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## Plenary 4—Mobilization (Transcript)

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## TRANSCRIPT<sup>°</sup>

### CONVERGE! REIMAGINING THE MOVEMENT TO END GENDER VIOLENCE

## Plenary 4—Mobilization

UNIVERSITY OF MIAMI SCHOOL OF LAW

*Quanita Toffee (moderator)*<sup>\*†</sup>  
*Caroline Bettinger-López*  
*Terra Slavin*  
*Nan Stoops*  
*Cindy Wiesner*

**STOOPS:** I am the Executive Director of a statewide, nonprofit coalition of domestic violence and sexual assault programs in Washington State. We have seventy-three member programs, forty-three of which are state-contracted shelter programs. We have ten tribal member programs and several community-based programs that do their

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<sup>°</sup> This transcript has been edited from its original transcription for clarity.

<sup>\*</sup> Quanita Toffee is the Deputy Director of Capacity & Operations at Florida New Majority. Nan Stoops is the Executive Director of the Washington State Coalition Against Domestic Violence, a non-profit organization that works on behalf of seventy-three community-based domestic violence advocacy agencies in Washington. She is a founding member of INCITE! Women of Color Against Violence. Caroline (Carrie) Bettinger-López is an Associate Professor of Clinical Education and Director of the Human Rights Clinic at the University of Miami School of Law. Professor Bettinger-López is currently on a leave of absence serving as the White House Advisor on Violence Against Women. She focuses on implementation of human rights norms at the domestic level, principally in the United States and Latin America. Terra Slavin is the lead staff attorney representing the National Coalition of Anti Violence programs on the National Taskforce to End Sexual and Domestic Violence, the main coalition of national service providers working to reauthorize VAWA and ensure that it fully protects all survivors. Cindy Wiesner is the Director of Grassroots Global Justice Alliance (“GGJ”) and the Co-Director of the Climate Justice Alliance. GGJ is a National Alliance of Grass Roots organizations building a popular movement for peace, democracy, and the sustainable wealth.

<sup>†</sup> Original remarks from the CONVERGE! conference omitted.

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work in a by/for/with kind of way in marginalized communities. You can see that basically I am a bureaucrat in the nonprofit domestic violence and sexual assault industrial complex. I do not say that lightly. It really is an industry and in some ways I am surprised to find myself on a panel about mobilization because I do not often think about the radical mobilizing happening among my constituency.

I am honored to be here and humbled by the learning that is so abundant in spaces like this. I have worked in the mainstream center of the sexual violence and domestic violence field for a long time and my vision and tools have always been honed in the margins. When I say that I mean that my work is deeply informed by folks like yourselves: the farmworker women organizing in central and southeastern Washington, the mothership of INCITE!, and the thirteen-year-old girl who was raped in 1977, who grabbed my heart and kept it. Those are the people that are at the root of everything I do as a domestic violence bureaucrat. Some of my best friends are academics and activists and I long for the day when the path between their work and mine is shorter, more direct, and full of liberation and joy.

The workspace that I occupy is squarely in the crosshairs of many of the critiques that are being discussed at this event, and understandably so. I assure you that I agree with the critiques, I have contributed to some of them, and I use them often in my work. When people ask me, "Why do you stay?" my answer is that it is the best place for me to do what I do best. And here is why: There are over 3,000 domestic violence and sexual assault victim services organizations in this country. There are coalitions in every state and United States territory. There are numerous national organizations, and so we are in every sense of the term an industrial complex. We are a billion-dollar machine with infrastructure. We have staff, we have facilities and offices, and we have technology; we have a communications networks and political power.

The field has capacity and readiness for both mobilizing and being mobilized. State coalitions such as ours play a critical role and are an important site for mobilization. Perhaps the best example of this is the work on reauthorization of the Violence Against Women Act (VAWA) just one year ago. Let me be clear: VAWA, as we call it, remains flawed. It is inherently limited because it is a criminal justice measure. It will never revolutionize the sectors that implement it. I am not calling out the legislation itself, I am calling out the way in which it finally got the votes that were required to pass it.

We had gone 500 hundred days without VAWA because we could not and would not compromise on language that added new protections for Native American, LGBT, and immigrant survivors. We stood on the

side of tribal sovereignty and we refused to help some at the expense of others. To every call for action, the field responded. A national policy team developed analysis, strategy, and talking points that were rolled out to the field with speed and efficiency. State coalitions activated their member programs and Congress was bombarded with emails and phone calls. The math is simple. Three thousand organizations with an average of 1,000 contacts (staff, volunteers families, friends, donors, survivors, allies) equals a base of three million strong, plus the additional support that joins us via social media. Our ability to mobilize has two primary sources: relationships characterized by trust and specific and manageable tasks. When those two things are in place the results are immediate. We are in an important time right now. Several folks said this yesterday and I agree.

