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## Comments: Symposium On Strategies To End Poverty And Inequality

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# **SYMPOSIUM ON STRATEGIES TO END POVERTY AND INEQUALITY**

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*Comments of*

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&

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PROFESSOR CAHN: It could take a minute, because Jean's here with me. And this is a very special moment and a very special celebration of probably the longest marathon in legal education history. I can't proceed without also acknowledging that I don't know anybody who could have steered this ship through the Scylla and Charybdis of these last bunch of years other than Shelley, living between the university, the faculty, the students, the finances of Washington, D.C., and she has done an awesome job in bringing this school across a finish line that some of us may have doubted would ever be crossed.

I also want to acknowledge the faculty. We used to joke about lifetime tenure as one more year. And the students who were the risk-takers, never quite sure whether the law school would be here the year after to go into their second year or their third year. So, this is an institution that a lot of people took a lot of risks on, and I just want to acknowledge that we've turned that corner now, and it's a very special moment to celebrate.

We're asking in this session where are we going and how do we get there. And, Ted Shaw yesterday talked about the movement, that there was no movement now. Yes, there were dedicated lawyers; yes, there was a lot happening in community. But we know that we have to move forward with a very different vision, and I want to talk about that. I want to say that I think that it's going to take literally a paradigm shift in our thinking for us to understand and know what's possible and to believe that it is actually within our reach.

## **THE DEFICIT APPROACH THAT PERPETUATES INEQUALITY**

If you believe you are powerless, if you believe nothing you can do can change the system, you are right. If you believe the system will not respond, odds are you

are right. And so part of what we're facing is how do you create a movement to counter the message of powerlessness that's been going out from officialdom for the past bunch of years, whether it was Reagan, or whether it was Bush I, or whether it was Bush II. That's been the message, and when the market uses the media to sell things to you by telling you what you lack and need to be okay. Sales are made by getting you to believe that if only you had the right toothpaste, the right deodorant and the right hairspray, you might also be acceptable and lovable. But they start off basically selling you on your deficiencies.

And here we are representing groups of people whom this society defines by what they lack, by what's wrong with them. We, their advocates, are representing them in the context of injustice and inequality and what they need and what the society owes them. But regardless of their legal status and the entitlements we have sought to establish, our clients are supplicants seeking to secure, by virtue of right or charity, some minimally equitable share of the pie. But as supplicants, when all is said and done, they get the crumbs off the table.

Securing real justice means redefining who we represent. They are not supplicants. Even when they come seeking help, their need or their problem represents only a small part of what they are – let's call it 10, or 15 or 20 percent of who they are. If we think that is all they are, then we are part of the problem. The challenge we face is to unleash the other 80, 85, 90 percent of them to help build the world we all want to live in.

We don't do that. We may say we believe in our clients' strengths. We may claim we take an asset-based approach to critical social problems and that we appreciate the importance of client involvement. Yet, the prevailing practice of lawyers, legal service programs and clinical programs seeking to reduce inequality is still deficit-based. The deficit-centered paradigm finds expression in multiple ways:

- seeing those who need help only in terms of their problems without actually enlisting their capacity to contribute,
- treating clients as consumers whose problems are to be fixed and not as partners and co-producers in realizing desired outcomes for individuals and community,
- building walls of privacy and confidentiality that leave individuals and families isolated and vulnerable,
- defining the economy only in terms of money and work in terms of jobs, and
- defining value exclusively by market price so that despite abundance, we live with scarcity.

### **SHIFTING TO A GENUINE ASSET PERSPECTIVE**

That has led me to ask: How does one shift out of a deficit perspective since those whom we represent are the very people whose worth the market denies, who are either rejected or devalued by the market? That led me to ask what the market values and what the market does not value.

