

INTERVIEW WITH JANOS MARTON, DIRECTOR OF POLICY AND CAMPAIGNS, JUST LEADERSHIP USA

NICOLAS DUQUE-FRANCO*

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Duque-Franco: What is—and how did—Just Leadership USA’s (“JLUSA”) mission come about?

Marton: JLUSA’s mission is to cut the correctional population of the United States in half by 2030. The year was chosen in part because it is an ambitious goal that will drive the field. We have already seen in the few years since JLUSA announced that goal that other organizations have adopted that framework. The more literal answer to why 2030 is that 2030 is the year that Glenn Martin’s son turns 18.³ He wants to make sure that his son does not come of age in a United States that continues to incarcerate young men of color in such outrageous numbers.

Just Leadership as an organization was born out of the idea that people who are closest to the problem—and thus closest to the solutions—have traditionally been excluded from conversations about solutions. The history of most movements in the United States suggests that such movements are successful when led by the people most directly impacted. So, as an organization, we strive not only to advocate for criminal justice reform, but also to make sure that such advocacy is led by people who are formerly incarcerated.

DF: That makes me think about “Leading with Conviction” (“LwC”). Can you describe LwC?

M: Part of JLUSA’s work includes training formerly incarcerated leaders from across the country. Our signature program is called Leading with Conviction. This is a competitive, year-long program that brings together formerly incarcerated people from across the United States. In its third year, LwC currently has thirty-six fellows in the program.⁴ We always stress that LwC does not create leaders. Rather, JLUSA finds and identifies leaders, and then elevates their leadership through intensive training. That includes improving their public speaking, leadership in crisis, ongoing work with their local partners, or general management skills. Through this year-long training, we bring everyone together from across the country four times per year, and then check in with them on a regular basis remotely. In doing so, we improve

* Nicolas Duque-Franco is a third-year law student at New York University School of Law. He is deeply interested in issues of criminal justice, and he has interned in criminal justice organizations including the Department of Justice and the Federal Defenders of New York and San Diego.

³ *Biography*, GLENN E. MARTIN, <http://www.glennemartin.org/bio.html> (last visited Aug. 24, 2017).

⁴ *Leadership*, JUSTLEADERSHIPUSA, <https://www.justleadershipusa.org/leadership/> (last visited Aug. 24, 2017).

the level of their own leadership so that they can do this work better. That is important because we are not going to get significant incarceration reform by slowly opening offices across the country—the way some non-profits operate. Instead, we need to meet people where they are and elevate their work in different places that New Yorkers might never go. The goal is to train hundreds—and eventually thousands—of formerly incarcerated leaders who are already doing this to be even more effective and impactful in their work.

DF: Can you speak to the impact of that work?

M: I can give a great example that is quite recent. Bill Cobb, 2015 LwC alum, has been doing outstanding work in Philadelphia for years since he came home from prison.⁵ He started an organization focused on voter registration and civic empowerment of formerly incarcerated people. When the American Civil Liberties Union (“ACLU”) received a substantial amount of funding for criminal justice work, Bill was hired to be one of the deputy directors of the program—a great tribute to him and other formerly incarcerated leaders everywhere. In that role, he was able to bring the ACLU into Philadelphia to work on the local district attorney’s (“DA”) race. On Tuesday, May 16, 2017, in the democratic primary in Philadelphia, the most progressive, bold, and far-reaching candidate for DA won largely on the get-out-the-vote efforts of formerly incarcerated people and their allies.⁶

There are many other great examples. Kara Nelson from Alaska was the advocate standing next to the Governor of Alaska when he signed in major criminal justice reforms recently.⁷ DeAnna Hoskins, who is the Senior Policy Advisor for Corrections & Reentry at the Department of Justice (DOJ), became the second formerly incarcerated person hired by DOJ.⁸ Our leaders show up in big ways. They are people who were already making an impact before LwC, and are making an even bigger impact now.

DF: Moving beyond “Leading with Conviction,” what other types of work is JLUSA doing?

M: Generally speaking, JLUSA is a national advocacy organization. All of our work drives towards decarceration. Some of it takes the form of

⁵ Bill Cobb, *I Spent More Than 6 Years in Prison. Now I’m Deputy Director of the ACLU’s Campaign for Smart Justice*, THE AMERICAN CIVIL LIBERTIES UNION: SPEAK FREELY (Apr. 19, 2017), <https://www.aclu.org/blog/mass-incarceration/smart-justice/i-spent-more-6-years-prison-now-im-deputy-director-aclus>.