I see an opening in the mainstream field for broad transformation. There was a resurgence of political will in the reauthorization of VAWA. There is frustration and fatigue in service delivery and a growing realization that the solutions we created forty years ago are doing little to end gender-based violence. The conversations here must be taken to the mainstream sexual assault and domestic violence field because they offer a philosophical foundation for deconstructing and reconstructing our work. New funding requirements that attempt to promote better, more inclusive services must be accompanied by authentic dialogue about the structures in which those services exist. If we answer Beth Richie's call for prison abolition,<sup>1</sup> we must question our investment in the Prison Rape Elimination Act and DNA collection and rape kit backlogs. If we know that shelter fails so many people, we must question our investment in facilities that divert money from advocacy and community action to long-term leases and maintenance obligations.

I do believe that there are serious conversations to be had about the fundamental structure and work of the mainstream field. I believe there is a hunger for new ways of thinking and different, perhaps even radical, practice. I am committed to rethinking our work on gender-based violence.

I want to close by talking about joints. Not the kind of joints that we are recently legalized in Washington State but the kind of joints where two elements of a skeletal structure, and all of the surrounding parts, come together at the intersections. I also want to talk about joint pain, because I am almost fifty-five and I occasionally wake up with joint

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<sup>1</sup> Beth E. Richie, *Keynote—Reimagining the Movement to End Gender Violence: Anti-racism, Prison Abolition, Women of Color Feminisms, and Other Radical Visions of Justice*, 5 U. MIAMI RACE & SOC. JUST. L. REV. 257 (2015).

pain. Joint pain is caused by chronic wear and tear, by too much weight or pressure, or by sudden motion in an unexpected direction. If we think about our intersectional work we must take care of ourselves and our joints. The treatment for joint pain is RICE: rest, ice, compression, and elevation. We must rest, we must be chill, we must try to contain ourselves and not spin wildly in many directions, and we must have lofty goals. Our movement will be so much stronger and more enduring if we meet often and if we meet well in the intersections. So that is my hope for times like this and for times going forward: that we meet often and well in the intersections. We take our work home to the other skeletal elements that we occupy and then we come back together to take care of our joints. Thank you.

**SLAVIN:** So I am going to talk about muscles now. I do not really know how I am going to follow-up on that. Hi everyone my name is Terra Slavin. I am the lead Staff Attorney at the LA Gay and Lesbian Center. I also serve on the Governance Committee of the National Coalition of Antiviolence Programs. I was on the Steering Committee of the National Task Force to End Sexual and Domestic Violence and co-chaired the LGBT VAWA reauthorization sub-committee. For the last eight years I have been managing a program providing holistic legal services to lesbian, gay, bisexual, trans-gender, and queer survivors of domestic violence, sexual assault, and stalking as well as other gender-based violence including hate crimes. In that time I have served more than 1,300 survivors.

I was also a little surprised to be on the mobilization panel, but I have been asked to talk about mobilization through the example our efforts to include non-discrimination provisions in the Violence Against Women Act specific to the LGBTQ community. I want to take a moment to say that I am honored and humbled to be in a room with so many incredible and amazing activists and academics. In the conversation yesterday we talked a lot about framing, who is framed as sympathetic and deserving and who is not. Too often that frame is of white, more wealthy, cisgender heterosexual clients, but violence is heavily interconnected and impacted by oppression. So many of the people that we are working with in our community are LGBTQ immigrants, survivors of color, sex workers, trans-gender people and gender non-conforming individuals whose experience with violence has literally been invisible, delegitimized, and often framed as deserved. It is from that frame that we enter the work on the Violence Against Women Act reauthorization and the explicit need to bring visibility to these lives and stories.

Why is this background important? Because these campaigns are efforts which may have formally started in 2008 but really built on decades of on the ground experience of direct service providers and survivors. That experience was one of lack of access and lack of protections that was clearly impacted by intersectionality, as well as a movement that has been rooted in a deep hetero-patriarchy. The systems of assistance were literally based on relationship status, but what about when the relationship does not count? We are not just talking about a lack of access to criminal justice systems, which we all acknowledge there are huge problems with we are talking about a lack of access to life sustaining social services that many people in this room provide. Given the over-criminalization of transgender gender non-conforming, and LGBTQ communities of color, the primary point of contact with the criminal justice system for most of us is responding to the criminalization of our clients. So from a mobilization perspective, our advocacy was built on a feeling that there was not a seat at the table in the violence against women movement. In part, we were fundamentally challenging a gender paradigm, representing women abused by women, men abused by men, and numerous other circumstances. It is important to acknowledge that there have been many lesbian, bisexuals, transgender, and queer women who have been involved in the movement to end violence against women, but they were primarily working with women abused by men. In fact, a refrain I have constantly heard was, “Why do we need specific representation on behalf of LGBTQ communities when so many of the participants in the work are lesbian?” But they were not in a place of advocating specific to the LGBTQ community. One of the first steps in this mobilization effort was literally getting a seat at the table of the National Task Force to End Sexual and Domestic Violence that was working exclusively on federal legislation on gender based violence issues.