### **GENUINE LABOR THAT THE MARKET DOES NOT VALUE**

I came to understand first of all that the market does not value at least five kinds of labor that we might be aware. One is called the caring labor that it takes to raise a family, to raise children, to take care of the elderly. The second is civic labor that it takes to make democracy work, to build communities, to build neighborhoods. The third is social justice labor that it took to build a civil rights movement, the women's movement, the environmental movement. The fourth is environmental labor that it will take to make the planet sustainable. And the fifth is cultural value and traditions that are at the heart of how people define their identity. Now those are five rather significant kinds of labor that have no market value. That led to the next question: how do we begin to give that value.

### **REJECTING MARKET PRICE AS THE DEFINITION OF VALUE**

We know how money and the market assign value. Price defines value by scarcity relative to demand. If something is scarce, it's more valuable. If it's less scarce, it's less valuable. If it's abundant, it's dirt cheap, or virtually worthless.

Now consider what that means: everything that defines us as a human being is worthless in a system that defines value by scarcity. And that meant we're living with a currency and an economic system that denies the value of every capacity that enabled our species to survive and to evolve: Our willingness to care for each other, our willingness and ability to come to each other's rescue, our ability to come together and make decisions, our ability to celebrate or to grieve, our willingness to stand up for what's right and oppose what's wrong, those are pretty basic capacities. I know it will come as a surprise to you, but people actually grew old before there were gerontologists, and there were actually children who grew up before there were PhDs in child development. Yet our basic capacities as human beings are what we have devalued by that monetary system. No wonder the species is in a little bit of trouble.

### **CREATING A CURRENCY THAT CAN VALUE LABOR THAT THE MARKET DE-VALUES**

That led me to create a new kind of currency, a new medium of exchange in order to recognize and reward the kinds of labor that the species still needs in order to survive. Time Dollars or Time Credits are a tax-exempt currency where

one hour equals one Time Credit or one Time Dollar. That currency has now spread to 23 countries with some very interesting ramifications.

That seemed to me a critically important way to start honoring the work that our clients do and can do, that we need from the community if we are going to make real headway in reducing inequality. We need to find a way to stop dividing the world between those who are paid and somebody called volunteers. We need to stop the people who are paid from lecturing those people about why they don't come to meetings, and those parents about why they don't help their children with homework. The work, the engagement, the involvement of the community is what it is going to take to build strong families, to build safe neighborhoods, to make democracy work and to build the kind of movement that we want.

### **DISCOVERING AN INVISIBLE ECONOMIC SYSTEM: THE CORE ECONOMY**

Once I started looking at that labor, I discovered that there was an economic system that economists did not recognize. It is an invisible economy that I now call the core economy. And what is that core economy? No, it's not some alien communist economy. It's something called home, family, neighborhood, community, civil society. We don't value it because it isn't driven primarily by money. But when one economist undertook to measure one element of this invisible economy – the unpaid labor that families, kinfolk and neighbors contribute to keep a senior at home and in the community rather than in a nursing home, he came up with the figure of 257 billion dollars annually in the United States. Two hundred and fifty seven billion dollars is about six times what's spent on home-maker services and more than three times what's spent by the federal government on nursing homes.

Then I looked at a review of the – an analysis of the market value of the household labor that it takes to keep just households functioning. And that analysis worked out to be one quarter of the GDP. It was in fact 1.9 trillion dollars. Then I looked at some work by economists, Nobel prize winner Gary Becker and McArthur genius Nancy Folbre, and both of them in sort of an aside said, there's at least 40 percent of productive labor that takes place outside of any of the standard measures of economic activity. And then I remember a friend who's a doctor who teaches at a nationally known medical school asks her class, "What group of people delivers the most health care in this country? Doctors, nurses, allied health professions?" Mothers. Yes.

And you just think about the number of days school children are sick, and then add infant care and preventive medicine, and chronic conditions, and you know that's the right answer.

And then I remember talking about this to Alvin Toffler and Alvin Toffler said I have a way of talking about that to the heads of CEOs and Fortune 500 compa-

nies. He says, "I ask them how productive they think their workforce would be if they were not toilet-trained."

