

JUSTICE IS POSSIBLE, BUT YOU HAVE TO BELIEVE IT

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This is a transcript of a speech by Vince Warren, Executive Director of the Center for Constitutional Rights (CCR). The speech was originally delivered at the Bertha Justice Institute Social Justice Conference on June 6, 2014.

No lasting social change that has ever happened has happened through litigation alone. Law on its own just won't do it. So why go to law school?

In this post I ask three questions: how do we create change? How do I show up as an attorney? And how do I show up as a person?

Take the case against the NYPD on stop and frisk, or the suit the Center for Constitutional Rights has brought against the Vatican for widespread rape and sexual violence. In both cases, these institutions have the power and want the ability to police themselves. They have taken a conversation that should be about criminalization of Black and Brown bodies, and victimization of parishioners, and made it about a chain of command dispute. This is how conversations get coopted.

As an attorney, it is your job to ask: is there really *no* legal way this institution can be brought to justice? Even the most powerful institutions often have mechanisms for accountability in place, but those most negatively affected by the institution's actions have problems accessing them. It is your job to remove those obstacles, even if it means upsetting the status quo.

Social change, at its core, means changing the status quo. As a social justice attorney, you will face many power systems: corporations, the government, and public opinion, among others, but the most dangerous and also the most ephemeral is the status quo. Social justice change means changing the status quo, not just of society at large, but of your courthouse, of the legal jurisprudence you learn in school and on the job, and sometimes even of the culture of your public interest organization. Most of all, the path to social justice means first changing the status quo of your mind.

How do you show up as an attorney? One way to start is not to think from the perspective of an over-educated lawyer, but instead from the perspective of the person or group who is most affected by this policy or practice you are challenging. When that group gets together and says, "We're not going to take this anymore," *that* is when social change happens. When people start to come together and realize there is a justice that they cannot access individually, *that* is where

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power-building happens. That is also where the lawyering comes in—it may not be obvious to you when you’re working on the brief, but if you keep things in perspective, you will ask yourself: how would I change this terrible situation that these people are in? You realize that change needs to happen in partnership with your clients.

When you ask yourself how you show up as an attorney, remember: you’re not doing this by yourself. You bring your brains, passion and heart to this. You need to find out the facts and apply the law, but you are not doing it alone. For example, where do you get your facts? As an attorney, you are going to be talking about lives that are not your own, sometimes to people who couldn’t care less. How do you *understand and own* those facts?

How do you make the judge, the jury, or even your supervisor really *feel* the thing you’re going to do? We intellectualize our work, and we do need to be correct in the intellectual side of the work we do, but even within our attorney communities there are people who lead with their hearts, and people who look at things intellectually. You need to combat that distance. The forces of the status quo will try to force you to be distant, and you will be vulnerable because, honestly, you don’t know anything yet.

When I came out of law school, I didn’t know anything. My first client as a public defender in Brooklyn already had a federal trial case. He also had another state case, was on parole, was released, and then picked up on my little misdemeanor case. The client looked at me on my first day, and explained that I just needed to tell the judge that he would take the misdemeanor plea to wrap up both state cases, if the judge gave it to him now, with time served to run concurrently with his parole violation, so that he wouldn’t have any consequences for his other trial. My head spun. I had no clue what any of this meant. I talked to my supervisor, who said “Yeah, that’s what you should do.”

At every point in your career, you will find people who know the system better than you. You have to develop the listening skills and the hearing skills to figure out what is the best strategy for the client. That’s how to show up as a lawyer.

How do you show up as a human being? Anybody can put on a suit, but when you show up as the full human being that you are, when you are open to the plight of your client, you hear more, your clients trust you more, and you come up with better ideas. When I first considered law school, I was afraid I would come out all risk-averse and talking like Mr. Spock, and it just wouldn’t be me anymore. After law school I realized I had indeed shut off a little part of myself. As I found out, law students don’t do better on law exams because they care about the people in the issue-spotting fact pattern.