Based on the experience of those in the community, we had three main requests. One was inclusion in VAWA’s “underserved” definition, one was inclusion in where most of the money goes, and the third was a non-discrimination provision on the basis of sexual orientation and gender identity. Of the three, the non-discrimination provision was definitely the hardest politically and we were told that there is no way this will ever happen.

Why is this important? I am going to give one case example. In this process I reached out and asked people across the country for stories from survivors and I have a survivor contact name. She was a Black transwoman from the South. She had a shotgun held to her head by her abuser. The police came; they said we will not help you get out. She

ended up in a hospital, the hospital tried to get her into a domestic violence shelter, but the shelter asked her about her genital status and she was told she was not allowed in the shelter. She eventually ended up in a homeless shelter where they forced her to sleep on the concrete. She told me, "I want you to tell my story; this needs to be known that these barriers still exist."

So the second issue with mobilization I wanted to say is that within the LGBT community, this platform for advocacy was really challenging. This is still a taboo topic. As we all know, we campaigned for marriage. I am happily married; it is a fabulous right, but there are other issues that require attention including homeless youth, and other less popular topics. We were constantly struggling to get a voice within our community structures right for advocacy on violence. A turning moment in trying to reach the community was when we got this topic as one of three main lobbying points at the major national LGBTQ conference. It was in coordination with a lobbying day with the Senate. So this was one of the first times on a very broad level, people actually had the moment to think about this violence that was happening within our communities and to voice their experience as survivors. Many of the Senators had never talked to a transperson before, much less a transgender survivor of intimate partner violence. I really saw this as a point where we created space for the voices of survivors and also supported community power.

We created a strong alliance with what has been seen as traditional mainstream service providers. We understand the need to work in coalition. None of the successes gained in the Violence Against Women Act would have been possible if there was not a strong commitment to stand in alliance. As Nan pointed out, and as I am sure many people in this room know, throughout this process of lobbying for VAWA passage, tribal communities, immigrant communities, communities of color, and LGBTQ communities were targeted and told that *they* were the ones holding up the process. There were attempts by many in political power to pit these groups against each other. I was thinking of a statement in Beth Richie's Keynote about fighting over small slices of the pie. There was a conscious effort in this moment to focus on the whole pie. I believe that one of the reasons that we were successful was because of the strength of the coalition and the unity of fighting across topic areas. Ultimately, it was a success. We achieved the first non-discrimination provisions in federal law on the basis of both sexual orientation and sexual identity. It was really important that this success from a LGBTQ community stand point came in the context of this gender-based violence

effort. It was the allies, the strong coalition, and the resonance of survivor's voices that made it ultimately successful.

I want to also note that VAWA is not everything. I am surely one to acknowledge a deep need for critique and know that there are questions. But I do think the conversation has fundamentally shifted. You see this when you hear people use the term "gender-based" violence. I think we brought a national visibility so that LGBT survivors in the Midwest, survivors in Texas where I grew up, are more likely to know that they are not alone. So I think that in that way it was a success. But I also agree that we need to continue to critique and work to change laws and systems in ways that best meet the needs of *all* of our survivors. Thank you.

**BETTINGER-LÓPEZ:** I will be focusing on the use of the human rights framework. The case study I will be discussing is one that focuses on domestic violence. I propose that we transform our understanding of domestic violence from something that has traditionally been thought of as a private matter, an interpersonal matter that does not necessarily have anything to do with government. A human rights framework allows us to transform our understanding of domestic violence as a private matter into the recognition of domestic violence as a societal epidemic that demands governmental accountability.

I want to talk about the case of Jessica Lenahan (née Jessica Gonzales) versus United States.<sup>2</sup> I will briefly go over the facts of the case and then talk about some of the mobilizing that has happened as a result of the case. It is a tragic case. In 1999, Jessica Lenahan, who lived in Castle Rock, Colorado, got a restraining order against her estranged husband, Simon Gonzales. The restraining order prohibited Simon from having any contact with their children or with Jessica, and required him to stay 100 yards from Jessica's home. One night, Simon Gonzales violated the restraining order by abducting their three daughters from Jessica's yard. Jessica called the police repeatedly over the course of approximately ten hours and, after receiving no assistance, she eventually went to the police station. The police continually told her to wait and to call back later if the children were still missing. At one point, the police told her something along the lines of, "it is ridiculous that you are freaking out, just calm down. After all, the children are with their father." That night, instead of looking for Jessica's children, the police took a two-hour dinner break, looked for a lost dog, and responded to a fire lane violation. It was not a particularly busy night in the town of Castle Rock. Tragically, at 3:30 in the morning, Simon Gonzales parked