And he says, "I suggest we begin rethinking how we define productive labor." And then I asked myself, who keeps neighborhoods safe. And I looked at a 51 million dollar study that had extended over ten years by renowned researchers from Harvard, Columbia and the University of Michigan, and they pinned it down to neighborhoods in Chicago that looked identical except for the levels of violence. And they said, the difference in – significant difference in violence in otherwise identical neighborhoods was a factor called "collective efficacy." I said what the hell is collective efficacy. And when you looked under the hood, what it turned out to be was a local culture of neighbors stepping in and stopping kids from fighting, stopping kids from painting graffiti, stopping them from hanging out on street corners. And I thought that's funny. That doesn't seem to have any market value, that culture, but it seems to result in significant levels – different levels of violence.

#### **THE SIGNIFICANCE OF THE CORE ECONOMY VIEWED AS OUR SOCIETY'S OPERATING SYSTEM**

And so I realized there is an economic system that we don't consider to exist, and I thought, gee, how can I explain that. And then I thought, well, we all have seen computers with these icons for highly specialized programs, and, you know, Word and Excel and Internet programs, and they're very powerful. And we all know that underlying them is an operating system. That operating system starts to go down, and none of those programs work; they all crash. And I thought, society is like that. We have schools. We have police. We have the legal system. We have the health care system. We have the whole market system that involves highly specialize systems, but underlying that as the operating system is this core economy called home, family, neighborhood, community, and civil society. I said why are we having all these problems? I thought, well we're having all these problems because if we're going to be honest about it that operating system has sputtered along for centuries on labor that came from – frankly labor that looked free, that looked subsidized, that came from and was exacted from the subordination of women and the exploitation of ethnic minorities and immigrants, and in some countries children.

#### **THE NEED TO UPGRADE THE TRADITIONAL OPERATING SYSTEM**

So as we begin to move toward ideals of opportunity and equality, some of that labor starts to disappear. And so we don't have anybody anymore to do the functions that that core economy used to perform, and then we put patches on it called federal programs or state programs or professional interventions. And I thought that's funny. If you buy an upgrade of Word to fix Windows, you're in

trouble. So, if we buy an upgraded specialized program to fix that operating system, we're not going to get there. We better figure out how to fix that operating system by going into that operating system and saying how are we going to get there.

#### **TRANSFORMING CLIENTS INTO A CONSTITUENCY FOR SOCIAL JUSTICE**

And then I thought this begins to explain to me what was always a problem, which was where were the welfare moms when their childcare was being taken away. But then I thought we even had a more classic warning sign because we are asking about how we build a movement. And I thought of the fight for the legal services corporation that took place when Newt Gingrich came in '96 and '97, and the legal services programs had been operating then for about 30, 32 years, and it had been helping about two to three million families, households a year for that whole period. So there was somewhere between 90 and 100 million families who had been helped. And I thought, none of them showed when that program was fighting for survival. And I said, we lawyers may have done a brilliant job representing people, but one thing we sure didn't do, we sure didn't create a constituency for social justice in the process. And I began asking myself, why not.

#### **THIS LAW SCHOOL DISCOVERS THE POWER OF RECIPROCITY**

And that was – and I saw this law school headed for, frankly, a similar kind of issue two or three years before the financial crisis hit, and Shelley knows that I decided, since I had gone into the Community Development Clinic, that I had better enter into some retainers with some African American ministers and some senior resident counsels and a heroine of mine called Kimi Gray, who many of you know of here in this city. And the deal was that I would give the clients they sent me in the clinic preference over any other client, but the deal was I would also give those clients a bill, and for every hour of my time and my students' time, I would ask those clients to pay back by going back to that church or that public housing complex or to Kimi, and to work that off.