But in social justice lawyering, bringing that part of yourself is key, because you are an advocate for the people. What will set you apart in the context of movement lawyering is how you share with organizers. Take youth groups. You cannot bullshit with young people, or they turn off immediately. You have to show up in a very real and open way. You didn’t get that in law school. You might not get it during your summer internships. But, I ask you to dig in. There will be moments when success of a particular strategy will revolve mostly around how genuinely you show up with your clients.

What about justice and social change?

Change is possible when working with large groups that are organized around a principle. Your first goal when working with a popular movement is: don't mess anything up. Don't make their work harder. You have to be there in the way that they need you to be –sometimes that's just removing discrete obstacles. You show up, you enter into that space where they've tried politically to do something, you respect it.

You're going to be doing two things: fighting power, and building power. Fighting power is important—you have to bring your A game, which is a combination of law school skills and life lessons from moms, dads, aunties and grandparents. But you have to build power as well. You fight power on the outside, you build power on the inside. In direct legal services, sometimes there isn't a regular community you can tap into, but you can build power in the lawyers you're working with, in alliances with your client, and, importantly, you can build power within yourself. I promise you, you'll get your third assignment as a lawyer and say "OMFG I don't know how to do this," and you're going to get on the phone. That is okay. That is perfectly natural. I am always confronted with things I don't know how to do. That is part of what lawyers do. If it was easy they wouldn't need us and it would have been done already. Make sure you are taking care of yourself, that you're getting enough sleep, that you're loving the people you love, that you're getting support from the people that need to support you, and that you're giving that back out in your professional life and your personal life. If you don't got it, get it, and if you got it, good.

Finally, there is believing.

When all you have is a few fish and a loaf of bread, feeding everyone seems impossible. We ask ourselves to do the impossible at CCR all the time. Holy smokes, there is a targeted killing campaign that the U.S. President has just unleashed across the world. There is no geographical limitation as to where they can send drones to drop bombs. If you look at their rationale, there is no limiting principle to prevent them from doing it within the U.S. We don't want to live in a society where our relationship with government or corporate power relies on trust. Power is something to be curtailed because if you trust it, and you don't look at how that is playing out on the ground for people who are not you, we are all sunk.

You have to believe in the face of it all that justice is possible.

Gay marriage is a great example of this. Gay marriage is a huge debate in the United States. Slavery used to be a huge debate in the United States. Interracial marriage used to be a huge debate in the United States. Justice is possible. Justice happens and it will happen on your watch.

Fifty years from now, what we want to be doing is looking back saying "I can't believe there was ever a time, *ever* a time, when people even *cared* whether gay people got married. I can't believe there was ever a time when people thought, it must be good to just have black and brown people swept off the street by the NYPD." We should look back and say, "It is inconceivable to me that with great moral fanfare, we piled into immigration detention centers the people who make up the life blood of this country – people who come looking for opportunities, making society better, paying their taxes, sending their kids to school."

Others will look back, fifty years from now, and you know what they will see? Us.

They're going to be looking at us. They're going to be saying, "Couldn't you guys have done more? How did you let us get to this point? Weren't you guys in law school? Couldn't you have done something about this?"

What we're going to say is, "You know what? We did do something about this. We fought as hard as we could against every policy that dehumanized people. We fought hard to build power within communities so they could raise their own issues with the government. We fought back against corporations. We didn't side with money and power against people. We helped to build a safe environment. We did everything we could, and the reason we did that is because we knew justice was possible. We knew that fifty years down the road you would be looking back at us and saying, "We need you to act now, so that things don't get worse."

Justice is possible, and I am thrilled beyond belief that justice is in your hands. It makes all of us who have been in this game for a while very happy and inspired. I know that you don't know exactly how you're going to get there, and I know you can't do everything, but I also know you're going to do *something*.

Remember this most important thing: stick together. Together you will be fighting power and building power, and justice will happen on your watch.