

Liberatory Lawyering to End the School-to-Prison Pipeline – Ashleigh Washington, JD & Ruth Cusick, JD
Episode 64
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Shimon Cohen:

Welcome to Doin' The Work: Frontline Stories of Social Change, where we bring you stories of real people working to address real issues. I am your host, Shimon Cohen.

In this episode, I talk with Ashleigh Washington and Ruth Cusick, both co-founders of C4LL, The Collective for Liberatory Lawyering, about their work as movement lawyers to end the school-to-prison pipeline. I did a previous episode with C4LL collective member, Nicole Bates, and organizers Jewel Patterson at COPE and Edgar Ibarria at CADRE, where we focused more on the organizing approach, but in this episode, we get more into the movement lawyering work. Ashleigh and Ruth talk about how they use legal strategies in conjunction with organizing models and push the legal profession to use legal work in service of community liberation. They discuss how law and policy can be used as part of a larger organizing strategy to improve the material conditions for Black, Brown, Indigenous, disabled, and other marginalized students and families. They explain, using examples, how policy change is often not enough, without an organizing approach to ensure the policy change is upheld, as well as addressing harm that happens yet is considered legal. Ashleigh and Ruth talk about their shift from working in legal direct services, representing students and families being negatively impacted by the school-to-prison pipeline to their shift to movement lawyering in coalition with organizers, and the distinction between civil rights and education as a human right, where power must be built not just from a legal framework, but from a community shared-governance power model. They get into specific examples of how they respond when anti-Black racist harm is done in schools. Ashleigh and Ruth explain their new interdisciplinary practice approach called Barefoot Lawyering. They also share what is happening with LA Police Free Schools. I hope this conversation inspires you to action.

Before we get into the interview, I want to let you all know about our episode's sponsor, the University of Houston Graduate College of Social Work. First off, I want to thank them for sponsoring the podcast. UH has a phenomenal social work program that offers face-to-face master's and doctorate degrees as well as an online and hybrid MSW. They offer one of the country's only political social work programs and an abolitionist focused learning opportunity. Located in the heart of Houston, the program is guided by their bold vision to achieve racial, social, economic, and political justice, local to global. In the classroom and through research, they are committed to challenging systems and reimagining ways to achieve justice and liberation. Go to www.uh.edu/socialwork to learn more. And now, the interview.

Hey Ashleigh. Hey Ruth. Thank you so much for coming on Doin' The Work. I was blessed to have your colleagues on here on a prior episode, Jewel Patterson of COPE, Edgar Ibarria of CADRE, and Nicole Bates from C4LL. So just super excited now to have you both on here.

Ashleigh Washington:

Thanks for having us. Excited to be back, or to be back repping C4LL.

Ruth Cusick:

Yeah, agreed.

Shimon Cohen:

All right, so let's get right into it. For those who don't know about it, would you share the definition of movement lawyering? And also why was it important for you all to have your collective's name focused on liberatory lawyering? Which I just want to say is such a cool concept.

Ashleigh Washington:

Thank you. Appreciate that. So movement lawyering has developed from the idea of, first it was social justice, nonprofit lawyering, and then community lawyering. And then we got to movement lawyering from organizers who really pushed attorneys to understand that law should be used in service of the movement. So the goal is movement building and power shifting as opposed to passing policies, suing folks. So we're trying to build power with the community to be able to self-determine, to make their own changes, to defend themselves, to defend human rights and human dignity, and to say that lawyers don't need to lead that.

And then I would also say that for liberatory lawyering in particular, we think about democratizing legal expertise as one of our main goals. So the traditional lawyering model is that lawyers hoard the knowledge, whether explicitly or implicitly. They hoard the knowledge, and everyone needs to go to the lawyer to understand and to learn things. And for us, we break down if that community has this knowledge, they can do what they need to do because they're the most impacted. So the most marginalized people lead if they have the legal knowledge and analysis that we have, that we have the privilege of having.

And then the last thing I think for liberatory lawyering that we really think sets us apart or names us in the lineage but moves us forward, is that we co-design strategies. So instead of a legal strategy being a main thing or a campaign, it's within the long-term vision for us dismantling the school-to-prison pipeline. But in liberation work in general is how are we using these legal strategies in tandem with organizing models as a smaller part to get what we need to do? And for us a long-term commitment to the regions that we work in, to the partners, the organizing partners that we work with, all of that is important in movement lawyering, but especially for us in dismantling the school-to-prison pipeline work. You have anything to add, Ruth?

Ruth Cusick:

Thank you Ashleigh for getting that started. I'm just reflecting on working with some of our fellow organizers on really trying to create movement solidarity agreements in the legislative work we do. And one of the organizers named it as "from transaction to relations." And that's what I think what Ashleigh's lifting up in our focus on legal work and service of community liberation and even in really pushing and disrupting our profession is that we're moving at the pace of trust and relationships with organizers. And we believe so deeply in organizing as a discipline, as an art, its centrality and us in that ecosystem of support. So there's been a lot of talented movement lawyers, critical race theorists in the legal canon. And we're even in that circle trying to push folks to continue to evaluate just how the profession can continue to reify elitism or to really confront it in our partnerships.