Well, Shelley knows when time came and the obituaries were being written for this school, who shows up but some of those ministers, Kimi Gray and the heads of some senior resident counsels. And I won't go into all they said, but they basically said, we represent a block of twenty thousand votes. You mess with our law school, and we won't be here next year.

It looks like we are here now. And I would say that they got the message. And I hardly need explain to you that saving law schools is not your normal favorite grassroots activity. So that what we had said was not, you need us. We had sent a message that says we need each other. And I would tell my students I know how to keep a person from being evicted, but I can't make their neighborhoods the kind of neighborhoods I want to raise my kids in. So if my work is not going to be

entirely futile, I knew that I need as much what they can do in their world, as they need what I can do in my world. And we better start sending – learning how to send that message if we’re going to move ahead and begin to create the cause and the kinds of things, and the kind of movement we want.

And then, as I talked to people in different fields, it became clear to me that none of these programs are working. None of these efforts are working if they can’t enlist the people who are, quote, being helped, the consumers, as co-producers of the outcome.

### SHIFTING FROM DELIVERING SERVICE TO CO-PRODUCING JUSTICE AND SYSTEM CHANGE

I recently read a book on system failure that was published in England. It said, “You can deliver pizza and packages, but you can’t deliver education and health. Those are not things you can deliver. Those are things that can only be produced if you enlist the consumer, the citizen as the co-producer of the outcomes.” And I thought, and we’re calling them volunteers, but guess what. That work is important work. And that was why the Blair government has been willing to launch Time Credits nationwide in England, Scotland and Wales, as a way of enlisting the citizenry and changing the whole National Health Service. And that’s why the Anglican Church in South Korea decided that its hospital could use Time Credits, and in their first year, 1,500 of the patients paid 50 percent of the hospital bills with Time Credits earned helping in the hospital and helping with hospital discharge.

I’ll give you some other examples of co-production.

#### A. *The Time Dollar Youth Court*

This school birthed something called a youth court in Washington D.C. And in Washington D.C. we know what the recidivism rate was for kids who got arrested the first time. But last year, 696 cases came before juries of teenagers by virtue of an agreement that we negotiated with the Superior Court. And those teenagers sentenced those kids to community service, restitution, and an apology, and to eight weeks of jury duty. So, now the whole system is run by offenders who take over the Superior Court every Saturday at 500 Indiana Avenue, and they have managed to reduce recidivism by over 50 percent based on the research we’ve done with control groups. These are the throwaway kids. These are the bad kids, who are doing at least as much to advance the rule of law in this city as anything I’m doing and anything the judges and probation officers are doing.

#### B. *Chicago Cross-Age Peer Tutoring*

And then I’ll tell you about the kids in Chicago, because I went up to the new head of the Chicago school system and said, “Are you going to reform the system

or are you going to keep destroying them at the same clip that we do in Washington D.C.?" And he said, "No, I'm going to change all that. I'm going to bring in outside tutors." I said, "Well the outside tutors will help individuals, but the research by James Colmer and others indicates that that's not really going to change the system." And he said, "What do you propose?" And I said, "Well, give me five of your worst schools in Englewood," – which was known as a killing zone in Chicago at the time. And he – and so, he said, "Well you want the A student?" And I said, "Well, I'm going to ask the fifth and sixth graders to tutor the first and second graders after school because kids look up to older kids, and that's their relevant world of approval. And that's what I need to manipulate because I needed to make it safe to be smart and not to fear the ostracism of other kids." And he said, "You want the A students?" I said, "Well, no, we'll take any kids who will volunteer. And when they earn 100 hours, they will get a recycled computer."

