Baltimore Sun*, 02 August 2015, <http://www.baltimore-sun.com/news/opinion/oped/bs-ed-bail-reform-20150802-story.html>. This article is also published in its entirety on the American Bail Coalition’s website.

xxvii “Data on which the industry relies are typically the crude measures of FTA [failure to appear] rates and pretrial re-arrests. While bail bondsmen may criticize pretrial re-arrest rates, they don’t point out that people under the supervision of PTS [pretrial services] may actually be more likely to be charged with illegal behavior simply because they *are* being supervised. As bail agents do not supervise their clients, re-arrest is less likely.” See: Bradford, *For Better or For Profit*, 34.

xxviii “In California alone, the bail industry has spent almost a half million dollars on lobbying since 2000.” See: Bradford, *For Better or For Profit*, 27.



“Inequality 4 All”

by Yaneli Martinez



“Education: The Only Way Out”

by Jamia Williams

Disability Solidarity

Completing the “Vision for Black Lives”

Harriet Tubman Collective

Alexis Toliver, Patricia Berne, Kylie Brooks, Neal Carter, Patrick Cokley, Candace Coleman, Dustin Gibson, Timotheus Gordon Jr., Keri Gray, Christopher DeAngelo Huff, Cyree Jarelle Johnson, Lorrell D. Kilpatrick, Carolyn Lazard, Talila A. Lewis, Leroy F. Moore Jr., Vilissa Thompson, and Heather Watkins



The Harriet Tubman Collective is a group of Black Deaf and Disabled activists. Since its founding in the summer of 2016, we have fought against ableism, audism, and the other oppressive factors that affect the Black Deaf and Disabled communities. The Harriet Tubman Collective submits that any struggle against White supremacy must also address all of its interrelated flaws—including ableism and audism.



Abstract

On 07 September 2016, the Harriet Tubman Collective released its response to the “Vision for Black Lives” policy platform. The response, “Disability Solidarity: Completing the Vision for Black Lives,” addresses the erasure of Deaf/Disabled people from The Movement for Black Lives’s original platform.

Comprising no less than 20 percent of the US population, people with disabilities are the largest “minority” group in the nation.¹ And yet, in August 2016, the Movement for Black Lives released a groundbreaking policy platform outlining the vision for a just world for “all black people” that did not once mention

the unspeakable violence and Black death found at the intersection of disability, ableism, audism, and anti-Black racism.²

The six-point platform, which was supported or endorsed by more than fifty organizations from across the country, stated, in part:

“We believe in elevating the experiences and leadership of the most marginalized Black people. . . . We are intentional about amplifying the particular experience of state and gendered violence that Black queer, trans, gender nonconforming, women and intersex people face. There can be no liberation for all Black people if we do not center and fight for those who have been marginalized. It is our hope that by

Black communities must not overlook the plight of Black Disabled and Black Deaf communities in their pursuit of racial justice. The Movement's work is wholly incomplete without an emphasis on disability. True liberation of all Black people cannot be achieved without the intentional centering of Black Disabled/Deaf narratives and leadership. No successful movement has existed without our leadership, and no movement will be successful without us.

Any movement that seeks to end police violence should work to undo racism and ableism and audism, which make Black Disabled/Deaf people prime targets for police violence. Darnell T. Wicker, a Black Deaf veteran, was killed by police officers in Louisville, Kentucky, on 08 August 2016.¹² Body camera footage shows officers shooting him multiple times seconds after issuing verbal orders. However, Wicker relied on speech reading to communicate. His family asserts that he likely never heard nor comprehended the officers.¹³

The circumstances of his death suggest that Darnell Wicker's deafness and Blackness were both relevant to the officer's perceptions of threat and use of force. Yet despite concerns about the influence of racial bias in his death, little mention was made of his deafness during actions taken in his name.¹⁴ This intersectional approach is lacking among national organizations, networks, and coalitions that claim to fight for racial justice, disability rights, and deaf rights. The absence of intersectionality leads to yet more Black, Deaf, and Disabled deaths in interactions with police.

ous and irresponsible to claim to seek justice for those who have died at the hands of police without naming victims' disabilities or advancing disability issues. We demand a centering of the Black Disabled/Deaf and all of those names that the Movement uplifts while erasing and dishonoring part of their humanity:

Tanisha Anderson
Sandra Bland
Miriam Carey
Michelle Cusseaux
Ezell Ford
Shereese Francis
Eric Garner
Milton Hall
Korryn Gaines
Freddie Gray
Quintonio LeGrier
Kyam Livingston
Symone Marshall
Laquan McDonald
Natasha McKenna
Stephon Watts
Darnell Wicker
Mario Woods

And countless other Black Disabled/Deaf victims of police brutality.