⁶ See *Krasner Wins Democratic Race for Philadelphia District Attorney*, THE PHILLY VOICE (May 16, 2017), <http://www.phillyvoice.com/2017-philadelphia-primary-election-results-district-attorney-controller/>; Chris Brennan & Julia Terruso, *Krasner Declared Winner of Democratic Primary for DA in Philly*, PHILLY.COM (May 17, 2017), <http://www.philly.com/philly/news/politics/city/Krasner-holds-early-lead-in-Democratic-primary-for-DA-in-Philly.html>.

⁷ James Brooks, *In Haven House Ceremony, Walker Signs Sweeping Reform of Alaska’s Criminal Justice System*, THE JUNEAU EMPIRE (July 11, 2016), <http://juneauempire.com/state-local/2016-07-11/haven-house-ceremony-walker-signs-sweeping-reform-alaskas-criminal-justice>.

⁸ Mark Curnutte, *Leader of Re-Entry Program for Ex-Offenders Stepping Down*, CINCINNATI.COM (Apr. 26, 2016), <http://www.cincinnati.com/story/news/2016/04/26/leader-re-entry-program-ex-offenders-stepping-down/83534158/>.

leadership training. LwC is an example of this. However, we also do one-day trainings called “Emerging Leaders” in different cities across the United States. That’s where some of our key staff and trainers go into a city and have a one-day workshop for formerly incarcerated leaders. This is, in some ways, a condensed version of LwC. The purpose there is to support and build up existing leadership in different cities, all of which are places deeply affected by mass incarceration.

Another component of our organization is our advocacy work. That includes #CLOSErikers here in New York City and state legislative work around New York State. We are now in the process of launching work in cities around the country based in part on the model we developed in #CLOSErikers. We have also worked on federal issues and, in particular, had a strong relationship with the DOJ during the last year of President Obama’s administration.

Finally, we are also a membership organization. Whether that occurs through organizers bringing in new members to a campaign like #CLOSErikers, or when people around the United States who are committed to our work sign up online, JLUSA is building a national membership to make sure that people who are formerly incarcerated know that they have allies and advocates.

JLUSA’S APPROACH TO MASS INCARCERATION

DF: In speaking about why this work matters, what would you say to someone who feels like mass incarceration doesn’t impact them? Why is this issue important to everyone?

M: Mass incarceration is a national problem in the United States. There are seventy million people with criminal records. It would be very surprising to me if a person did not know anyone who had been touched by the criminal justice system. That might mean someone who has been to jail, or interacted with the criminal justice system in some other way. The odds are that everyone knows someone—even if they are not forthcoming about it because of the social stigma associated with incarceration.

But, putting that aside, the impact of somebody’s experience of the criminal justice system is not just limited to the pain they suffer, or that of their loved ones, but also includes the communities that they come home to. When you look at the intersection of criminal justice and poverty, criminal justice and housing, or criminal justice and unemployment, you can see that we have set up people to fail by not providing these communities with substance education, job opportunities, and affordable housing. Then, we wonder why people end up in the criminal justice system. We do nothing to help people come back from the criminal justice system and wonder why that cycle continues. Even for people who are not directly touched by the criminal justice system, to the

extent that we are all part of communities across the country that are struggling with these issues, everyone is impacted.

DF: So, why are we here in the first place? In a prior press release, you had mentioned one important driver was the “War on Drugs.” Can you unpack that for us?

M: Yes, the War on Drugs is one of the drivers of mass incarceration. It is worth noting that as recently as the early to mid-1970s the population of people in jail and prisons across the country was far lower than today. So, this is a recent phenomenon in the context of American history. The United States has always been somewhat more punitive than other Western countries. However, the explosion of jail and prison populations had a great deal to do with racial politics, politics of vengeance, and certainly the War on Drugs. This included misguided answers to real problems. For example, when the crack epidemic or the heroin epidemic came in previous generations, society faced real problems. Those were real problems, but the response to them was entirely punitive, and failed the people closest to the issues. They needed help in holistic forms—not just to lock up people that may have been causing trouble in the community—but rather better health programs and better economic opportunities. Those other solutions just never came. That’s how we got here—a series of bad policies and a political system that has consistently rewarded people who use “tough on crime” rhetoric, even when that is not the best solution to criminal justice problems.