Shimon Cohen:

So everything you both just said was super interesting to me, and honestly, some of it feels like a little bit of a different language sometimes with the lawyering stuff. And that's probably how community organizers can feel sometimes. And I'm from more of a activist organizer then turned social worker and then turned educator background. So one thing, Ashleigh, that you said that really stuck out to me was building power at the community level and not solely focusing on policy, getting legislation passed. So I

was hoping you could actually talk more about that and what that looks like. And then Ruth, you talked about movement solidarity agreements, and that I've never heard of that before, so I was hoping you could then say more about that.

Ashleigh Washington:

Yeah, thank you for that, for clarifying. We talk about it so often that we love when people ask us to clarify because here's how we need to talk about this thing when the next person asks. So for us, it's changing the material conditions of things. That's what we're working for. We're working for changing the material conditions for Black, for disabled students, for Brown students, for other marginalized students. And so policy itself is just to set the ground floor so that explicit and implicit bias can't take over.

So I'll give you an example. In Los Angeles Unified School District, LAUSD, we used to have a random searches policy. Students would get pulled out of class every day, searched, backpacks turned over. It was criminalizing and racist, as you can imagine. And so we fight to win that policy. We're trying. We're going back and forth until the policy is won after four years. It's amazing. It was a lot of hard work, but then we get news that some searches might be happening. Then the district doesn't write down the searches policy, which they still haven't done by the way.

And so for us it's you can change that policy, but if the systems and the structures aren't changed at all, it's just the law. It's just written down. And we know most things that happen in schools are legal. Most things that happen that are a violation of our human rights or a violation of family and student dignity, those things are legal. So it's how are we using the law to shift that policy so that we can actually change the material condition so we actually can monitor those policies, can work with students and parents to say, "What's actually happening? Has this worked? Has this not?" And so that for us goes beyond just the policy change.

And policy change is big. It's a big deal. Some people don't have any policy protection at all, so we need to fight for that. But it's beyond that because just that policy itself within our legal structure, so many things that violate our human rights are legal, and so we are trying to make sure what is the tangible change that you can see, that you can feel in the educational environment.

Shimon Cohen:

So for that example, and that really helps, and for that example around searches, you got a win, which was I guess from getting rid of this search policy that they could just do these random searches, which of course weren't so random because it's race-based searching. But then you hear about these searches happening. So then what do you do?

Ashleigh Washington:

So then our community mobilized. I mean, most of the places we work on have a very strong organizing infrastructure, but LA has a very specific and strong organizing infrastructure. So it's movement. It's our organizing partners getting with the students or the parents to get the information to say what actually happened. It's us as movement lawyers connecting with the district to flag, "This thing has happened. Do you know this is going on?" And then us getting together and saying, "Okay, what do we want to do with it? Does the family actually want to escalate or do we just want to make sure that we follow up on this policy?" Because we don't want to pull the organizers or pull the family into some movement that they didn't want. They're just like, "This thing has happened, and I heard it's not supposed to be happening anymore."

And so I think for us outside of the traditional sending a demand letter to someone or threatening to sue or all those things, the first is what do the organizers want to do? If they just want it to stop, because we have a whole other campaign about further defunding LA school police. And that's what we did. We escalate it and move through for the folks in the district to actually address what's happening.

Shimon Cohen:

And by you all being lawyers, the district is going to then take those organizers and parents and students more seriously, correct? Because they know there's the legal aspect behind it?

Ashleigh Washington:

No, I don't think, I mean, I think that there was a time when that was definitely a thing when we were working for a larger legal nonprofit and years ago I would have to put the name of the legal nonprofit in my email signature to get people to email us back on behalf of the organizers. But all of this power shifting that has been done over the years is that the organizers have equal, if not bigger, pull than we have. What our value added is that we worked to change the policy based on our understanding of how policy has evolved over the years, reading the policy, understanding. Our organizing partners are like, "Can we get a copy of this policy to understand what's actually happening?" And so our connection to the district is just because our organizers have a lot else to do. This is just one thing that popped up that we need to make sure doesn't proliferate or go get all over the place.

So it's not so much that the district wants to respond because we are the legal entity because they know our partners will turn up. If you don't answer, those organizers are showing up to your meeting to go off. It's to make it more streamlined because they know us. We have that relationship. We can just cite the policy, go there, and then see how it needs to escalate.

Shimon Cohen:

That's great. That's amazing. That's really amazing. So Ruth, do you want to add to that or? Okay.

Ruth Cusick:

No, I'll do movement solidarity.

Shimon Cohen:

Okay, cool.

Ruth Cusick:

So we're really excited to be a part with our organizing mentors. Some of them are Carl Pinkston from Black Parallel School Board and Maisie Chin, who's the former co-founding ED of CADRE. To have been a part of an evolving process really over the last 15 years on shifting how state legislative work to confront the school-to-prison pipeline happens in California and how it happens in a way that centers the lessons of local organizing. So supporting movement solidarity agreements in that process practically means it's not about capacity. All our organizers and our impacted parents and young people have the capacity and wisdom to name the harms, to name the solutions, but it's about bridging access. Because our folks, us as movement lawyers, we're not legislative experts. We haven't been running bills for 20 years like some of our colleagues who've just been in Sacramento in that language, in all of that insider track of how you make these deals, how quickly you have to change your bill to get it through a committee.