We call for an end of the stigmatization of Black Disabled and Black Deaf people by those who claim to fight for us.

The Harriet Tubman Collective submits that any struggle against White supremacy must be an intersectional struggle against all systems of discrimination—including ableism and audism.

Organizations that label themselves “intersectional” must genuinely pursue disability justice. It is disingenu-

We will not be martyrs for a movement that denies our humanity. We demand that “social justice” coalitions, networks, and organizations end the violent erasure of disability from these and all other narratives of the victims of police violence and murder. We call for an end of the stigmatization of Black Disabled and Black Deaf people by those who claim to fight for us.

We are not an afterthought.
We are here.
We are fighting for all of our lives.
We are Black. We are Disabled. We are Deaf.
We are Black.
Our Black Disabled Lives Matter.
Our Black Deaf Lives Matter.

Endnotes can be found online at <http://hjaap.org/>.



Honoring Arnaldo Rios Soto and Charles Kinsey

Achieving Liberation through Disability Solidarity

Talila A. Lewis

Recognized as a White House Champion of Change and one of Pacific Standard magazine's Top 30 Thinkers Under 30, Talila engineers and leads innovative and intersectional social justice campaigns that illuminate and address grave injustices within our legal system that have gone unaddressed for decades. Talila's advocacy primarily focuses on creating equal access to the legal system for people with disabilities and individuals who are Deaf, Deaf/Blind, Deaf/Disabled, and Hard of Hearing. As one of the only people in the world working on deaf wrongful conviction cases, Talila regularly presents at universities; testifies before legislative and regulatory bodies; and trains members of Congress, attorneys, and law enforcement about this and other disability-related topics. As the creator of the only national deaf prisoner database, Talila advocates with and for hundreds of deaf defendants, prisoners, and returned individuals.

Talila founded and directs Helping Educate to Advance the Rights of Deaf communities (HEARD), an all-volunteer nonprofit organization that works to correct and prevent deaf wrongful convictions, end abuse of incarcerated people with disabilities, decrease recidivism for deaf and returning individuals, and increase representation of disabled people in professions that can combat mass incarceration.

Talila is a visiting professor at Rochester Institute of Technology/National Technical Institute for the Deaf and a recent graduate of American University Washington College of Law, and she has received awards from numerous universities, the American Bar Association, the American Association for People with Disabilities, Congresswoman Eleanor Holmes Norton, the Nation Institute, National Black Deaf Advocates, and EBONY magazine, among others.



When the state murders Black disabled people, media and prominent racial justice activists report that *Black* people lost their lives. Contemporaneously, reports from disability rights activists referencing the very same incidents, on the other hand, emphasize that *disabled* people have fallen victim—often absent any information about that person's race, ethnicity, or indigeneity.

In the wake of Charles Kinsey taking a bullet marked for Arnaldo Rios,¹ I am renewing the call for Disability Solidarity² to encourage a simulta-

neous effort between disability and racial justice groups to pursue justice for, and in conjunction with, one another—intersectional justice.

On 18 July 2016, Arnaldo Eliud Rios Soto, an autistic Latinx young adult who lived in North Miami unexpectedly left his group home.³ Charles Kinsey, a forty-seven-year-old Black behavioral therapist who worked at the group home also left the home to find Rios and help him return.⁴ Kinsey found Rios seated on the pavement stimulating with a toy truck in the middle of the street. The police allege that they were called to respond

to reports of a man threatening suicide. Bystander videos show Kinsey laying on the ground with his hands in the air calmly informing the police that he was a behavioral health professional and that this was his unarmed client who posed no threat to anyone. In between his calm conversation with law enforcement, he also made time to try to soothe Rios, who was seated near Kinsey's

These simple yet frustrating misunderstandings continue to astound and exhaust disabled people and disability justice activists. These troubling misunderstandings exist most likely because our institutions are wholly run by abled, neurotypical people. Nonetheless, this lack of intentional radical inclusion unsurprisingly leads to ableism in reporting on, responding to, and organizing

This happens time, and time, and time again to Deaf and Disabled Black, Indigenous, Latinx, and Brown people,⁷ and somehow, police are never held accountable.

feet talking loudly due to the increased stress of the police officers' presence with weapons and shouting. Without warning, Officer Jonathan Aledda fired at least one shot, hitting Kinsey in the leg.