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<sup>2</sup> Lenahan (Gonzales) v. United States of America, Case 12.626, Inter-Am. Comm'n H.R., Report No. 80/11 (2011).



his truck across the street from the police station—this was the truck that Jessica had been describing to the police for nearly ten hours. He waited for approximately fifteen minutes and then began shooting at the police station. The police returned fire. Simon was killed and the police found the dead bodies of the three girls in his truck. There was never an investigation done into the cause, time, or place of the girls' deaths. It is not known to this day how the girls died. We know that Simon purchased a gun earlier that evening and that both the truck and the children's bodies were riddled with bullets, but no investigation was done to determine whether they were killed by police fire or by their father. Jessica and her family sued the police for their failure to enforce her protection order.

A newspaper headline about the deaths read, "Man dies in shootout. Daughters found dead. 'Family was troubled,' friends say." Nothing in the headline points to the role of the police and their failure to respond to Jessica. The headline focuses solely on the family's interpersonal dynamic. The Chief of Police said, "What safer place could children be than with one of their parents?" Troublesome stereotypes, assumptions, and misunderstandings of family violence are laden in this comment.

The case made its way up to the United States Supreme Court, where Jessica argued that she had a constitutionally protected property interest in the enforcement of the terms of her restraining order under the Fourteenth Amendment's Due Process Clause.<sup>3</sup> The Supreme Court rejected Jessica's due process claim.<sup>4</sup> First, the Court reiterated its historic rejection of the notion of a substantive due process claim in the context of private acts of violence, holding that the Due Process Clause does not "requir[e] the State to protect the life, liberty and property of its citizens against invasion by private actors."<sup>5</sup> Second, the Court rejected Jessica's procedural due process claim. The Supreme Court held that despite Colorado's mandatory arrest law, Jessica had no personal entitlement to police enforcement of the restraining order.<sup>6</sup>

I want to contrast the text of Jessica's restraining order with the actual language of the United States Supreme Court's decision in her

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<sup>3</sup> Town of Castle Rock, Colorado v. Gonzales, 545 U.S. 748 (2005).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 748 (citing *DeShaney v. Winnebago County Dept. of Social Services*, 489 U.S. 189, 195 (1989)).

<sup>6</sup> *Id.* at 768. The majority also stated that even if the statute could be said to make enforcement "mandatory," it was not clear that an individual entitlement to enforcement of a restraining order would constitute a "property" interest for due process purposes as it would arise out of a function that government actors have always performed—making arrests for probable cause. *Id.* at 749.

case. Jessica's restraining order, which echoes the language of the Colorado statutory provision mandating enforcement of protection orders, contained a "mandatory arrest" clause directing police to arrest if they found probable cause of any violation of the order. The order states, "The police shall arrest or if an arrest is impractical seek a warrant for the arrest of the restrained person." Let me emphasize that language: "shall arrest." Despite this mandatory language, Justice Scalia's opinion says that "shall" does not mean "must," but rather, "shall" means something more like "may." Scalia reasoned that the police must have discretion, and therefore the protection order enforcement language "shall" was not actually mandatory. The Court's interpretation absolved the police of any constitutional liability for the death of the three girls. We were outraged, of course, when the decision came down. We felt it sent a message to police officers that they do not have to enforce restraining orders, and it fostered a culture of impunity for officers who did not want to respond.

The case also deprived Jessica of her day in court. It went up to the Supreme Court on an appeal of a "Motion to Dismiss," so Jessica was never granted a trial. There was never any evidentiary discovery conducted in her case, and Jessica never found out any of the truths about how her children died. Jessica and her mother insisted that the Supreme Court could not be the end of the line, so we began to look at alternative remedies outside of the United States judicial system. In Jessica's words, there must be "a higher authority." Several of us put our heads together and thought about going to an international human rights body and arguing that the United States government, by failing to provide Jessica a remedy, was responsible for a human rights violation.

I want to contrast the United States constitutional framework with an international human rights law framework. Under United States law there is generally no governmental duty to protect individuals from private acts of violence, according to the very famous Supreme Court case *DeShaney v. Winnebago County*.<sup>7</sup> International law offers a completely different framework. The Inter-American Court of Human Rights has found that a state can be responsible for a human rights violation "not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as required by the [American Convention on Human Rights]."<sup>8</sup> We think the police will respond when we call 911, but we know from Jessica's case and from many other cases that the police do

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<sup>7</sup> *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, 489 U.S. 189 (1989).