And so movement solidarity agreements are about how do we take this process that doesn't bridge access, that doesn't invite interdisciplinary reflection, and actually create norms where we can move at the pace of our relationships so that we can work early on, on what do we know about opposition? How do we have intentional dialogue and not just be like, "Oh, we're changing this bill. If you don't respond to this email in 24 hours, that's consent to the change." The way that people might be used to operating in their same professional, same sector, same training background. So it's really about... that's how we think about the work as interdisciplinary is respecting each of the disciplines, the expertise of our folks in Sacramento, but inviting them to think through how do they fully respect the expertise of our organizers and make sure that everyone can participate and be a part of decision-making in that process.

Shimon Cohen:

And are these formally written agreements?

Ruth Cusick:

Yep. And the hope is that they're a tool. So just the way the agreement we were just revising Shimon, it had consensus as the goal, and then we were reflecting. We have yet to be a part of a bill that actually made decisions on its amendments in a consensus process. So let's actually document, okay, if one of the organizers was going to block—the way it's been so far is if you couldn't hang with the amendments—you could drop off the bill. That doesn't honor expertise or joint alignment. So in some ways, these agreements might still have some aspiration, but we're really trying to have them as a blueprint to guide years to come that people can reflect back together and revisit them, use them in meetings, ground their process.

Shimon Cohen:

I mean, it seems like just the act of creating them and whatever that looks like is part of building the trust and the relationships, which then Ashleigh was saying factor into building power. Because if you don't have that trust in those relationships, the other work can't really happen.

Ruth Cusick:

Agreed.

Shimon Cohen:

It's really cool. I hope people listening can, I mean, we'll give ways to reach out to you, but people might be like, "Wow, that would be so interesting. I want to have something like that in my work." And I don't know if that's something you all do too, is help people formulate what those agreements look like?

Ashleigh Washington:

I think part of our—

Ruth Cusick:

Hopefully.

Ashleigh Washington:

Yeah, that's what I say. A part of our, we try to get movement lawyering, liberatory lawyering out into the canon and also to learn from other folks. So I think this model is something that we're, like Ruth said,

so we can replicate and learn from each other how to slow these processes down in a bunch of different places.

Shimon Cohen:

California, it's always leading the way, but before we get into some other stuff, which I know we are going to, and we talked about, I just want to, we did that other episode on organizing to end the school-to-prison pipeline with your colleagues. And then now, we're doing this one, which is a little different because it's more focused on the lawyering part because we didn't have as much time to get into that. But there's something that sticks out to me as someone who doesn't live in California who actually lives in Florida, which is... Everyone now is calling me. And every time I see someone they're like, "What's it like to live in Florida?"

And there are obviously, very intense issues here that are showing up in other places and this is really the blueprint of the right for the entire country that's happening here. It is really serious, and people are organizing against it. That's the other thing that doesn't often get nationally discussed. But one thing I think is really interesting is California gets touted as this very liberal progressive state, especially by the right. So then how can a prison pipeline exist in such a liberal, progressive place?

Ashleigh Washington:

Oh man. Because anti-Blackness is everywhere and anti-Indigeneity is everywhere. And I think I won't go into... I'm not even from California. I'm a transplant. Ruth is from California. But I think the history of California and racism and how it was founded really contributes to how it is now. And so there are areas right there. I'm a Black Queer person, and the way that I can walk around as a Queer person in LA or in Oakland is very different than I can in other places of the country. And I really take that to heart. I feel very good and safe about that. But racism shifts and morphs depending on the political conditions where it's at. And for our colleagues in the Central Valley, it's all Republican or it's all conservative.

We've had organizers tell us in the debates between people who are running from school districts and they'll ask questions like, "How do you feel about police in schools?" And both people will be like, "We love it." Whereas you can have candidates in other places in California, one is liberal and one is conservative. What do you do when you have two folks who are criminalizing? And so I think people don't understand in the national conversation about education, about the movement that the different political and... California is like five states. It's like all of these states together. The difference in those political conditions really makes a difference.

And I'll just finish with—whatever liberalism looks like—there's always racism in there. So we have a certain infrastructure that is different, or not conservative like Florida, but LA is hella classist. It's very, very capitalist. And so it's knowing the ways that those areas tout how they're liberal, and then looking at the under of what's actually happening to the people, I think that's what people miss.

Shimon Cohen:

Totally. And like you said, anti-Blackness is everywhere. And I find that it's often under this veneer of liberalism. As soon as you start pushing up against certain things, that's where it really comes out. So I appreciate you going there with me on that. And that's why you all got to do this work. That's why you're doing this work out there.

All right. So shifting into your own, what this transition's been like from you going from these legal careers in direct service, defending young people and families from school exclusion, arrests and discrimination, and now doing this work with organizers, what's that been like? What's that transition been like for you?