DF: Given the confluence of issues you just described, what solutions are available to us today? Do the answers to the problems of mass incarceration lie in the law or in other methods outside the law—policy, community building, etc.?

M: Well, certainly to solve the problems of mass incarceration you are going to have to change a lot of bad laws. There is no question about that. But, what drives laws very much requires a shift in people’s mindset about crime and about the people who commit crimes. Just to give an example, when you talk to victims of crimes, their primary hope is to regain a feeling of safety and sense that this will not happen again. This is often more important than locking up the person who had committed a crime with a really long sentence. How did we get to a million people in prison? A lot of it is that sentences have changed dramatically. They have almost all become longer and longer for the same offenses. That change results from us thinking that—without any real sociological basis—longer sentences deter people from committing crimes.

DF: Do you think that longer sentences deter?

M: I do not. Research done by Professor John Pfaff in his latest book, *Locked In*,⁹ demonstrates that deterrence can be an effective way to reduce

⁹ Adam Gopnik, *How We Misunderstand Mass Incarceration*, THE NEW YORKER MAGAZINE (Apr. 10, 2017), <http://www.newyorker.com/magazine/2017/04/10/how-we-misunderstand-mass-incarceration> (reviewing JOHN PFAFF, *LOCKED IN: THE TRUE CAUSES OF MASS INCARCERATION AND HOW TO ACHIEVE REAL REFORM* (2017)).

crime only to a limited extent. The person committing an offense really has no idea whether the sentence is five years, ten years, or minimum twelve years up to twenty-five years. Simply put, there are other reasons driving a person's behavior. To me, longer sentences are political winners, and law-and-order candidates like to run on increasing the length of sentences of crimes. But that doesn't do anything to actually reduce crime. What it does do is leave people who made mistakes locked up in prison for many years after they should have been released.

DF: That's a great point and makes me think of the infamous Willie Horton story.¹⁰ In light of a historical approval for law-and-order candidates, how do you make law-and-order candidates less effective in politics?

M: Well, I believe it's already changing in some places. What's fascinating about this district attorney race in Philadelphia is that district attorneys traditionally position themselves as being hard on people who commit crimes. But, in this outcome, we observed a race in the other direction. Each candidate tried to one-up each other to better reform the criminal justice system. To be fair, it is just one city, but you can see it in New York City in the race for Brooklyn District Attorney¹¹ and also in Chicago, where a state's attorney was similarly unseated by a challenger focusing on criminal justice reform.¹²

SELECT ISSUES IN CRIMINAL JUSTICE

DF: I would like now to get your perspective on a few specific national issues. What is Just Leadership's position on state statutes that reduce sentence lengths for nonviolent crimes exclusively?

M: Just Leadership is firmly of the belief that we are not going to solve the problems of mass incarceration by focusing on nonviolent, non-felony, non-sex crimes or by paying too much attention to laws that only support first-time offenders. Our prisons are full of people who have been accused of, and pled to, violent crimes. Importantly, sometimes the definition of a violent crime is not what you would expect. Maybe somebody was a teenager driving in a car that was used in the commission of a violent crime. It would not be reasonable to call that person a violent person or even what they did a violent act. But,

¹⁰ Beth Schwartzapfel & Bill Keller, *Willie Horton Revisited*, THE MARSHALL PROJECT (May 13, 2015), <https://www.themarshallproject.org/2015/05/13/willie-horton-revisited#.ATqKjjBRp>.

¹¹ Gwynne Hogan, *Candidates Compete for Title of Most Progressive in Race for Brooklyn DA*, DNAINFO (June 6, 2017), <https://www.dnainfo.com/new-york/2017/06/06/downtown-brooklyn/district-attorney-criminal-justice-law-enforcement-kings-county-brooklyn>.

¹² See Scott Rodd, *Cook County's State's Attorney Race Is A Watershed Moment For Black Lives Matter*, THINKPROGRESS (Mar. 14, 2016), <https://thinkprogress.org/cook-countys-state-s-attorney-race-is-a-watershed-moment-for-black-lives-matter-d3a982f1238d/> (discussing Kim Foxx's pro-reform reputation relative to the democratic incumbent, former State's Attorney Anita Alvarez); see also Tom Schuba, *'Relentless' Kim Foxx Wins Cook County State's Attorney Race*, NBC CHICAGO (Nov. 8, 2016), <http://www.nbcchicago.com/blogs/ward-room/kim-foxx-wins-cook-county-states-attorney-race-400025061.html> (discussing final results of the race).

under today's laws, that person would be in prison for a violent crime. Given the numbers of people who are in our prison system for violent crimes, we simply cannot solve mass incarceration by focusing exclusively on these "non's" and creating a divide between nonviolent acts and violent acts.