<sup>8</sup> *Velásquez Rodríguez v. Honduras*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 4 ¶ 172 (July 29, 1988).

not always respond, even when there is a risk to an identified person. In Jessica's case, the domestic violence court identified the risk to Jessica when it granted her a restraining order. The government then assumed responsibility for protecting Jessica and her children, but subsequently refused to live up to its promise of protection.

Whether police cross the line in an overly aggressive way, or whether police turn a blind eye to violence, as was true in Jessica's case, we are dealing with the same results—a failure to serve and protect. We must focus on governmental accountability for preventing and protecting, on reparations for individuals harmed, and on structural and policy changes that can transform the state's approach to domestic violence.

In 2005, we took Jessica's case to the Inter-American Commission on Human Rights (IACHR). The IACHR is an organ of the Organization of American States (OAS) that sits in Washington, D.C., and is responsible for monitoring human rights in the Americas. The United States State Department funds the IACHR and its parent organization, the OAS, because it is concerned about human rights violations in other areas of the world. When the State Department appears on the other side of the table as a respondent State, it has a very different perspective than when it is focused on the state of human rights in other countries.

Here is a video clip of Jessica testifying before the IACHR. Remember, this is the first time that Jessica got her "day in court" to testify about what happened when the Castle Rock police refused to assist her and her children were killed.

I filed the case with the Inter-American Commission on Human Rights because my human rights were violated by Castle Rock, Colorado, for not enforcing the restraining order to protect my children and myself. And my human rights were also violated within the court system for not providing a remedy. I deserve answers and I deserve to know the truth.

I want to know why the police ignored my calls for help. I have been asking these questions for nine years, nine long years. How long will it take you to help me discover the truth? I know it cannot bring my children back from that night. The emptiness I feel when I remember my daughters and the great lives they might have lived—nothing can bring them back, nothing. What I can do, however, is to be a voice for the voiceless and

women promised protection in America and then denied it the moment they are in danger.<sup>9</sup>

We got an amazing decision from the IACHR in 2011. The decision found the United States responsible for violations of human rights including the right to life, the right to non-discrimination and equal protection, the rights to special protections for girl-children, and the right to judicial protection.<sup>10</sup>

The IACHR'S decision said that, in cases of violence against women, governments are required to act with "due diligence to prevent, investigate, sanction and offer remedies." The Commission noted that Jessica may have been treated differently because she is a minority woman, of Native-American and Latin-American descent. Therefore, her status as a member of a marginalized and disadvantaged group must be scrutinized.<sup>11</sup> The Commission emphasized that the government must eliminate prejudice and stereotypes in its response to cases of domestic violence.

The *Lenahan* decision is a strong decision in favor of a United States obligation to protect victims of domestic violence. But you may wonder if international human rights efforts are really worth the effort. Why should we bother with human rights campaigns that have no immediate enforcement mechanisms in the United States? I offer here several different possibilities for the use of a human rights framework.

One way in which a human rights framework has been useful is in the enactment of local domestic human rights resolutions. We now have resolutions in cities and counties across the United States that declare that freedom from domestic violence is a human right.<sup>12</sup> These resolutions cite the *Lenahan* case as well as international human rights principles. We are looking at ideas for implementation of these ordinances. For example, lawyers are examining the possibility that these

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<sup>9</sup> *Public Hearing on the 153rd Session of the Inter-American Commission on Human Rights, USA: Case Jessica Lenahan*, YOUTUBE, <https://www.youtube.com/watch?v=j4I9d72v3kw> (last visited May 15, 2015).

<sup>10</sup> *Lenahan (Gonzales) v. United States of America*, *supra* note 2.

<sup>11</sup> *Jessica Gonzalez v. United States: Hearing before the Inter-American Comm'n on Human Rights*, 127th Ordinary Period of Sessions (March 2, 2007).

<sup>12</sup> See Columbia Law School & Miami Law Human Rights Clinic, *Recognizing Freedom from Domestic Violence and Violence Against Women as a Fundamental Human Right*, available at <http://www.law.miami.edu/human-rights-clinic/pdf/2014/local-resolutions-2014.pdf>.

ordinances may be useful in supporting housing and child custody rights.<sup>13</sup>

The second way in which we have seen actual change that comports with human rights principles is in recent civil rights investigations by the the Department of Justice into police response to gender violence. Past DOJ civil rights investigations have focused on corruption, police brutality, and police use of excessive force. In 2011, the Department of Justice investigated the police departments of Puerto Rico and New Orleans<sup>14</sup> for practices of discriminatory and unconstitutional policing, including gender biased policing, in their response to domestic and sexual violence. In 2012, the Department of Justice filed a lawsuit against the Maricopa County, Arizona police department for unconstitutional and unlawful actions.<sup>15</sup> Right now some of us are working on discussions with the Department of Justice to convince them to incorporate these human rights principles into federal guidance on gender base policing for law enforcement officers.<sup>16</sup>