Ruth Cusick:

So Ashleigh and I got to meet through working at a very large nonprofit law firm, Public Council. And there's was a range of work we were getting to do together. So I think we were really fortunate to get to always be directly collaborating with organizers, but we all also held direct service cases where we were defending a young person who was being put up to be expelled from school. And if you're expelled from a school district it means they're banishing you from getting to go to a regular comprehensive school site for an entire year. It's such a mark of punishment and shame to you and your family.

Or representing students with disabilities in navigating just not having any access to their education because there was no set up. And I think for our team, we represented so many Black families where the interplay of the racism and discrimination around disability justice issues they were facing made it be like, "How is the student going to graduate without constant legal defense?" And I think we learned so much from just bearing witness, being a part of defending dignity, to be able to tell families that yes, this feels crazy because the way white supremacy operates in our schools makes you feel like this world must be insane because this is your baby, and how can they be treated this way?

But I think in creating the collective, the choice that we made together is we were so focused on doing something that was truly radical with our organizing partners and disrupting the norms around that sometimes transactional service, I'm the attorney. I'm the one who's going to defend you and your child, and believing that all families, community elders, young people who lived through this could do that. They can and they should. And we want to be a part of using all of our professional energy and passion into creating those tools together.

So it really was a conscious, explicit choice for us to make. And also a little bit of boundary setting with our partners because, like you always say Ashleigh, when the house is on fire, people want you to get the hose. People want you to show up to that hearing with them. They don't want you to say, "Hey, let's review some tools and you're cool. Go. You go cross-examine that principal. You go cross-examine that cop." But we felt like in the long range of racial justice work across the state in San Bernardino, in Fresno, in Bakersfield, that it meant doing something really different and that's where we're going to spend our energy. So it's just deep gratitude, and we hold with us all of those lessons we learned from being with families that way and now just a conscious choice to try to serve the long-term work differently.

Shimon Cohen:

Ruth, I think it's just really interesting. So do you see it as sharing legal power with people, that shift? Is that a thing?

Ruth Cusick:

Yeah, no, thank you for the question. And Ash and I got this great opportunity to be with our colleague in a social justice lawyering class. Doug Smith is our old colleague who's teaching at Occidental and we have two students. And so it was beautiful because we got to be students for a moment because Doug was going, the arc from how much people believed *Brown v. Board*, this huge seminal Supreme Court case and how many of the folks like Derrick Bell were a part of it. The way they have analyzed how much people, their hopes and dreams and the lived conditions of segregation in schools after that huge victory. And so I think for us, it has been about, even with families confronting together, that yes, there are times it feels so different to get to show up to school with an attorney and just feel like someone has my back. I'm in this place—

We've had case in the Antelope Valley where children are being called the N-word in school, and we as their attorneys are in the room, and in a straight face all these staff are like, "That didn't happen." We're

like, "Look at all this document." And it's just we have to be in that. The law's not going to do shit for you on that. And so really for us, it's getting to be in the space with organizers and families. We got this legal training and the jig is up on it being the end all be all. And it's really about coming together with organizers and attorneys with our families in these different communities to say, yes, we think the law might cover us, and in most times it won't because if the school wants to kick your kid out, they will do it.

So it's really about harnessing community power and what Ashleigh was talking earlier about the searches, it's about being together in a way with organizers, with families that folks in power know we're watching. That's really the shift to make because we're never going to shift constitutions or win enough cases to end racism in schools. And so it's about shifting really to what we think is shared governance for families to feel like we're a part of determining what happens in these schools. So I hope that made some sense. Now I'm just like going.

Ashleigh Washington:

No, I was just going to add just as far as the legal system, that's exactly what I was thinking Ruth, too. And also that we focus, I said a little bit earlier, but instead of civil rights, that's the legal frame, like what rights does the law deem that you have? We focus on human rights. Education is a human right. Education is not a central protected right under our Constitution, but it is a human right that we all want to fight for, and so that's what we try to bring people in. That's what we try to bring people in. How do we set the stage for transformational infrastructure such that in a school we're thinking about it's your child's right to literacy. It's your child's right to be able to learn. It's the parent's right to be able to be in that school and have meaningful participation such that they are co-creating the environment, the school climate, the policy.

So I don't think it's so much as bringing folks into the legal system, but trying to shift power such that the legal system isn't the end-all be-all. There are more systems that we have that we want to shift power within, and that's what we want to do with people. And that we build with folks.

Ruth Cusick:

And we learned that from CADRE, Shimon. That human rights framework is because Black and Brown parents and the organizers who support them were like, "There is nothing in this law that sees my child's dignity. I've been on the school site council. I've been in the PTA, and as soon as something went wrong, we were out. They didn't think twice about just banishing our family from a school site." And so I think that is just, speaks to, like you're saying Ashleigh, the power of organizing and the power to see beyond the law. Because I think just like we're talking about the fantasy of California, civil legal remedies, I think can operate as a fantasy to not really confront how deeply anti-Blackness, basic dehumanization of peoples is a part of the legal structure of this country so that our solutions have to exist outside of it in harnessing people power around change.