And of course, the teachers dumped on us all the attention deficit problems they had, all the behavioral problems, all the Special Ed kids they could find. They made brilliant tutors because they looked at a first or second grader's homework, and they said, "I can do that. That's easy." (Laughter.) And they said, "If I can do it?" – and the subtext was that I know I'm supposed to be stupid. So there's no way I'm letting you off the hook. And so they levied nonnegotiable, high expectations on first and second graders, and of course the first and second graders responded. And so I talked to them, and I asked these kids, "Well, what are you doing?" The tutors. "Well what did you learn?" And one said, "well, I learned that when my tutee asked me a question, I'd better repeat it before I tried to answer it to make sure I got the question." Well, that's very interesting. Another one said, "I learned that if my tutee got the homework right, that I should bring in a label and put it on their piece of paper, on their homework and say, 'You are a smart kid.' So they could take that home and show their parent." And the third one said, "I learned there are words inside of words." And I thought, these are the throwaway kids in our school system who don't have much of a chance of graduating, and these are in fact co-educators, co-producing the education there.

### C. *Rebuilding Community*

And then I remember in Benning Terrace, when they negotiated – we started Time Dollars there, and initially Time Dollars were earned by people using their phones and beepers to warn people when the guns – when the shooting started, and when it was safe to come back because the guns – the shooting had stopped. And the other way they earned them was to prepare the repasts for the funerals after the drive-by shootings. And after some very special people negotiated a truce there, people were earning Time Dollars doing all kinds of things. Really,

rebuilding community. Rebuilding social networks. Rebuilding trust. And I remember seeing a five year old with braids going up to a former gang leader, who was complete with tattoos and gold chain and gold teeth. And he had thrown a candy wrapper on the floor on the ground, and her job was to keep it clean. And she walked up to him and said, "We have trash cans here, and we use them." (Laughter.) He sort of looked at her like he couldn't quite believe what he was hearing, but then he picked it up, and he put it in the trashcan. I thought how many adults would do that kind of work, and that maybe we still need to redefine the work that we're prepared to honor as work, as the caring work, all those kinds of work that I told you about: The caring work, the civic work, the social justice work. Maybe we need to find a way to honor that work, to rebuild that core economy by honoring the capacity of people whom we're throwing away and devaluing.

Well, I'm going to simply say that I think that if we're going to start movements, and if we're going to rebuild community in any significant way, we have to build in a new kind of reciprocity. Because what hit me was all of us in the human services, all of us who care learn really well how to say how can "I help you." And we really mean it. And we're sincere. And anybody who knows the number of divorces that took place amongst legal service lawyers knows how much they sacrificed to say "can I help you."

#### **MESSAGE SENT VERSUS MESSAGE RECEIVED: SABOTAGING OUR OWN VALIANT EFFORTS**

But the message sent is not the same as the message received. And message received – all of us who had the experience when we've helped somebody, they say, "Well how can I pay, is there some way I can pay you back? Is there some way I can give back to you?" And we've had some brilliant answer like, "Oh no." Or, "That's what I'm paid to do." Or maybe if we think about it, "Pass it on," which has about a two to three minute life expectancy. And, I thought we're sending two really wrong messages if we want to create a movement. We're sending the message, I have something you need but you have nothing I need, want or value. And the other message we're sending is that your biggest asset – if you want to come back – if you want more of my time and resources and expertise, come back with a bigger and better problem.

Well, this is not the way to solve problems folks, because people – we've made their only asset, the only asset we respect, their problem. And people do know how to grow assets. So, we need to begin rethinking how we honor their strengths. And you heard earlier about strength-based– and I've talked to John McKnight and others who have really pioneered that – and strength-based when you're in a program means can you do something that can help me get the job done. So, if your child has problems with math, do you know trigonometry is the

strength they're looking for. Not, can you braid hair. Not can you cook a meal. Not can you fix somebody's faucet. But if you can fix somebody's hair whose got a son or daughter who knows trigonometry, maybe we ought to honor that as assets. So maybe we really need to find ways by asking and building in reciprocity to what we do to begin to build a movement.

