

HOW GRAPPLING WITH RACISM AND CAPITALISM LED ME TO ORGANIZING, ADVOCACY, AND LEGAL WORK INSIDE

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In this article, Kearsse describes how developing his understanding of American history helped him to view his own situation in a new light, and motivated him to begin doing legal advocacy from inside.

My involvement with the criminal punishment system has a lot to do with racism, capitalism, and ignorance. However, after getting involved with crime, selling drugs, and being wrongfully convicted for a murder and related charges, I took full advantage of the imposed 28-1/3 years to life prison sentence and turned it into a career opportunity.

First, I had to research the history of America. This provided an opportunity to tie *organizing* to racism, and then understand capitalism. When America *organized* a caste system to benefit a few and oppress many, it perpetuated racism and capitalism. Conducting this research and looking at it from this perspective helped *organize* (i.e., reform) my life. Then I realized that I was destined to advocate for myself and relentlessly pursue an understanding of America's idea of legal justice. From this point, I realized that numerous laws and public policies were not enacted to end crime, but to justify oppression, target underserved communities, and reelect politicians. Learning America's history moved me to think of my involvement with crime as being victimized, which in turn drove me to prove my innocence and wrongful conviction.

Second, in order to prove my innocence, I had to become educated. When I entered prison, in 1993, I was illiterate. However, this did not deter me from learning. I delved into my trial transcripts and wrote down every viable issue that I thought was prejudicial. I thoroughly researched these issues, and once I determined that multiple constitutional violations had occurred during my trial which interfered with the jury's fact-finding capabilities, I wrote letters, seeking help from every New York lawyer, law school, and wrongful conviction clinic. Thus, in 2015 my whole life changed when renowned civil rights attorney, Mr. Myron Beldock, responded to my letter and chose to investigate my wrongful conviction. Consequently, I went from questioning my understanding of the law and constitutional violations to feeling relieved. Even though the wheels of justice turn slowly, and it took 22 years to receive professional legal assistance, its arrival restored my hope because a legal genius (i.e., a civil rights icon) recognized my legal claims as *credible* and *compelling*. This gave me a tremendous amount of confidence because even though I was illiterate (i.e., without formal education) and silenced while incarcerated, I was

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literate and noisy enough for, may he rest in peace, Mr. Myron Beldock to comprehend my letter, listen to my cries, believe in me, and—prior to his 2016 unfortunate passing—represent me as his last wrongful conviction client.

Furthermore, I went from fighting my wrongful conviction to fighting against the Parole Division. To ask for help, I organized a detailed letter to Mrs. Michelle L. Lewin of the Parole Preparation Project. She responded to my letter, as a result of understanding how difficult it is for people to do legal work from the inside. Despite meeting the parole board's academic and disciplinary (i.e. COMPAS) criteria, the parole board members still denied my *Limited Credit Time Allowance* (LCTA) hearing. The Parole Commissioners based their denial on a Kings County District Attorney's (DA) opposition letter which was wholly inaccurate and littered with uncharged crimes from 1995. In addition to this, in 2019, two years before my scheduled hearing, the Kings County DA, Eric Gonzalez, sent a memorandum¹ to the parole division advising them that his office no longer opposes parole for people who came to prison at 23-years or younger and have already served long-term sentences. While sitting in prison for six additional months, I continuously urged the Parole Preparation Project to contact the Kings County DA's office so they could retract their prejudicial letter. The DA's office came through, and a week before my next parole appearance, the DA's office sent a letter to the Parole Commissioners in support of my release. Thus, my release was granted.

Finally, this is how I got involved in *organizing, advocacy, and legal work inside*. However, upon my release from prison, I intend to launch a Justice Advocacy Program that will work towards abolishing unjust criminal laws and institutional policies. My goal is to predominantly work with formerly incarcerated people. My program stands on the premise that those who have served long-term prison sentences and suffered at the expense of the criminal punishment system are more qualified to reform the system. Slavery wasn't abolished until Olaudah Equiano wrote the first slave narrative. When victims tell their stories, it profoundly resonates with listeners. My story will not only include those who ignored this injustice but will also not be limited to those who responded to my cries for help. What Kings County DA Gonzalez did for me, by taking a criminal justice reform stance, speaks volumes. Showing people in society that he's in support of people having a second chance will help me continue to organize, advocate, and help people who are still inside prison. *A winner never quits, and a quitter never wins*. The reward for good is good!

¹ Letter from Dist. Att'y Eric Gonzalez letter to N.Y.S. Dep't. of Corr. Acting Comm'r Anthony Annucci, Kings County (April 3, 2019).