THE SQUARE ONE PROJECT

ROUNDTABLE ON THE FUTURE OF JUSTICE POLICY

EXAMINING CRIMINALIZATION, PUNITIVE EXCESS, AND THE COURTS IN THE UNITED STATES

IMPLICATIONS FOR JUSTICE POLICY AND PRACTICE

Newton-Seale Conference Room
Building R
Merritt College
12500 Campus Drive
Oakland, California

Thursday,
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Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Bryce Professor of Sociology and Social Justice, Columbia University
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PROCEDINGS

[Video playing.]

FEMALE VOICE: In the United States, we incarcerate more people than anywhere else on Earth. Our justice system has grown to be the primary intervention for every problem that we have in our society. We are devastating entire communities.

MALE VOICE: Prison has come a normal life event for African-American men with low levels of schooling. For to reimagine the system, would it look anything like the criminal justice system that we have now?

MALE VOICE: The Square One Project is an effort to reimagine justice. We're not looking at marginal changes around the edges. We want to see whether there are opportunities to make very fundamental changes by a new vision of what justice might look like.

MALE VOICE: I'd like to welcome everyone to this inaugural Square One Roundtable.

FEMALE VOICE: The Square One Roundtable on the Future of Justice Policy is one of the platforms that we are using to try to imagine something fundamentally different. This Roundtable here in Durham is examining the history of racial and economic inequality in this country.
FEMALE VOICE: The Roundtable is meant to have this conversation as widely as possible. So we have people watching on YouTube. We have people commenting on Twitter, and I think that there's going to be a lot of seeds that can be planted.

FEMALE VOICE: There's a reckoning that we all have to deal with here in America. The descendants of your slaves are still very much in slavery. If you look around the law school, there are lots of young African-American ladies in the first year class.

You have 90. They are six now African-American men. A lot of their counterparts are incarcerated.

MALE VOICE: It's just real simple. I'm here because this happened to me while I was incarcerated in the mid-90s at the height of the drug war. It was my first contact with the criminal justice system, and it was harsh, rigid and brutal, and I was given a cage.

MALE VOICE: People die and people are languishing in prisons. People are thinking that the best way to cope is to self-harm, figure out more ways to hate people, how to "other" people.

FEMALE VOICE: We know minorities are more likely to be arrested for things like possession of marijuana, even when there's laws on the books that decriminalized marijuana. That's not justice to me.
FEMALE VOICE: When I see people being executed in the streets by those who wear a badge without cause, that's not justice.

FEMALE VOICE: A lot of people have been at the margins of citizenship since they first arrived in this country. We see that in 2018 African-Americans still exist as second-class citizens in the United States.

FEMALE VOICE: There has not been one day in the history of this country where black bodies, dark-skinned bodies, Indigenous bodies have not been subjected to arbitrary violence at the hands of the state.

FEMALE VOICE: March 1999, I was a victim of police brutality. I'm here because I believe that change is within our grasp.

MALE VOICE: I do not believe our criminal justice system or policing system in this country is [inaudible]. I believe it does exactly what it was designed to do. We are going to have to be bold and start with a new idea.

What if we start over again?

FEMALE VOICE: Justice is a process or an outcome that respect human dignity and that brings about restoration and repairs harm. I honestly think we have to completely dismantle what we're doing now.

FEMALE VOICE: We have to figure out, how do we
change the structure with an eye toward acknowledging race as the problem and that race has to be the primary factor in the solution.

FEMALE VOICE: It's not good enough to say over and over again, communities distrust the criminal justice system. What practices are going to adopt to make sure that the full spectrum of what communities think about and want [inaudible] from the criminal justice system, that they're being heard.

FEMALE VOICE: The resources to provide the equity have to come from somewhere. People have to give something up.

FEMALE VOICE: If those in power would say, for 400 years of slavery, we owe you the highest level of education you desire to achieve at no cost. For 400 years of slavery, we owe you an equal say in our government. For 400 years of slavery, we owe you an apology.