**NATIONAL LEGAL AID AND DEFENDER ASSOCIATES EMBRACES  
CO-PRODUCTION OF JUSTICE**

Well, I want to tell you that for the first time – I've been saying this for, you know I don't know how many years, and I'm not going to keep going on because I'm over my time limit. But I am going to say that now, JoAnn Wallace, the head of the National Legal Aid and Defenders Association confronting the sort of brick wall that equal justice has been hitting, has now decided that she wants to work with me to begin to create a client leadership institute that would train client leaders to begin organizing the clients who come through legal services. Because they come in, we help them, and we send them out with all the confidentiality and all the respect for privileged information, as isolated and as fragile and as vulnerable, with one crisis less, than when they came in. And maybe we ought to find ways that they can talk to each other. And we don't care whether they blab confidential information because that's what they choose to say to each other.

I was in Boston where the client leaders there were busy telling the lawyers we want to be organized. We want to become a movement. And we want to pay back by doing community building, and we'd like to hold hearings that let people know all the people you had to turn away because you were inadequately funded. But we'd also like to help with Headstart, and we'd also like to help with all kinds of community building. And we wouldn't mind giving escort for seniors at night who are afraid to go out because we can rebuild this community. And I thought they can define themselves not as needy defective clients with problems, but as community builders, and that's how you begin to build a movement.

**CO-PRODUCTION IN OPERATION: WHEN THE COMMUNITY  
SEEKS LEGAL ASSISTANCE**

What I see us doing in the future is – and that's what – you heard Dominic Molden talk about what they're doing. Well, we negotiated a similar deal. He came to me saying, "I need your clinic, one, to deal with closing crack houses; two, to deal with police corruption; three, to deal with the release of funds." I said, "You need some power corporate lawyer." And he thought I was telling him go away. I said, "No. I need your authorization to offer a retainer in this funny money called Time Dollars." And he said, "Yeah, you can have all the fairy dust you want." And I said, "Fine." Well, a week later he sat down in the office of

Holland and Knight, and Holland and Knight put in 230,000 dollars worth of legal services to close those crack houses, but the community paid back under the negotiated basis by running an escort program for seniors at night, by running a tutoring program in the schools and by doing one other thing, by running a hell raising campaign to get decent street lighting in Shaw. And because the lawyers were clear, they could close the crack houses, but they couldn't rebuild community. We need that partnership. Lawyers need to say to the clients of the communities we serve, we need what you can do as badly as you need anything we can do.

I have used Time Banking to illustrate that there are practical ways to enlist the community and to enable it to exercise empowerment by breaking out of the deficit perspective. And until we begin to build that with respect, and don't simply say that as a matter of rhetoric. Until we begin to create mechanisms that do that, and that honor that, we won't get anywhere.

#### **BRIDGING FROM THE CORE ECONOMY TO THE MONETARY ECONOMY**

Right now, I'll tell you, there's a store in Appalachia that World Vision is stocking with gifts in kind, surplus merchandise that the people who are helping each other and earn Time Dollars enable them to get food at the end of the month when the food stamps run out, appliances, and all kinds of clothes and other things that they desperately need because it's one of the poorest counties in the country.

We need to begin to think through ways in which by doing the kinds of labor that rebuild community, that connect people, that rebuild trust can begin to give them access to the goodies of market and for the opportunities for education. So in South Korea, the folks earning Time Dollars can actually pay half of their tuition to college with that.

I'm going to sit down, but I'm simply going to say we need to create that kind of bridge between the work we need and the world of market. Thank you.

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**PROFESSOR ROISMAN:** It has been a wonderful two days. I cried a lot in the last two days. Since I'm the last, I get to congratulate the dean, the faculty, the staff, and the alumnae/i of this unique and wonderful law school and to pay tribute to Jean Camper Cahn and Edgar Cahn, and I'll mention also Gary Bellow, who deserves his footnote here. Everybody must be completely exhausted.