Shimon Cohen:

It's phenomenal. I made me think about a lot of stuff there, just about some organizing philosophy and interest convergence and Derrick Bell. But we'll get to that. I hope we can get to that. I want to ask you about your partners on that episode before. We heard from Jewel from COPE and Edgar from CADRE, and you've been working with COPE for a long time, is my understanding. And so what's next in that work, and what's happening to Black students right now in the Inland Empire schools, and how does that inform the work you're doing with COPE?

Ashleigh Washington:

COPE was really where I started my career when I first started working with youth with Ruth, that was who I entered with. I entered with COPE and the Inland Empire and holding that in LA at the same time. And so the work in the Inland Empire always informs the work in other places because it's so uniquely situated. There's an influx of Black folks who are being pushed out of LA and the Bay who are going to San Bernardino, to Riverside, to those Inland Empire communities, communities that already have Black folks there but are very conservative and now more Black folks are coming. And so the pushback to that has been so intense. I'm talking explicit racism, students being called the N-word, students being told they're not liked. Educators being told they need to leave if they are Black educators. And so knowing that about how Black students are treated there and what the reaction is going to be from when we do something like cut the police budget in LA school police has been very, I think, transformative in how I've thought about the work.

And so for what COPE is doing right now is thinking about who gets left behind. So Black girls get left behind in this criminalization conversation. Black students with disabilities, that intersection and how it works in the different districts, that gets left out of the conversation. So their focus really is right now with their—I mean, COPE does so much. They do so much in the Inland Empire. It's ridiculous. Everyone should learn about them. But the focus in education right now really is how do we get the resources for Black students for Brown students, while keeping in mind who's the most marginalized, who really gets left behind.

And so we're doing community investigation of that where everybody is trying to learn what's going on and what starts there is people coming and telling their experiences, telling us this is what's happening. Telling us... There's a district that I won't name that just happened where a bunch of Black students got these really racist Valentine's Day cards calling them animals, calling them the N-word. And the school is like, "Oh, you know, that just happens. What are we going to do about it?" And so what can I do legally there? Who are we going to sue? What policy are we going to change?

And so that is a matter of us using the investigation as a strategy to hold folks accountable to say, "This is what you are supposed to be doing, and this is what's happening instead. And how do we transform that?" And like Ruth said earlier, to let folks know that we're watching you, the community is watching you. And for these educators who don't care that the community is watching them, because that's a big thing that happens there and other conservative places, to build up the leaders who do care.

So then the more we have folks on the ground, the more we have folks within the system because COPE does a really good job of identifying leaders and progressive folks who are with them to really try to shift who has the voice, who has the power, and who will let more of us in to change the condition. So let me know if I didn't answer your question, I could talk about COPE all day, all day long.

Shimon Cohen:

No, I mean, I think that was a really good start. And some people might think it's shocking what you just said about what's happening. I mean, I feel shock, but then I also know these things happen. But they're not any less shocking either, I think. Because then if they become less shocking, it takes away the humanity of the people that it's happening to, and also to think about the students who are writing those things, what is going on there? Especially with all these shootings too.

So I guess I do want to follow up with that, Ashleigh, just in terms of, so what do you do when something that happens on I think a couple levels? So one of the level is the school itself. Another is the students and the families and the rage and pain and frustration and also the fear of if you do anything, then what happens to them? Because are these high school students?

Ashleigh Washington:

No, they are not high school students. They are very young students.

Shimon Cohen:

Because I mean, this applies to any grade level, but then what happens with the grade on the next test or the retaliation that can happen at the school level because there can be either retaliation from the students and their families who did write those horrifically racist things. But then there could also be the retaliation from the school towards those students and families for voicing that this was a problem. So I guess I'm just wondering how you all... And I know COPE is obviously deeply involved. How you all handle that?

Ashleigh Washington:

That's a good question. So COPE has led me right in. I like to call it being politically dexterous. They are just amazing. I've never seen before at walking the tightrope to where they are respected, they're a force in the community that has been able to shift and change things, and they disrupt these things. And so a lot of the fear of retaliation is they build deep relationships such in the district such that they hold the power themselves there where they don't have to worry about that. They know they have a base. They know they have folks, and they can just move from that. And so for the school itself, it's talking to those parents in those students who brought it up in the first place. So more than just moving on the school to see what happens it's gathering that information, like you said, that rage, things like that.

People in the Inland Empire, Black folks in the Inland Empire are warriors. Everybody is ready. These things happen. It comes to COPE. We're on calls, and we're like, "What are we going to do about it?" And so for us it's a matter of what's the school climate like in that school that led to that? These Valentine's Day cards are the 50th thing that has happened that people have had to brush away because their baby needs an education and what are they going to do? That's their school. So it's the school climate, what has been happening.

And then on the policy level, all of that, all of the things I just said, those are things that COPE is working on, has the infrastructure on, is leading on, and on the policy level, they're coming to me. We're working together to say what are the things that might be within this district's policy that we can hold up and say, "This is in violation of this policy. Or "Your school climate is not what you said it was going to be."