In many legislative bills, there is a trade-off in which legislators offer to reduce sentences for nonviolent acts in exchange for treating people accused of violent crimes more harshly. That kind of trade-off is unacceptable. We already have the longest sentences in the world for many of our crimes. Really, we think there should be sentence reduction for all crimes. If you look at countries across the world, including places that are not so radical—Germany, for example—you will find sentence lengths far shorter than those in the United States, even for crimes that we consider very serious.

DF: What are your thoughts on alternatives to incarceration (i.e. drug courts and the like) and how does Just Leadership view them?

M: So, I should say at the outset that, in general, a person being outside of jail or prison as opposed to being inside a jail or prison is an improvement. I do not want to be disparaging of successful clemency acts or successful alternatives to incarceration because certainly both exist. JLUSA's biggest concern around alternatives to incarceration is about net-widening. In our slogan, we say we want to cut the U.S. correctional population in half by 2030. That U.S. correctional population is not limited to people in prison; it includes those in jail, and also people on parole, probation, and supervised release. Many concepts in the "alternatives to incarceration" space began as pure alternatives and then became a "but-also" addition to incarceration. For example, with parole, people now serve long prison sentences and long parole terms when they come home from prison. That was not the original intention behind parole. Similarly, when you look at alternatives to incarceration programs, you have to ask if the person is somebody who is going to a drug court instead of going to prison, or if they are someone who realistically may have had their case dropped, or ultimately pled to a minor crime, in regular criminal court. The question is whether, lacking an "alternative to incarceration," would that person would have been allowed to carry on with their life without the intrusion of long-term relationships with drug courts or probation officers, or any of the attendant vestiges of the criminal justice system. Now, I will say that there are certainly, especially here in New York, examples of community-based alternatives programs that are very positive.

DF: Like Red Hook?¹³

M: Yes, Red Hook is well liked in the community. There are also programs in the Bronx that really invest in the person—whether that be making sure someone finishes their GED or high school equivalent, or receives drug treatment. There are certainly examples of programs that really help people.

¹³ *Red Hook Community Justice Center*, CENTER FOR COURT INNOVATION, <http://www.courtinnovation.org/project/red-hook-community-justice-center> (last visited Aug. 24, 2017).

But, in the only study I have ever seen of the New York supervised release system, once contrasted with the control group, the study found that forty percent of the people in the program probably would have been released on their own recognizance when compared to people with similar charges. So, yes, we are helping some people by diverting them from general prison systems, but for other people, we are bringing them into more contact with the criminal justice system than was really needed at all. So, at JLUSA, we approach all of these programs with healthy skepticism, acknowledging that there are individual examples of successful programs.

THE #CLOSErikers CAMPAIGN

DF: Let's focus now on #CLOSErikers. On March 31, 2017, Mayor de Blasio announced that New York City will officially close Rikers Island.¹⁴ JLUSA was at the forefront of the campaign to achieve that. First, how was JLUSA successful in that campaign?

M: We were successful because we were unrelenting in the pressure we put on Mayor de Blasio and because the pressure that was put on the Mayor came from communities that most directly impact him. I will discuss first who the campaign is, and then talk about the strategies/tactics. The campaign was led by Glenn Martin, who himself spent time on Rikers. It included the voices of many people from across different organizations who had personally experienced Rikers, spent time there themselves, or went because their loved ones did. It was really important to us at all our actions, rallies, and press statements to include those voices. Those voices reminded everyone of the values that underpinned the campaign. This was not an issue campaign based on ideology. This was a values-driven campaign based on people's lived experiences. We were never going to stop caring about this issue because this issue so deeply affects us.

DF: How did the campaign unfold and pick up momentum?

M: When #CLOSErikers launched in April of 2016, there was a lot of skepticism that this was an unachievable goal. Not only from the Mayor, the press, and the City's elected officials, but also from our own allies, some of whom signed on to support the mission while expressing concern as to whether this was really something we could accomplish. For me, one of the major turning points was September 2016. We had a march of about 1000 people across Astoria, Queens to the foot of the Rikers Bridge.¹⁵ We held a two-hour

¹⁴ See Chelsea Rose Marcus, Graham Rayman, & Rich Schapiro, *Mayor de Blasio Vows to Close Rikers Island: 'It will happen'*, NEW YORK DAILY NEWS (Mar. 31, 2017), <http://www.nydailynews.com/new-york/mayor-de-blasio-vows-close-rikers-island-article-1.3015274>.