What I want to offer is something of a progress report on my current project, which is to think about what are the roles of the law and lawyers in making significant social change. I've got one article in this project. It's called "The Lawyer as Abolitionist," and it's in the St. Louis University Public Law Review, Volume 19, and if you are interested in what I have to say, I hope you'll look at that. And the other venue in which I developed some of this is a speech that I gave to the

NLADA Litigation and Advocacy Directors' Conference in Snowbird, Utah a couple of years ago. It's called "Aggressive Advocacy" and it's on the NLADA web page, and it's on my law school's web page.

So here's my progress report. I was very engrossed in what Ted Shaw had to say last night. I totally agree with him. Great movements, great changes in social justice, occur when there are movements, when there are actions of people with expansive, prophetic, moral visions and the courage to speak out in contradiction of all known social norms at the risk of disdain, contempt, loss of jobs, loss of housing, loss of life. The roll of such people is very long. I think immediately of Irene Morgan and Barbara Johns, names that may not be as familiar as they should be, and Septima Clark, who was the teacher of Rosa Parks. And of course Rosa Parks and Diane Nash and John Lewis. The particular individual acts of courage periodically coalesce into a great social movement. We know about this in the American Revolution and the French Revolution and the Russian Revolution, in the movement for independence in India and then throughout what had been the colonized world, and in the civil rights movement in the United States and its predecessor, the abolition movement in the United States and the destruction of the apartheid regime in South Africa. I am an incorrigible optimist, and, with that caveat, I must say I think I hear the rumblings of the tectonic plates in the immigrants' rights movement that has begun and will resume dramatically, I hope, on Monday and for many days to come. I hope that that movement will become much greedier than it is now. I hope that it will look for full human rights. Not just amnesty but also living wages and access to education and to healthcare and to housing, in the same way that the Montgomery Bus Boycott began with a request for more polite segregation and ended up as a much more dramatic movement for human rights.

Now each of us as an individual, of course, has a role to play in supporting, and some of you may have roles in leading, these great social movements. As Teddy reminded us last night, both Gandhi and Nelson Mandela were lawyers. They weren't acting in their capacity as lawyers when they led the great movements they led, but they were lawyers.

What I want to talk about is what we can do in our capacity as lawyers, as litigators, as judges, as legislators, as executive officials, as administrators. What are the roles that we have to play? Because, as critical as the direct action movements have been, each of them also relied on legal action by lawyers. The Montgomery Bus Boycott ended with the Supreme Court's decision in *Gayle v. Browder*. The desegregation of interstate transportation began with *Plessy v. Ferguson*, but then was advanced by *Morgan v. Virginia*, and then the Journey of Reconciliation, the Freedom Rides, and then an ICC order. We frequently say that the Voting Rights Act was created by the Selma to Montgomery March, and there's a lot of truth in that. But we needed the Voting Rights Act, and we also needed powerful action by the Department of Justice and Judge Frank Johnson

to enable the march to take place. So, the legal action – legislative, executive, agency, judicial – all is essential to make the direct action work.

I want to offer an answer to the question, what do we do in our capacity as lawyers. At this point I want to offer five big principles and three pieces of personal advice. The first big principle is: the minute you see a progressive movement poking its head up, do everything you possibly can to support it. Now, you're not always going to be Bayard Rustin rushing down to tell Dr. King that he's the new Gandhi. Very often, the movement you've perceived will fizzle out, but if we're lucky, one of these times it won't fizzle. It'll turn out to be the real thing. But I think it's critically important to support in every way possible any uprising of progressive movement.

Second, what are lawyers? Lawyers are problem solvers, and our first job is to identify the problem. Dr. King was right. Gandhi was right. The problem has at least three interrelated strands: poverty, racism, and militarism. They can't be separated. They're all together. That doesn't mean that any one of us has to work at all three at the same time. That would be difficult for most of us. But we have to appreciate the interdependence of those three problems, and we have to appreciate that it's not a national issue, it's an international, universal issue.