Districts get these awards for restorative justice or support or whatever, and you can use that to say "You are touted with this policy with these things, but this is what it actually looks like." Or if there is not policy in place, that's when you have demands when it's "These things have happened. Now, how do we craft demands such that we can co-create a policy to change what has gone on?"

And then the last thing again to the students and families that you said, it's just sometimes people just want to hear, "I believe you." I know when I had clients, and things would happen, and they'd be very riled up for a good reason, and going off, and trying to justify things to me, and I would just say, "I believe you. Don't have to prove it, none of this. I believe you." And that really changed the conversation. And so the same happens in the organizing landscape where I can just say, "That's messed up, and I believe you."

We're all shocked like you said, because it can't be... There's a numbness to it. We know we could get numb to it, but that is shocking. That is awful thing for a child to have to experience, and so to really acknowledge that, and empathize, and feel that together, is what allows us to build to the next step because we all hold the grief that this child has had to experience something so early, so traumatic. And then we hold the healing that is we are going to work to change this because this is ridiculous.

Shimon Cohen:

That's powerful. Change as healing is so important and such a powerful concept that I hope people listening and following take as a big takeaway from this in the work they're going to do. So I think this is actually a good point to transition back to some stuff I wanted to ask you about earlier, and we'll get into that and a couple other things before we wrap up.

So there's some different philosophies around how to go about change, I guess for lack of a better word. There's the building power approach, that some people just aren't movable, and you've got to build enough power with the people who are, or identify the ones who are movable and work to move them.

And then there's the hearts and minds thing. Maybe you can change hearts and minds. And I'm just wondering, do you all have a guiding organizing approach? I'm also thinking about your example with Derrick Bell and Brown versus the Board of Education. Because my understanding too is Derrick Bell's criticism of that was the US needed to look good internationally for racism and civil rights abuses here. And so that was the whole concept of interest convergence that White people have to have an interest in making these changes because still in a majority of places, White people are in these decision-making power positions.

So I guess I'm just wondering because this is something that keeps coming up in classes that I teach and conversations that I have where how do you move people, especially when they keep showing you that they're not going to be moved or they give the talk, kind of like how all these companies hired DEI people and now are firing them all or not doing anything, and not no change is happening. So I hope I'm making sense with what I'm getting at with this.

Ashleigh Washington:

Yeah, I can start Ruth, and then pass because the class that we were at that Ruth was talking about, they asked a similar question. So I think one of the reasons that I'm a movement lawyer and not an organizer is because I'm not a hearts and mind shawty. I'm not here to change your heart and your mind. I'm here to change or to help change the structure in the system and open up space because organizers are there to inspire, and to change, and to do that long-term work with families, with students, to not make enemies of the folks who are what they call the movable middle or things like that, to show them that there's a different way and to move forward to, if nothing else, neutralize the opposition because that's not happening.

There are people who are never coming around and to build with the folks who can, like you said, it's to build power. And I think that's really the power in organizing models. It's like, "How can I get to this person? How can I get to the idea in schools," for example. In LAUSD, there are parents who are calling... There are parents, there are students, there are teachers who may be calling for school police. They don't want to criminalize students. They don't want just students being arrested, but that's the idea of safety that they have. This is the idea of safety that the US has given us that the global powers that be right have given us. And so it's for us to show we can do something differently, and then we pull in more and more people say, "Oh, well this is what I was thinking too, this idea that all of these students are our students. If they will arrest one student, they will arrest your student as well."

So I think that's what we think about as the idea of who can move. It's the people who are not... Because there are people who are like, "No, there are bad students and there are good students, and your students are the bad students and they need to be arrested." But that's not the majority of people. And then the last thing I'll say about that when I say I'm not a hearts and minds, my focus is there's the Kwame Ture quote, "If you want to lynch me, that's your problem, but if you have the power to lynch me, that is my problem." And I think that power is where the movement lawyering really strikes at, and the desire is where the organizing strikes at. So I think that's the balance of where we sit.

Shimon Cohen:

That is incredible. That quote and how you just broke it down in two sentences. It really is because you're right. The desire part is the potentially changing part that you would hope. The power part, I guess that's a potentially changing part too. And there's just different ways to go about both.

Ashleigh Washington:

Exactly.

Shimon Cohen:

Ruth, you want to add? You're good?

Ruth Cusick:

When it's gold, it's gold. You don't need to.

Shimon Cohen:

So another question I have for you is about this interdisciplinary practice that you've named Barefoot Lawyering. My understanding is you're developing this work with organizing partners in the Central Valley. So maybe for folks outside of California too, what is the Central Valley? And then the bigger question is what is Barefoot Lawyering and what does that look like in the development of that?

Ruth Cusick:

Sure. So anywhere you are in the country, you eat food from the Central Valley. North of LA up through Sacramento is huge, huge agricultural sector. The cities you may know are Bakersfield, Fresno. And as Ashleigh said, so many people have been pushed out financially from the Bay in LA, that all areas in the Central Valley are growing. But we and folks across the country also know Dolores Huerta has her foundation in Bakersfield and has been a part of farm worker organizing, has been a part of transforming just how people think about their right to vote in these areas. And as Ashleigh earlier described, our colleagues, our organizers there, live in very different political conditions than we live in other parts of the state. Just as she's... Similar to what she was describing for COPE, just very different ways they have to talk about the racial justice issues we all work on together.