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<sup>13</sup> See generally Elizabeth M. Schneider et al., *Implementing the Inter-American Commission on Human Rights' Domestic Violence Ruling*, 46 CLEARINGHOUSE R.J. POVERTY L. & POL'Y, 113 (2012). In May 2014, Miami-Dade County's Public Housing and Community Development's FY 2014-15 Public Housing Agency Plan, Admissions and Continued Occupancy Policy, and Section 8 Administrative Plan incorporated suggestions provided by the University of Miami Human Rights Clinic that recommended these policies expand protections for victims of domestic violence and cited to Miami-Dade County's Local Resolution 121380 declaring freedom from domestic violence to be a fundamental human right, available at <http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2014/140736.pdf>. *Projects: Gender Justice: Housing and Domestic Violence*, UNIVERSITY OF MIAMI HUMAN RIGHTS CLINIC, available at <http://www.law.miami.edu/human-rights-clinic/projects.php?op=6> (last visited May 25, 2015).

<sup>14</sup> See *Investigation of the Puerto Rico Police Dep't*, U.S. DOJ (Sept. 5, 2011), available at [http://www.justice.gov/crt/about/spl/documents/prpd\\_letter.pdf](http://www.justice.gov/crt/about/spl/documents/prpd_letter.pdf); *Investigation of the New Orleans Police Dep't*, U.S. DOJ (Mar. 16, 2011), available at [http://www.justice.gov/crt/about/spl/nopd\\_report.pdf](http://www.justice.gov/crt/about/spl/nopd_report.pdf).

<sup>15</sup> See *Department of Justice Files Lawsuit in Arizona Against Maricopa County, Maricopa County Sherriff's Office, and Sherriff Joseph Arpaio*, U.S. DOJ (May 10, 2012), available at <http://www.justice.gov/opa/pr/departement-justice-files-lawsuit-arizona-against-maricopa-county-maricopa-county-sheriff-s>.

<sup>16</sup> See *Justice Department Announces Missoula Police Department Has Fully Implemented Agreement to Improve Response to Reports of Sexual Assault*, U.S. DOJ (May 10, 2012), available at <http://www.justice.gov/opa/pr/justice-department-announces-missoula-police-department-has-fully-implemented-agreement> ("The purpose of the agreement between the department and the Missoula Police Department was to better protect and vindicate the rights of sexual assault victims by transforming the Missoula Police Department's response to allegations of sexual assault. To do this, the agreement required significant changes to the police department's policies, practices and supervision. These changes promote more reliable sexual assault investigations, and

Case study number three is the Marissa Alexander case, which you heard about earlier.<sup>17</sup> We are working with the FREE MARISSA NOW! coalition,<sup>18</sup> the Dream Defenders, and others to use the human rights framework in Marissa's case, to take this case to the United Nations and the Inter-American Commission on Human Rights to claim human rights violations on behalf of Marissa Alexander.<sup>19</sup>

I want to cite to one more place, in a very different part of the world, where the *Lenahan* decision has made a difference. In Kenya, eleven girls filed a cause of action alleging systemic failure by the police to protect them from defilement, which means rape.<sup>20</sup> The judge, citing the *Lenahan* case, found that the Kenyan government is responsible for failing to act with due diligence to prevent, investigate, and sanction these terrible acts, and ordered them to develop systems to provide a meaningful response to this serious problem.

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effective, nondiscriminatory law enforcement and community support for victims, the police department and its officers.”)

<sup>17</sup> See Richie, *supra* note 1, at 116-17.

<sup>18</sup> See FREE MARISSA NOW, <http://www.freemariissanow.org/> (last visited Jan. 31, 2015) (providing more information regarding activism around Marissa Alexander's case). Several of the conference attendees were active on Marissa's behalf including CONVERGE! co-chair, Marcia Olivo; Alisa Bierria; Aleta Alston-Touré; and Carrie Bettinger-López. At the time of the conference, Alexander had won her appeal and was facing a new trial. She was subsequently granted a plea deal for time served (three years), but which included probation requiring her to wear an ankle bracelet for two years. She was released on January 27, 2014.