According to the police union,⁵ we have only the poor marksmanship of Officer Aledda to thank for Arnaldo and Charles not being lost to us. The union, however, fails to credit Kinsey's calm demeanor, swift thinking, and emotional labor during the incident.⁶ But the facts are simply this: (1) two people were grounded at an intersection, (2) they posed no threat, and (3) North Miami Police Officer Jonathan Aledda shot at one, hit the other, and effectively traumatized both for life.

This happens time, and time, and time again to Deaf and Disabled Black, Indigenous, Latinx, and Brown people,⁷ and somehow, police are never held accountable.

Despite how irresponsible, inappropriate, and incorrect media and activists have been regarding even the most mundane information shared about disability, most disability justice activists do not have the energy to continuously address these egregious errors and engage in systemic advocacy all the while keeping themselves alive. Even today, people refer to autistic adults as children; they equate autism with mental illness and sensory overload with suicidal ideation.

around disability. It is this radical ableism that explains why police officers and alleged 9-1-1 callers fail to understand the difference between people who are homicidal and those who are suicidal.

Arguably more important than media and activists making flagrant ableist errors is the particular penchant both have for wholesale erasure of "inconvenient" identities of multiply marginalized people experiencing violence at the state's hands. More often than not, the recurring tragedies we so often witness occur not at one side of the road or the other. Quite contrarily, these tragedies frequently occur at the intersection of multiple marginalized identities.

Far too many people, ill- and well-intentioned alike, attempt to circumvent the real and deadly realities of these intersections. It was this very intersection that almost cost Kinsey and Rios their lives on 18 July 2016.

Thousands have been profiled, criminalized, and killed by the police simply for existing at the intersection of their race or culture and disability. The cold, hard, and inconvenient truth is this: over half of those killed by law enforcement annually are people with disabilities.⁸ Moreover, those murdered disabled individuals are also disproportionately Black, Indigenous, Latinx, and people of color. And so, the purpose here is to remind us all that erasure of disability in

reporting and advocacy is the height of irresponsibility in journalism and activism. Regardless of intention, refusal to acknowledge and name these realities only further delays the end of state violence against racialized people and people with disabilities.

All of this said, I have very little hope of news media abandoning its long-standing and deeply ingrained divisive, dismissive, and destructive reporting tactics. And so, I therefore pen the note below to my comrades in the struggle for collective liberation as a warning that these single-story narratives stand in the way of everything we are fighting for. This is our reminder that freedom is nigh and that our shackles come undone only when we move as one.

Comrades:

Why can so many of us effortlessly engage in nuanced discussion of White supremacist, capitalist, cis hetero-patriarchal imperialism and yet be completely incapable of identifying ableism?

If you are attempting to dismantle White supremacist, capitalist, cis hetero-patriarchal imperialism without actively engaging in anti-ableism work, you are doing it all wrong. Ableism, together with other more commonly

If your liberation journey ends short of disability justice, you too are complicit in perpetuating violence on and within your own community. Though rarely discussed, disability is represented across race and ethnicity, socioeconomic class, and gender identity. Notably, and for reasons that are a matter for another piece, Black, Latinx, and Indigenous people; low- and no-income community members; trans* and gender non-conforming individuals; and womxn are all disproportionately represented in the class of disability.

We all lose when we are unaware of or dishonest about common and overlapping experiences of marginalized communities in education and income inequality; police brutality, wrongful arrests, and convictions; and mass incarceration and rights violations in carceral settings. More to the point, we will never “get free” if we reduce people or communities down to a single identity for political, reporting, or activist convenience.

Disability is the tie that binds. And so, it is impossible to achieve justice without achieving disability justice. If you fail to name or address racism *and* ableism in your actions, you are fighting a losing battle.

Our communities experience common and overlapping oppressions that require an advocacy framework that cuts across identities and move-

And so, the purpose here is to remind us all that erasure of disability in reporting and advocacy is the height of irresponsibility in journalism and activism.

discussed oppressions within social justice circles, undergirds every institution. Indeed, racism, sexism, classism, and transantagonism depend on ableism.