And Barefoot Lawyering was dreamed up with our elder, our mentor, Carl Pinkston. He's schooling all of us all the time on Ella Baker, on Marxism, on... So we dream together about, you know there's never going to be enough attorneys for families in LA who are facing pushout arrests in school. And there's no way. In different communities in the Central Valley, they don't even have someone to call. There's not even a where's the firm? So the Barefoot Lawyering dream is about creating networks of parent-leader guides. Folks with the organizers and with us have created tools where parents can really train, build solidarity, build power with each other to defend education access in schools. And our initial experimentation on this practice is with really powerful Native organizing.

Our colleague Anthony Utterback, based in Fresno, has been a part of a lot of different tribal work, but for the Native parents he's working with, what the school-to-prison pipeline even means. It's about confronting together the way Native families, Native students have had to learn a White history that has erased the harms against their community and erase their rich history in our curriculums, their history here in California as part of all of our origin stories.

And so as we talked about earlier from the shift to doing cases to being liberatory lawyers, movement lawyers, we want more and more other legal and social policy advocates to think from this Barefoot

Lawyering frame. Is what I'm doing creating the potential, the access points for folks to do this together on their own if I wasn't here?

Shimon Cohen:

And is there a model that you're following? I know you referred to some of mentors around that, but is there a model for this historically?

Ashleigh Washington:

Yeah, I think there's a bunch of grassroots models of it. It is Black folks in the south when they are not allowed to be in schools getting together and getting the education. So some Black folks are able to go out, get the certification, get the education to become teachers, and then come back and teach everybody how to read. That's right there basic barefoot education. You have education, and you bring back, and not everybody needs a degree. Not everybody has to go out there.

And then also organizing for problems. It's Black folks in basements trying to come up with these solutions because there is no lawyer who will take your case or a judge who will care about your case. So I think there are a bunch of models like that we find ourselves in the lineage of, that Carl evokes for us. We have been doing this as Black, as Native as other communities for as long as has been. And so for us now, we're trying to translate that to the currently how we practice as movement lawyers. But how we're building it? This is experimental. This is us being reflective of our practices, us bringing our experiences and saying, "How can we do this?" We know we can do this right, but what does it look like? So the answer is yes, there are models, and also no, there are not.

Shimon Cohen:

Where's the barefoot term come from?

Ashleigh Washington:

The barefoot term. There is a term barefoot doctors from China and some history there of folks who didn't have formal medical training and then were able to do some of that. And then barefoot lawyers came as a term later. And so that's where we got really from the original model of barefoot doctoring to the model that we know is more grassroots from Black folks in the civil rights and before that, and so we named it Barefoot Lawyering from that, from the idea that everybody walking the streets, everybody in every day of life, Ella Baker's philosophy, we can defend our human rights if we have the knowledge to do so, and we don't need these legal degrees or any of this nonsense that we have to jump through hoops for.

Ruth Cusick:

And the thing that we're most excited about creating is just a structure that really harnesses the power and the right to challenge decision makers in your school. Because I think some of the traditional know-your-rights work, as valuable as it has been on special education on other things, when we reflect with our organizers and parent leaders, sometimes they leave those trainings like, "I really need an attorney. You just talked to me about 100 laws. I couldn't... How do I ingest all those laws?" I'm like, "No, no. You don't need know all of that. You need to feel the right and to be in solidarity with another parent, another grandma, another auntie, another dad who's showing up to say, 'On what basis can you make this decision about my child's future?'"

Because schools do stuff all the time that's illegal because they are in a position of power, and also of course we want to lift up... We have a lot of progressives, allied educators with us, but we will never shy away from confronting that the decisions that get to happen in schools are often very hard for people to challenge. And it is about folks just feeling the right to say on what basis can you do this? Because actually... And showing up, imagine if any mama, any papa could show up with three other parents with them and not be cornered, not be "Sign this paper. We could expel your kid. We could arrest them," and not just be basically bullied all the time into making choices.

And so yes, we've made huge strides in California. Soon we're going to end defiance-disruptions-suspensions for all students, all grades. We keep chipping away at the state level, but that doesn't change the actual conditions across the state. And being a part of something that just really empowers folks to feel the right to have a very different conversation when something's going down for their kid.

Shimon Cohen:

Yeah, it's so important. You're right. The law can change, but it doesn't mean the school is an affirming place either for Black, Brown, disabled and other marginalized students. They shouldn't be marginalized period in the school. So to wrap up, I wanted to ask you all about the LA Police Free schools work you're doing and also your statewide work.

Ashleigh Washington:

I can start on the LA Police Free schools. So in 2020 after George Floyd was murdered, folks were able to push and to pressure. After years and years of organizing, that was the spark moment to be able to defund the LA School police department by 35%. So \$25 million taken from their almost \$80 million budget, yes, we celebrate, and put towards a Black Student Achievement Plan. And so now there's much more money towards that Black Student Achievement Plan, but there's still school police there. So it is a dual strategy right now of building up that plan, showing that it can work, showing that when you invest in Black student achievement, you invest in achievement of all students because they're most marginalized. So if we bring those who are most marginalized to center, you get everybody. And so that's the strategy now.