¹⁵ Press Release, #CLOSErikers, Nearly 1,000 People March and Rally in Queens in Action to Close Rikers Island Jail Complex (Sept. 26, 2017), <http://www.closerikers.org/media/press/nearly-1000-people-march-and-rally-in-queens-in-action-to-close-rikers-island-jail-complex/>; see also Chauncey Alcorn & Denis Slattery, *Activists rally in Queens for call to lock up Rikers Island and throw away*

rally that included not only the voices of formerly incarcerated people, but also elected officials, celebrities, and advocates. That single day reshaped the way a lot of stakeholders thought about the depth of commitment and support for the campaign. It made people realize the political power associated with the campaign. From that day, we had thirty-seven press hits. Coming out of that march, the line of questioning was also different. Instead of asking *if* or *why* Rikers Island should be closed, people began asking *how* you would go about closing. We had not experienced that before. From there it was clear that people were taking the campaign seriously. We had a number of other large-impact events to highlight the issues including a vigil outside Gracie Mansion¹⁶ and other smaller actions.

However, it soon became clear that even though the campaign was starting to resonate in the political space, Mayor de Blasio himself had not yet felt the pressure. So, we spent a lot of the winter and early spring directly applying that pressure. That meant that any time we saw the Mayor had a fundraiser or town hall, we would show up even with only a dozen people if given last-minute notice. We would show up everywhere. One day, we found out he was giving a keynote speech at a Democratic Party fundraiser in Florida. One of the campaign's organizers is from Florida, so we sent her to organize with Black Lives Matter and the Dream Defenders down there. When the Mayor showed up to give his big speech, #CLOSERikers was there waiting for him. That made Florida news, New York news, political news, etc.¹⁷ It made the Mayor's team crazy. The event was an important reminder that we were not going to go away.

So, as all of that was happening out in the streets, we were also working really hard in the political space. We had early support from the City Council Speaker Melissa Mark-Viverito, New York City Comptroller Scott Stringer, and more than half the City Council. Governor Cuomo came on board with closing Rikers several months ago. While all of this was happening, the Lippman Commission, chaired by former Chief Judge Jonathan Lippman, was in the process of issuing its report on whether Rikers should be closed. Our campaign put in an enormous amount of work inside and outside the Commission, pushing it to adopt as bold a vision as possible.

DF: How did you engage with the Commission? Did that impact the Mayor's decision?

the key, NEW YORK DAILY NEWS (Sept. 24, 2016), <http://www.nydailynews.com/new-york/queens/activists-queens-lock-rikers-throw-key-article-1.2805022>.

¹⁶ See Kari Lindberg, *'I Lost Four Years With My Father': Protesters Renew Calls to Shut Down Rikers*, REWIRE (Dec. 8, 2016), <https://rewire.news/article/2016/12/08/lost-four-years-father-protesters-renew-calls-shut-rikers/#CLOSERIKERS,#CLOSERikersVigilatGracieMansion>, YOUTUBE (Dec. 30, 2016), <https://www.youtube.com/watch?v=GkrcbdEv4YA>.

¹⁷ See NY1 NEWS, *On Fundraising Trip, Mayor Meets with Protesters in Florida Before Heading to Los Angeles*, SPECTRUM NEW NY1 (Mar. 5, 2017), <http://www.ny1.com/nyc/all-boroughs/local-politics/2017/03/5/on-fundraising-trip--mayor-meets-with-protesters-in-florida-before-heading-to-los-angeles.html>.

M: One role that we played was to attend community forums put on by the Lippman Commission. Two were held in Manhattan, and one more in each other borough. Each of these forums was packed with JLUSA supporters. Our members were very powerful in telling their stories to the Commissioners. In fact, I remember one moderator asked the room, “Is there anyone here who is *not* for closing Rikers?” Not a single person raised their hand. It would have been difficult for the Commission to come to any other conclusion based on the community feedback they received. Though we do not agree with everything in the report, the Commission did, to their credit, issue a progressive report and we agree with much of it. There was a significant investment of time on their part to get the best research and data on how the City could move forward on closing Rikers.