The third big principle, again as lawyers: we need to know where to go to get the relief that our clients need. When we're talking about domestic issues in the United States, that is at bottom going to be the federal government. There certainly is a great deal that can be done, is being done, at the local and state levels. This symposium began with a wonderful talk by Tom Perez, who discussed wonderful work that he and other people are doing in Montgomery County. But money is essential, and, in this country, the source of money is the federal government. I'll paraphrase Willie Sutton, who said that's why he robbed banks. That's why we always have to go after the federal government. That's where the relief is.

The fourth big principle is: focus on entitlement; focus on rights; talk rights talk. There is a big debate in the legal academy about whether it's appropriate to talk rights talk. I must say, I have no patience with that debate because I think it is essential to talk rights talk. Our role as lawyers is to give people the confidence that what they know they want is something to which they are entitled. I think that in every conceivable forum – in the courts, in the legislatures, in the media, in the public discourse – we have to take every opportunity to validate, to vindicate, the concept of entitlement to rights. We have some terrific sources for that, one of which is the Universal Declaration of Human Rights. Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care, and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control. Emma [Coleman Jordan], of course, is right. Our constitution doesn't

hold a candle to the constitution of South Africa, but the Universal Declaration of Human Rights, the International Covenant on Political and Civil Rights, and the International Covenant on Economic, Social and Cultural Rights lay out entitlements. Yes, of course, I'm not an idiot; I know that at this point, those documents are understood not to have force in U.S. domestic courts, but our job as lawyers is to see to it that they do achieve force in U.S. domestic courts. And, of course, I know that the United States has not yet ratified the International Covenant on Economic, Social and Cultural Rights, but part of our job is to see that that gets done.

If using the international documents seems too grandiose, use state constitutions. Helen Hershkoff at NYU has written two wonderful articles about state constitutional law, and she points out that every state constitution provides for economic rights. If you don't want to take on the international issues, those of you who aren't in the District of Columbia should take a good look at your state constitution and make reality out of the language in the state constitution.

Fifth, at bottom, I think, the standard that we can use when deciding what entitlements poor, oppressed, despised people have is by asking what it is we want for ourselves and our children. Everything that we expect for ourselves and our children is an entitlement that our clients have, and our job is to make it happen, to make it real.

Three pieces of personal advice: One is: support one another. Make alliances. What all of us are doing, and I speak also with particular concern to the young people here, to the students who are here, is bucking the status quo. You have to buck the status quo because the status quo is terrible. And in order to do that, we have to support the visionary legislators and judges and lawyers and administrators who are out there, people like Tom Perez. We can't sit this out. We need the hands-on endorsement and help and love of one another.

The second piece of advice is: take your work and your values home. Talk to your family, your friends, and your neighbors, many of whom – I am confident this is true of all of us – we've got some people hidden away in our families who think what we're doing is totally crazy. Shelley's nodding. I think everybody in the room would nod. I think those are the people, those are some of the people, those are important people to whom we need to speak. They need to see and to understand what we see and understand.

One of the really scariest things I've ever done occurred when I lived in D.C., which I still feel is home. Many, many years ago I worked with a group that was trying to keep a shelter for homeless people in Ward Three. I got hate mail. We all did. We got hate phone calls. That was a really scary piece of work, but I think we all need to do that kind of work.

And my last piece of – well, it's not really advice; it's an urging – is: be greedy, be unreasonable, be extreme, because the oppression that we're addressing is extreme and requires that kind of opposition. I know I could not do better than

to conclude with Dr. King's words in his Letter From Birmingham City Jail. Speaking to his fellow ministers, he says, "Though I was initially disappointed at being categorized as an extremist, as I continue to think about the matter, I gradually gained a measure of satisfaction from the label because," he said, it linked him with other extremists: Jesus, Amos, Paul, Martin Luther, John Bunyan, Abraham Lincoln, Thomas Jefferson. I think he was being generous to Jefferson, but Dr. King was a generous man. (Laughter.) He was a generous man.

So, be unreasonable. Be greedy. Be extreme. Thank you.