<sup>19</sup> Documents were subsequently filed. See Ahmad Abuznaid et al., “Stand Your Ground” Laws” *International Human Rights Law Implications*, 68 U. MIAMI L. REV. 1129, n. 1 (2014) (Three documents were submitted to the United Nations Human rights Committee (UNHRC) and the Inter-American Commission on Human Rights (IACHR). These documents include: (1) *Written Statement on Stand Your Ground Laws, Submitted by Dream Defenders, Community Justice Project of Florida Legal Services, Inc. and the National Association for the Advancement of Colored People* (Sept. 2013), available at [https://cjp-miami.squarespace.com/s/SYG\\_Shadow\\_Report\\_ICCPR.pdf](https://cjp-miami.squarespace.com/s/SYG_Shadow_Report_ICCPR.pdf); (2) *Written Statement on Domestic Violence, Gun Violence, and “Stand Your Ground” Laws, Submitted by The Advocates for Human Rights, University of Miami School of Law Human Rights Clinic, Legal Momentum, and Women Enabled* (Sept. 2013), available at <http://www.law.miami.edu/human-rights-clinic/pdf/2013/ICCPR-Shadow-Report-Domestic-Violence.pdf>; and (3) briefing paper submitted to the IACHR for a thematic hearing on Stand Your Ground laws on March 25, 2014. The video of the thematic hearing is available at <https://www.youtube.com/watch?v=X0EV8Rbpg2s&feature=youtu.be> (last visited May 28, 2015)).

<sup>20</sup> Fiona Sampson & Sasha Hart, “160 Girls” *Making Legal History: Overview of the Development and Implementation of a Strategic Equality Initiative to Achieve Legal Protection from Defilement for All Girls in Kenya*, KENYA LAW, [http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/160\\_Girls\\_Making\\_Legal\\_History\\_-\\_Sampson\\_\\_Hart.pdf](http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/160_Girls_Making_Legal_History_-_Sampson__Hart.pdf).

We are at a real crossroads right now in Jessica's case. We have seen interesting developments in Washington, D.C., but we are hitting a roadblock in seeking justice for Jessica on the individual level. That is where I think our mobilizing has fallen short in many ways and where we need creative ideas and energy from folks, especially non-lawyers who can help us think more expansively.<sup>21</sup> We need this creativity to help us think more about the ways in which we can use human rights principles to mobilize communities. We want to expand the networks and coalitions we work with in order to do that. I look forward to continuing the conservation.

**WIESNER:** I want to begin with my appreciation for a lot of trail blazers that are in this room. A lot of you have been there from the radical roots of this movement doing this work in our communities, for example, early feminists who built the shelters that were absolutely needed. I also want to thank a lot of sisters and compañeras from INCITE! who have shaped a lot of the work we do. The INCITE! politics is hegemonic in this space! That is great because the INCITE! work came out of a lot of struggle that happened over the last decade. I also want to thank the other sister alliances that we get to work with including the National Domestic Workers Alliance, the Caring Across Generations Campaign, and Mujeres Unidas y Activas, Human Rights Network, BOLD, Generative Somatics, and a special shout out to the folks here in Miami. Organizing work in Miami is hard—every reactionary thing from voting, to Trayvon Martin,<sup>22</sup> to Marissa Alexander,<sup>23</sup> happens in Florida. Those Miami organizations include Miami Workers Center, Sisterhood of Survivors, Power U, Florida New Majority, FANM, Miami Clinic Defenders, FLIC, Iraqi's Against the War, and Mi Lola.

I looked up mobilization in the dictionary and one definition I found was “preparing for war or an emergency.” A second definition was

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<sup>21</sup> See Lenora M. Lapidus, *Justice for Jessica: Holding the U.S. Accountable for Protecting Domestic Violence Survivors*, ACLU SPEAK FREELY BLOG (Oct. 27, 2014, 8:11 PM), <https://www.aclu.org/blog/justice-jessica-holding-us-accountable-protecting-domestic-violence-survivors> (arguing for a call to action for the federal government to properly respond to the Inter-American Commission on Human Rights' decision finding that the United States violated Jessica's human rights).

<sup>22</sup> See Channing Joseph & Ravi Somaiya, *Demonstrations Across the Country Commemorate Trayvon Martin*, N.Y. TIMES (July 20, 2013), <http://www.nytimes.com/2013/07/21/us/demonstrations-across-the-country-commemorate-trayvon-martin.html?ref=topics> (summarizing reactions to Trayvon Martin's death and George Zimmerman's acquittal during a commemoration event over a year later).

<sup>23</sup> See Jamil Smith, *Marissa Alexander gets 20-year sentence*, MSNBC (May 11, 2012, 11:18 A.M.), <http://www.msnbc.com/melissa-harris-perry/marissa-alexander-gets-20-year-sentence>.

“coordinate for a purpose, be mobile or capable of a movement.” Ultimately, we are trying to build one movement for change. I believe that everyday folks make change. Taking action is how history gets made. Our movements, at different points, ebb and flow. In the moments of preparation, we are experimenting and developing tactics and strategies. We are waiting for that right moment when there is a psychic break and when qualitative leaps can happen. I think that is when we see major shifts in history.