And so, our journey of unpacking privilege cannot end with race, gender identity/presentation, or socioeconomic or immigration status.

ments. Here are just a few examples of common and overlapping oppression our communities face in the criminal legal system:

- Despite people with disabilities comprising 20 percent of our population, studies estimate that no less than half of the people killed by the police annually are people with disabili-

ties⁹ and that disabled people easily represent more than 50 percent of our adult incarcerated population.^{10,11}

- Suspension rates are one in six for Black children but increase to one in four for Black children with disabilities.¹²

- Children with disabilities are three times more likely to be placed in the foster care system,¹³ three times more likely to be living in poverty,¹⁴ and four times more likely to end up in the juvenile legal system than children without disabilities (with percentages increasing exponentially with disabled children of color).¹⁵

- A startling 65 percent of boys and 75 percent of girls in kid prisons have at least one mental illness,¹⁶ and up to 85 percent of children in kid prisons have at least one disability.¹⁷

Similarly, incarceration statistics for incarcerated Black and Latinx people also are grossly disproportionate. Black and Latinx people make up a quarter of the US population but represent nearly 60 percent of the incarcerated population.¹⁸ Our jails and prisons are literally overflowing with people of color with disabilities.

Take disenfranchisement as another example of the impact of this racism and ableism. States across the country have passed measures to make it harder for Black people and people with disabilities to exercise their “fundamental right” to vote.¹⁹ For instance, felon disenfranchisement laws mean that today 2.2 million Black Americans²⁰—including people with disabilities—are prohibited from casting a ballot despite having completed their sentences. Moreover, although it is rarely discussed, disenfranchisement of people with felony records and people with disabilities can often be found within the same section of law. The exclusion of one group is often used to defend the exclusion of the other. The pattern is the same within every institution.

It is impossible to address the crisis of state violence without addressing the systematic failure of the state to provide equal access to education, employment, housing, and resources for people of color and people with disabilities—who, for myriad reasons, often are one and the same. These inequalities are inextricably linked.

Narratives and statistics make clear that the important and necessary conversations on racial justice that are occurring now cannot be fully had without disability justice at their center.

Disabled people of color are disproportionately impacted by state violence.²¹ Even still, most resourced disability rights organizations refuse to take action to end the crisis of racialized people with disabilities dying in our schools, streets, homes, and prisons, while resourced non-disability civil rights entities dishonor the lives of the same people by failing to uplift their whole humanity. This, even when these resourced entities claim to be fighting for justice “in their name.”

Accountable advocacy demands more. It demands that we engage in activism that cuts across identities, communities, and movements—that we understand and engage in disability solidarity wherein all of us are working toward economic, racial, and disability justice.

This is not an easy task, but it is necessary for life, love, and liberation. We must be critical in our introspection and in our approach. The twenty questions below are useful for reflection on where we are and how much farther we as communities invested in justice have to go on our journey.

If you engage in social justice actions to bring about racial and economic justice, ask yourself:

1. Am I exploring disability in conversations about power, privilege, and structural inequality?
2. Am I centering disabled activists/people in actions?

**Ableism,
together with
other more
commonly
discussed
oppressions
within social
justice circles,
undergirds
every
institution.**

3. Am I honoring and celebrating the whole humanity of those disabled activists/people that I centered?

4. Am I reminding people that trauma is both a cause and consequence of disability—that trauma can stem from witnessing violence; experiencing the loss of loved ones; and from housing, income, and food insecurity, among other things?

5. Am I uplifting the truth that people with disabilities are disproportionately overrepresented in communities of color, LGBTQ/GNC communities, and low- and no-income communities?

6. When I discuss enslavement, genocide, mass incarceration, and other state violence, am I naming intergenerational trauma and disability?

7. Is my decarceration/abolition work truly intersectional—have I analyzed the impact of state violence and mass incarceration on my Disabled, Deaf, Deaf/Blind and Hard-of-Hearing community members?

8. Does my coalition/cohort have non-token/inspiration Deaf or Disabled leadership of color?

9. Can I reach out to any other deaf/disability justice coalitions, and am I competent and sensitive to the cultural and cross-cultural dynamics that will stem from this communication/encounter?

10. Is this action for racial/economic justice universally accessible?

If you engage in social justice actions to bring about disability justice, ask yourself:

1. Am I exploring race/racism in conversations about power, privilege, and structural inequality?

2. Am I centering Deaf and Disabled Black, Latinx, Indigenous, and Brown activists/people in actions?

3. Am I honoring and celebrating the whole humanity of the Black, Latinx, Indigenous, and Brown activists/people that I centered?