And I think for our intervention specifically, it's to hold all of the work that CADRE, that these other organizers had done over the years to transform this district, to get rid of some of those zero tolerance policies, to get school-wide positive behavior interventions and supports in the schools. And so we are there to investigate with community what's happening, to monitor, to bring in that knowledge, and to keep pushing with our partners in the Police Free LAUSD Coalition and elsewhere, our partners all throughout LAUSD, we just published a report, "From Criminalization to Education: A Community Vision for Safe Schools in LAUSD." And so we're really proud of all of the research, everything we brought in one place because what we get a lot...

I say it's disingenuous. It's this idea that like, "Well, what do we do? If we can't call the cops, what do we do?" And there are so many policies in LAUSD that have worked to shrink police power. This is what you do. This is infrastructure. So we put in one place: Here's all the research that says you don't need cops. Here is some alternatives. And our biggest push is for community-based safety right now. Getting our partners who are peacekeepers, who are intervention workers, who are credible messengers, which are folks who have experienced the system, who have been impacted by it, who are there to guide our young people, they experience what they are in community. We're there to say, "If you bring community in, if you really can do this, we can lessen the dependence on police, and criminalization, and school discipline and pushout."

So that's where we are right now is really balancing the factors between making sure they don't increase our school police again, that those things are still limited, that they invest in this program that really can boost what we can do for students and we have, and that we make sure that we're always connecting it back to school discipline, school climate and who's getting pushed out and monitoring that. And folks can go to safeschoolslausd.com to download the report and sign our petition to Superintendent Carvalho asking him to adopt our 5-point plan. We really want to push for it. So I would love for all the... And I know you know Superintendent Carvalho from Miami.

Shimon Cohen:

Yeah, you got him out there now.

Ashleigh Washington:

Yeah, we do. And I think our community is very powerful in that we know that he in Miami had a very close relationship with school police. After all the showing and all this stuff, he said publicly multiple times he will not be increasing school police. So he's coming to this district. People are calling for the increase. He's not saying he's getting rid of it for sure because that's not where he is right now. But I just like the power of the organizing to get somebody who came from the climate like he did in Miami-Dade, who has the relationship with school police that he had, to say, "Okay, I see where the community is. We will not be going back to the original budget. We will not be increasing." Now, who knows how committed he is to that, but that's just I think an example of how hard we've been pushing and relentless folks have been and continue to be in LAUSD.

Ruth Cusick:

So at the local level, the work is way more radical and transformative than it is at the state level. The collective... C4LL is not a co-sponsor on any bills. We see our role, as we previously described, as bridging access and helping more thoughtful interdisciplinary work happen between folks who have deep legislative expertise and are organizing partners. But one of the efforts that we are supporting is AB 1323 by Assemblymember Kalra. This is now our third legislative cycle attempt to pass a bill just to make discretionary the current mandatory notifications to law enforcement of a huge range of school discipline incidents. Right now, law enforcement, even if you've made local policy victories, our state law mandates all this interaction. And so we really believe that incidents that happen at school should be handled by educators, by mental health professionals, as Ashleigh said, community interventionists, that we should wrap ourselves around our babies, our young people, rather than to just continue to funnel what is such a harmful system in our court and carceral system. And so we'll see.

And then I mentioned earlier the long-term effort around ending defiance and disruption just as a veiled racist category for exclusion in our schools. So that's SB 274 by Senator Skinner who championed our last effort. So several different folks, on both bills, there's more than 10 co-sponsors. So you—ACLU, ABMoC, Black Parallel School Board, The Lotus Foundation, CADRE—there's so many, I can't name them, I can't rattle them off all, but it's a huge effort between expert policy folks and organizers on the ground who are really making sure that we don't do anything at the state level that doesn't leverage and support the local work in different regions.

Shimon Cohen:

You all are busy. You got a lot going on. There's a lot going on. I want to... Can we link to that report that you did? We can link to it in the show notes, which goes on the website, and also we'll link to your

website to C4LL's website so people can learn more about you, and these amazing models, and the work you're doing. And before we wrap up, is there anything you want to make sure we get out there?

Ashleigh Washington:

No, I think we covered it. Your questions are great. I will say that we did not have an Instagram the last time we did the podcast, but we do have one now.—liberatorylawyersca—so we can link them to show notes too, but for folks to follow us, see what's going on, and then to go to our website and join up on our listserv so they can see all the things that are going on. I never realized how busy we are until we say it to someone else out loud. So it's all written down in one place if folks want to go exploring. But thank you. Thank you Shimon. Thanks for having us.

Shimon Cohen:

Thank you all for coming on here for the second episode about organizing to end the school-to-prison pipeline, this time with a much deeper dive into liberatory lawyering and really just these concepts and the work you all are doing. It's amazing. And so thank you for your time and thank you for doin' the work.

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