I want to share with you the story of Grassroots Global Justice Alliance<sup>24</sup> because I think there are a lot of parallels between our struggles and those of other movements. I think we have a lot to learn and I am inspired by the spirit of self-reflection at this conference. Our alliance was born out of the World Social Forum (“WSF”) process in 2003. The Forum brings together certain sectors, different protagonists of the movement and divergent ideas, to ask what do we want to see together out of all that difference? We see movements around the world that are ahead of us on some of these questions. Regular folks, students, feminists, farmers, cultural workers, and housing activists come together for the Forum process. It is not this “you are the academic, you are the lawyer,” but rather we are in this movement together and we understand our different roles. Despite great repression, the people at the WSF have a level of militancy. They are clear about what was at stake for people and the planet. One of the things that came out of that work is that we saw that there is a crisis. There is a global crisis in what we call the three E’s: Economy, Ecology, and Empire. In our last membership assembly we adopted a framework that is encapsulated by a slogan: “No War! No Warming! Build an Economy for the People and the Planet!”

The Grassroots Global Justice Alliance organizes people who are impacted by neoliberalism. These folks are at the crosshairs of both oppression and exploitation. They are impacted by capitalism, white supremacy, male supremacy, and heterosexism. As we are getting ready for our next membership assembly in Detroit, we are humbly trying to figure out answers to a number of questions. What is our vision of an alternative to a capitalist, white supremacist, heteronormative system? What is our vision of system change? What are the principles of what we are calling for a just transition—a transition from here to the world that we want? What are the things that must happen on the interpersonal level, community level, structural level and systemic level? How do we move beyond isolated resistance to coherence and a more holistic

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<sup>24</sup> See *About GGJ*, GRASSROOTS GLOBAL JUSTICE, <http://ggjalliance.org/about> (last visited Apr. 26, 2015).



movement of movements? How do we be more coherent together? How do our day-to-day campaigns get more connected to our vision of different world?

Part of the answer is found in a transformational organizing model. I think part of the core values and the key components that we have is the importance of base building, where you work, where you live, where you play. We have to build our power bases in order to make change. The other part is around building multi-racial, multi-national, multi-gender unity beyond borders. I think this is very critical to understanding the United States context and to developing our strategy. It is a strategic question. How are we going to build beyond difference? Consciousness raising is important, so that people impacted are ready to be a part of change. Folks who are not used to being in these spaces need political preparation, training, and the investment from organizations, and movements so that they are prepared. There is attention to political and popular education for folks who do not speak English, folks who have lower literacy rate. We must have a commitment to do that. We are shifting who are the experts, as well.

Conditions are so dramatically different here in Miami compared to what happens in New Mexico, to what happens in Harlem, to what happens in Bolivia, to what happens in Egypt. What is it that we can bring as a collective vision that holds us together? What is the thread and the yarn that holds us together? Ultimately, we cannot see people as one dimensional. Ultimately, what is missing in our movement is a bigger movement meta strategy and agenda. I think we suffer because often organizations come up with their own strategies and their own visions, but ultimately we need to be talking about that across movements. Part of what we have been struggling with is how do we go from a solidarity framework to a joint struggle framework and practice? We have common enemies and we have common targets. Why does it matter for us to mobilize around the Trayvon Martin case? Why does it matter for us to organize around the undocumented young students and their parents risking arrest? Why does the feminist movement need to step out and take positions on those issues? It is because ultimately, that is what solidarity in the twenty-first century looks like.

At Grassroots Global Justice Alliance we are taking seriously what we are calling “grassroots international feminism,” and we need to tie together the projects of working class women of color on the job, in the community, the realms of our home, and our social relationships. With organizing work, women or gender-queer folks are the folks on the ground, and on the frontlines. One of our responsibilities is to work within our organizations and within our alliance if we want a world of no

war, no global warming and an economy for the people on the planet. We must include a gender justice and feminist framework.

One of the people that I am inspired by is this compañera, Sandra Morán, a Guatemalan organizer from the World March of Women and Sector de Mujeres. One of the things she talked about is: “We cannot afford to believe the lie that feminism belongs to those who are distant from social movement. We are feminists shaped within the social movement, within the National Liberation movement, within community organizing, and against austerity. Feminism is ours and we are taking this grassroots movement, this grassroots feminism, with us on the road to changing the world.”

Going back to this point of mobilization, we are in a period of getting ready. These moments are coming faster and faster. The crisis is climbing economically, ecologically and there is a crisis of democracy, as well. So how are we getting ready? How are we acknowledging the experiments that are taking place? How is it that we are reimagining our movements to be able to take advantage of those moments when history makes opens its doors for us? I will end with World March of Women slogan:

*Continuaremos marchando hasta que todas seamos  
libres!*

*We will keep marching until we all are free!*

We need to keep working sisters: I am excited to be here in the conversation. Thank you.