In late March, as the Lippman Commission was in its final weeks, it became clear that, not only was the report going to be very strong (and anchored by the Chief Judge), but also other political actors were going to come out and support it. This confluence of voices was likely to isolate the Mayor as the only politician in New York City who thought Rikers could be fixed with a new coat of paint and some extra programs. So, the Mayor sought to get ahead of the curve and made a rather rushed announcement one Friday morning that he supported closing Rikers. That day, closing Rikers became City policy.

DF: So, what does that mean? How will the City proceed?

M: That means two things. First, we do not want to minimize the historic nature of this victory. It is a really big deal that it is City policy to close Rikers. This has been the most notorious jail in the country for decades. It has been a scar on New York City since the mid-1930s when it opened.¹⁸

Second, #CLOSErikers plans to keep up the pressure on Mayor de Blasio until we see that his actions match the seriousness of his original rhetoric. For example, the Lippman Commission’s detailed report explains how one would close Rikers. The Mayor claims not to have read the report. He claims not to agree with the report. He does not have a plan. To us, that is completely inconsistent with a mayor who is serious about closing Rikers. So, one of our main demands at this point is that the Mayor come up with a plan or adopt the Lippman report for moving forward.

Third, the Mayor has yet to appoint anyone to oversee the closing of Rikers, which is going to be a complicated endeavor. No one knows who at City Hall is in charge of this process, even less now that Commissioner Pontes resigned.

DF: What else are you demanding?

¹⁸ *Rikers Island Timeline: Jail’s Origins and Controversies*, NEW YORK DAILY NEWS (Mar. 18, 2017), <http://www.nydailynews.com/news/crime/rikers-island-timeline-jail-origins-controversies-article-1.3001976>.

M: We also want the Mayor to take actions to close Rikers as soon as possible.¹⁹ He has said that it will take at least ten years. But, we think that is a political timeline. For example, we could begin reducing the population of Rikers now. Some of that requires city law changes. Some of that requires state law changes. Some of that requires changes to the behavior of district attorneys. But, all those things could happen very quickly given who has said they support closing Rikers. Also, of course, there are a series of infrastructure questions—how to close the jail down, how to renovate existing borough facilities to accommodate people from those boroughs as recommended by the Lippman report—which takes some amount of time. However, neither of these goals would take ten years. We think that by constantly using the refrain of ten years or longer, the Mayor is trying to punt this issue down the road.

DF: Refocusing on the Lippman report, can you describe to us the key recommendations with which JLUSA agrees?

M: The part that we are in complete agreement on is that we need to significantly reduce the number of people in jail in New York City. We think we can cut the New York City jail population in half. We have done it once before. The jail population in New York City used to be around 20,000 people in the early to mid-1990s. Today, there are about 9700 people in New York City jails, at least 7500 of whom are in Rikers.²⁰ We think we can cut the jail population from 9700 to about 5000 by implementing reforms and changing behaviors in the criminal justice system.

DF: How do you do that?

M: First, you need to address bail. Bail remains the number one issue in the New York City criminal justice system. The criminalization of poverty is completely unjust and we can make major strides towards reducing the number of people in Rikers by looking at the people who are currently having low amounts of bail set—bail figures that any middle-class family would pay in a heartbeat to bring their loved ones home pre-trial. When we set bail for indigent defendants, we are saying it is okay for people of less means to wait at Rikers Island. I would say bail reform is the biggest way we can reduce the numbers. The second biggest would be speedy trial and case processing reform. There are way too many people at Rikers who have been there for months or

¹⁹ In the months following this interview, the Mayor’s office announced a “[r]oadmap . . . to reduce the size of the average daily jail population by 25%, to 7,000, over the next five years.” See OFFICE OF THE MAYOR, *Mayor de Blasio Announces “Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island”*, CITY OF NEW YORK (June 22, 2017), <http://www1.nyc.gov/office-of-the-mayor/news/427-17/mayor-de-blasio-smaller-safer-fairer--roadmap-closing-rikers-island->. For a more detailed explanation of the Mayor’s plan to close Rikers, see also A ROADMAP TO CLOSING RIKERS, <https://rikers.cityofnewyork.us/> (last visited Aug. 24, 2017).

²⁰ INDEPENDENT COMMISSION ON NEW YORK CITY CRIMINAL JUSTICE AND INCARCERATION REFORM, A MORE JUST NEW YORK CITY 10 (2017), <https://assets.documentcloud.org/documents/3533809/Independent-Commission-on-New-York-City-Criminal.pdf> (“[O]n any given day, three-quarters of the roughly 9,700 people held in New York City’s jails are awaiting the outcome of their case The vast majority of those incarcerated in New York City, more than 7,500, are housed in nine jails located on Rikers Island”).

years. In the case of one of our members' sons, that individual has been waiting for years for trial.