4. Am I reminding people that racism and race-based violence is a cause and consequence of poverty and disability?

5. Am I uplifting the truth that Black, Latinx, Indigenous, and Brown people are disproportionately represented within most every disability/deaf community?

Ideally, being this intentional will lead us to a place where disability and racial justice activists become one and the same.

6. When I discuss audism, ableism, mentalism, am I discussing the long-lasting effects of enslavement, genocide, forced familial separation, mass incarceration, poverty, and other state violence?

7. Is my deaf/disability “rights” work truly intersectional—have I analyzed the impact of state violence on Black, Latinx, Indigenous, and Brown Deaf/Disabled community members?

8. Does my coalition/cohort have non-token/inspiration Deaf/Disabled Black, Latinx, Indigenous, and Brown leadership?

9. Can I reach out to any other economic/racial/gender/indigenous justice coalitions, and am I competent and sensitive to the cultural and cross-cultural dynamics that will stem from this communication/encounter?

10. Is this action for disability justice universally accessible and intentionally intersectional?

These questions are useful starting points. Ideally, being this intentional will lead us to a place where disability and racial justice activists become one and the same. This is critical intersectionality. This is Disability Solidarity.

Will centering disability make your advocacy a bit more intricate? Yes.

Will you have to be more aware of your own ableism before and during your actions? Absolutely.

Will you have to ensure that your actions are universally accessible? Of course.

Will you be uncomfortable with your privilege(s) for a while? Likely so.

Give thanks. What may initially seem like discomfort actually is a gift—the gift of accountability.

You will come away with a deeper understanding of structural oppression, state violence, radical inclusion, others, yourself, and your role in movement work.

So the next time you are having a nuanced discussion about White supremacist, capitalist, cis hetero-patriarchal imperialism, include and be honest about ableism, audism, sanism, and your privilege(s) as related to each of these.

And the next time someone asks you who Tani-sha Anderson, Paul Castaway, Freddy Centeno, Ezell Ford, Norma “Angie” Guzman, Milton Hall, Freddie Gray, Laquan McDonald, Natasha McKenna, Jamycheal Mitchell, John T. Williams, or Mario Woods are, tell them the truth.

Tell them the whole truth: they are our Black, Indigenous, Latinx *Disabled* kindred.

And their lives matter, too.

Endnotes can be found online at <http://hjaap.org/>.

Standing at the Intersection of Race and Disability

Mrs. Karima Çevik

Mrs. Kerima Çevik is an advisor on autism and ethnicity, a legislative advocate, and a parent activist for autism and social justice. She blogs about autism, disability rights, and life with her nonspeaking autistic son at *The Autism Wars* (theautismwars.blogspot.com), intersectionality at *Intersected* (intersecteddissability.blogspot.com), and race and social justice on the *Brave* blog (overcominghate.blogspot.com).



On a summer day in 2016, a twenty-three-year-old autistic man named Arnaldo Rios Soto sat on the hot pavement playing with his toy truck. His behavioral aide, Mr. Charles Kinsey, lay beside him bleeding from a gunshot wound to the leg. Police officers surrounded them both with guns drawn. Neither had committed a crime. The police department later clarified that Rios Soto had been the intended target after he ignored orders to lie down. The officer who fired his gun had assumed the toy truck was a loaded weapon.¹

Like Mr. Rios Soto, my son Mustafa is autistic. He is completely nonverbal and depends on an augmentative assistive communication (AAC) device to communicate. The AAC, an iPad with an app that generates audible speech, is his only way of ex-

pressing himself to the world. Unlike Mr. Rios Soto, Mustafa is Black.

American society has long held irrational fears about Black boys, perceiving them as more dangerous than they are. This is why a twelve-year-old Tamir Rice was assumed to be “19 or 20 years old” by officers who killed him.² When police officers encounter Mustafa, they will see a tall, heavy, brown male walking unsteadily and holding an iPad. They may mistakenly believe the iPad was stolen. They may interpret his inability to respond to commands as refusal. Assumptions about my son’s cognitive capacity combined with racial stereotypes about his appearance could cause an encounter with police to become fatal.

Mustafa’s father, sister, and I are haunted by this fear. We have spent the majority of his life trying to

equip him to survive encounters with police. He has been safe so far. But we must act to ensure that he continues to be safe.

Mr. Rios Soto was fortunate. Other people of color who were not autistic but had psychiatric disabilities—like Milton Hall, James Boyd, Ezell Ford, Kajieme Powell, and Tanisha Anderson—have died in catastrophic encounters with police called to help them during mental health crises.

Teresa Sheehan was also fortunate. In 2008, she survived being shot by two police officers meant to help transport her to emergency mental health support during a crisis.³ She later sued the officers, insisting that they approached her with excessive force rather than using de-escalation tactics they’d been taught in crisis intervention training.⁴ Shee-

han argued that this was a violation both of department policy on a barricaded suspect and the “reasonable modifications” or “reasonable accommodations” protections under the Americans with Disabilities Act (ADA).⁵

The case reached the Supreme Court, which ruled in favor of the City and County of San Francisco, overturning the decisions of all lower courts and placing all disabled people at risk.⁶ Specifically, it ruled that police who forcibly enter premises and shoot a mental health patient have qualified immunity from litigation.⁷ This sets a legal precedent that weakens ADA protections and passively enables excessive use of force when dealing with neurodivergent people in general and mental health consumers in particular.

Many people with disabilities encounter law enforcement more than once in their lifetimes.⁸ Early on I believed that better police training would prevent these encounters from becoming tragedies and lobbied the Maryland state legislature for an autism-training bill for first responders.⁹ I have since realized that reliance on officer training is shortsighted. Despite police training in de-escalation tactics or awareness of how autistic persons react to sirens, strobe lights, and people shouting at them, autistic and neurodivergent people are at higher risk of being killed by police.¹⁰ Paul Childs and Stephon Watts were both shot dead by police officers who had autism training, knew them personally, and had even helped them in

the past.^{11,12,13} Training alone cannot protect Mustafa from being wrongfully arrested or killed.¹⁴

Ironically, it seems that the way to protect our son is to have him steer clear of those who have sworn to protect and serve him. The best policy solutions for reducing cat-

The best policy solutions for reducing catastrophic encounters with law enforcement for neurodivergent Black and brown males are those that limit their encounters with law enforcement in the first place.

astrophic encounters with law enforcement for neurodivergent Black and brown males are those that limit their encounters with law enforcement in the first place.

I never imagined that I would teach my son to avoid police. Yet he stands at the intersection of racism, ableism, and disability in a society that empowers police to respond to his black body and his neurodivergence with aggression. Communities must rethink the role of law enforcement and support efforts to prevent law enforcement from taking inappropriate roles in the lives of autism families. This way, families like ours can avoid unnecessary engagement with police. This stance seems ex-

treme, but consider how often police use excessive force toward disabled persons and how infrequently they are held accountable. As a mother, I am not willing to take that risk. Mustafa cannot be replaced.

The following are a few suggestions for keeping autistic children of color safe by reducing their exposure to law enforcement officers who are unprepared to manage them appropriately:

1. Retrain 911 operators to clearly distinguish the difference between a mental health crisis call and a law enforcement call. Do NOT use police officers as mental health support staff to transport mental health consumers in crisis.
2. Train parents to properly request an ambulance and mental health crisis support; train loved ones and caregivers not to call the police unless a weapon is involved.
3. Remove the use of police and school resource officers (SROs) from the chain of school discipline and prohibit the profiling of disabled K–12 students through files maintained by SROs, as they are neither qualified psychologists nor psychiatrists.
4. Block school administration from calling the police to arrest disabled students for school-related infractions and fine them if they do so. This will hold them accountable for failing to provide staffing support for disabled students who require it.
5. Ensure that any incident involving the arrest of disabled students is

automatically reviewed by the Office of Civil Rights in that state's Department of Education to assess the degree of violation of the student's civil rights and ensure the student is provided with properly trained classroom support staff per the Individuals with Disabilities Education Act.

6. Establish grassroots mental health crisis support teams and peer-run respite and crisis centers for mental health consumers. This will increase respite for mental health consumers and families, averting crises where police might be called to homes or schools for interventions outside the scope of law enforcement actions.

In the meantime, I will continue doing my best to prepare Mustafa to survive as a nonspeaking neurodivergent male of color in this increasingly dangerous world.

God help us both.

Endnotes can be found online at <http://hjaap.org/>.





“The 1%ers”

by Alonso Saenz