DF: How does this tie into Kalief's Law?²¹

M: One of the reasons people spend years waiting for trial is our speedy trial statute, so we're working on legislation at the state level to fix that. Kalief's Law is related to this and would provide relief for some of these individuals. However, some of the problems are not just statutory, but rather how the court system operates, and the fact that the system is so poorly coordinated that we do not even know if it's under-resourced or just badly managed. The fact that somebody can be waiting for years for trial because there are no court rooms available or open for their next court date is something that we could fix without the benefit of legislation.

So, that is the number two issue. There have been various numbers floated around, but some suggest that as many as 1800 people would not be in the jails today if their case times were tracking more closely to what the speedy trial statute ought to require (i.e. that the state bringing misdemeanor cases within three months and felony cases within six months).

Third, the Lippman report talks about supervised release. I think I have made clear our position on supervised release. We are in favor of it as a true alternative. We are not in favor of it if it becomes a net-widening tool. At the national level, it is very hard to measure something like that. At the New York City level, however, we know the court system very well and we can certainly see whether it is in fact decarcerating the city or not.

JLUSA'S NATIONAL AND FEDERAL ADVOCACY

DF: How does this campaign fit in with JLUSA's overall advocacy strategy?

M: The transition I would offer here is that we picked the #CLOSErikers campaign for a couple of reasons. First, we are based here in New York City and it would not make sense to talk about the national crisis of mass incarceration without looking at this horrific jail in our backyard. The other reason is that Rikers is a place that everyone knows. There is hardly a place you can go in the country, especially among criminal justice communities, that is not familiar with Rikers. It is widely known from its use in pop culture and media. We hope that by closing Rikers here in New York, we can inspire people to take action in their own communities. We hope that this win is an inspiration for all groups, whether they be small community groups or national organizations working on these issues.

DF: How does JLUSA plan to build on the Rikers win at a national level?

²¹ See Beeth Fertig, *Albany Lawmakers Reach Compromise on Faster Trials*, WNYC (June 7, 2017), <http://www.wnyc.org/story/albany-lawmakers-reach-compromise-faster-trials/>.

M: We want to take the lessons learned from #CLOSErikers and roll them out to cities around the United States. In selecting projects, we will be looking at cities where Just Leadership alums and other formerly incarcerated leaders have a prominent role in the criminal justice conversation. Another important criterion is whether there is a bold reform or action akin to #CLOSErikers that we can take on in that city. That might mean closing a jail or prison, or even legislating around a particularly heinous local law. For us, having a bold vision is essential because it moves the field.

DF: It sounds to me like going national means staying local. Is that how you see the work?

M: We have concluded that an enormous amount of work needs to be done, and can be done, at a municipal level. In this political environment, federal and state work will certainly be important, but there is an enormous need for work in cities whose communities have a high percentage of people of color and which have been over-policed and over-incarcerated for a very long time. Local leaders—whether they are mayors, council members, or district attorneys who are self-proclaimed progressives, reformers, and liberals—often say the right thing on criminal justice, but also operate some horrific jails in their own backyards. So, we see the recipe for decarceration happening at the municipal level. If you look at the country's incarcerated population, you will notice that a high percentage of those people often come from the biggest city in their state. So, we think there is great value in going straight to the source by dealing with mass incarceration at the city level.

That is not to say that we will entirely discount federal issues. It's just that, since most of the incarcerated population in the United States is driven by the local and state criminal justice systems, the federal system is not necessarily our top priority. As terrible as federal policy is, it will not be able to completely set back the criminal justice movement. Nonetheless, we intend to open a Washington, D.C. office in the next year to push back with all of our vigor against the Attorney General and the President's backward thinking on criminal justice.

The rhetoric we are seeing from this President is completely out of step with factual reality and really quite poisonous. We are going to be mobilizing communities to push back against that. Not only to play defense, but also to move forward on a bold federal agenda for criminal justice reform that will end mass incarceration. So, if that means supporting a bill that has a zero-percentage chance of passing in today's Congress, we are happy to support it, just as we supported #CLOSErikers even when people thought it would never succeed. We want to create a vision that people can get excited about, not just play defense or create watered-down, compromise bills.

DF: What do you make of the pro-reform elements of the conservative party in the criminal justice space (e.g. Rand Paul, the Koch Foundation)?

M: I think that is still too early to be determined. On the one hand, any time you are talking about fewer people in prison or jail, that is a good thing. It

remains to be seen if all people who fall under that bucket are seriously committed to the reforms needed to reduce the population in a meaningful way. Sometimes, for example, you hear rhetoric about first-time nonviolent drug offenders. We agree that first-time nonviolent drug offenders should not go to jail or prison. But we also do not think you can stop there, which is a place where some people of all political persuasions tend to stop. I think that the next few years will be interesting in seeing whether the conservative criminal justice movement is committed to reform. There are certainly examples of individual actors or organizations from the right that come at this with good intentions and we want to work with them.

We are keeping an open mind about it. We are nonpartisan. We know you cannot get to two million people in prison without the wholesale cooperation of both political parties. Criminal justice is not a traditional left-right issue. We are going to be critical of any Democrat who is bad on criminal justice and support any Republican who is good on criminal justice. We are going to be vigilant in holding all people from both parties accountable.

DF: Speaking to some of the Attorney General's ("AG") most recent policies, how does JLUSA plan to respond to AG Sessions's latest charging memo instructing federal prosecutors to always charge the most serious, provable offenses in each case (i.e. those with the highest sentences)?²²

M: I would have to see if we issued a response to that memo, but speaking generally, that kind of retrograde thinking of the War on Drugs is so out of step with political discourse these days that even most Republican executives around the country have declined to follow suit. If there is any encouraging news about the Administration's approach to criminal justice policy, it is that their approach seems to have fallen on deaf ears. It does not seem like anybody is following this Administration in their desperate attempt to recreate a culture of fear. So, while we certainly disagree with many of their policies, the hope is that even now leaders of both parties from across the country—especially executives at the state and local level—will continue to largely ignore the rhetoric of this administration.

ADVICE FROM JANOS MARTON

DF: As a final question, I would like to turn to your career background and aspirations. Specifically, how do your prior roles in politics, policy, and litigation influence your work today, and how have you managed the transition into organizing and advocacy?

M: I have had a peripatetic career. I have an interest in a lot of different aspects of this work. So, I have been privileged to work in many different capacities. Like many law students, I did start my career in big law. I do not

²² DEPARTMENT OF JUSTICE, *Memorandum for All Federal Prosecutors from the Attorney General: Department Charging and Sentencing Policy* (May 10, 2017), <https://www.justice.gov/opa/press-release/file/965896/download>.

have too many positive things to say about the work experience except that it taught me a level of professionalism that is useful in any legal, or even non-legal, profession. That is especially true when you work in office environments that do not have the time or resources to train you. I valued the high expectations of work product in big law, even if the clients were not necessarily the ones that I would have been favoring.

From there I went to a small civil rights firm—Siegel, Teitelbaum & Evans LLP—that had truly interesting work. I have to confess though that even by then I was starting to conclude that litigation was not the direction I wanted to focus on for my career. I have always been very interested in policy and thought that policy might be the final destination (even before I started law school).

So, from that firm I went to the Moreland Commission as Special Counsel and led investigations into corruption allegations in the campaign and lobbying space. What was fascinating about that job, among other things, was that while everybody who led such investigations and had the title of Special Counsel was required to be an attorney, what made somebody good at their job had less to do with their legal skills and more to do with their policy understanding. It is not overly complicated to issue a subpoena or litigate discovery issues. However, knowing what you are looking for is very much informed by your understanding of policy. I realized at that point that I wanted my future as an attorney to be more policy-driven and less litigation-based.

When I went on to the New York City Civilian Complaint Review Board as policy counsel, I was a lawyer in name only. I really did very little work that would require a law degree except helping to set agency policy, where having a legal background was extremely helpful.

Here, at JLUSA as Director of Policy and Campaigns, nearly every prior legal experience has had a positive impact on my work and in my understanding of how the criminal justice system works—from learning about criminal arraignments in my law school clinic to understanding who the correctional officers are funding from my experiences digging through campaign finance filings. I think of a successful career as one that is intellectually engaging and cumulative such that you grow and learn new things with each new role, while using the skills developed in your past work. I always encourage lawyers to really explore their interests and move around in different jobs early in their career, and to pick up useful skills along the way until they find something that really matches both their passions and their skill sets. That is what I have found here at Just Leadership.