That's justice to me.

FEMALE VOICE: These are very human conditions, these conditions of the heart. Will you help us to be free?

MALE VOICE: We need to reimagine the connection. We need to reimagine humanity.

MALE VOICE: Reimagining justice is literally trying to create a world we haven't seen. Anything going
forward has to be unconventional.

FEMALE VOICE: Anything a human is capable of, we are capable of. If humans are capable of greatness, you are capable of greatness. And I don't care what you see someone doing. They're not a monster. They're human. You're capable of that.

FEMALE VOICE: I think of us as the aspirational nation, the nation that has never lived up to all of what we hope to be, but I also genuinely believe in our capacity to move forward.

MALE VOICE: We hope that the Square One Project will both generate and connect with new thinking, and with a public demand for something different.

FEMALE VOICE: To me, Square One will successful if there are people all over the nation challenging the status quo, and saying, why not? Why can't we do this differently and bring [inaudible] injustice together?

FEMALE VOICE: These conversations have led me to believe that there are other people out there now who are willing to sit down and have those difficult conversations. The fact that we're sitting around a table gives me the hope that maybe one day we can all be free.

FEMALE VOICE: In the United States, we incarcerate more people than anyone else on Earth. Our
justice system has grown to be --

(Video ends.)

PROFESSOR WESTERN: Well, thank you very much, everyone, for joining us for this second Roundtable on the Future of Justice Policy. My name is Bruce Western. I'm Co-Director of the Justice Lab at Columbia University, and with Jeremy Travis and Katharine Huffman, I'm part of the leadership group, I suppose, of the Square One Project, which is a justice reform effort, a multi-year justice reform effort, that brings together researchers, practitioners, policy-makers, community representatives, who are coming together in a conversation that we hope can reimagine in a very foundational way what justice in America might look like.

So welcome to Oakland, everyone. The video we just saw was a digest from the work we did at the first Roundtable meeting, which was in Durham, North Carolina, about six months ago. The themes at the Durham meeting were race and poverty, and our themes over the next three days are criminalization, punitive excess, and the courts, and I'll say a little bit about what I mean by those themes in a moment.

I want to begin -- as I was on the flight over here, I was going through all my meeting materials and I think we have a truly extraordinary group of people.
Everyone at this table was chosen in a very intentional way.

We hope to be part of this discussion of how we can reimagine what justice in America might be. I also notice that everyone at this table is also extremely busy besides being extremely distinguished. I can't tell you how grateful I am that you would give three days to this process.

We know that that is a very, very heavy lift for everyone at this table. You're all people who are in demand and this is a gift that you've given us, and we're very, very grateful. I think part of the model of Square One -- it's a snowball.

We're building networks as we go. We have some old faces at this table that we've come to know through previous Roundtables, through previous Executive Sessions, which are the two pillars of Square One effort, but we also have many new faces as well, and I'm very grateful to you all for participating in the Square One family.

I want to quickly introduce our team. Jeremy, I've mentioned, from Arnold Ventures. Katharine Huffman, from The Raben Group, who is the Executive Director of Square One. I also want to mention Sukyi McMahon. Sukyi has been the tireless --

(Applause.)
PROFESSOR WESTERN:  -- organizer of the Roundtable. This event has many moving parts, as you might imagine, and Sukyi has put it all together seamlessly. Seated next to Sukyi is Anamika Dwivedi. Anamika --

(Applause.)

PROFESSOR WESTERN:  -- runs the Executive Session, which is the other pillar of the Square One Project. The Raben Group is also in attendance. Steven, Andrea and Susan, and others, I would say, are also here. And MediaTank, who will be videoing.

The Roundtable participants will be pulled aside at different points over the next three days for brief interviews. We hope that we'll be able to disseminate the message of these proceedings to a much broader audience through the help of MediaTank.

I want to acknowledge the support of Arnold Ventures who have in many, many different ways been a very staunch backer, collaborator, partner in the Square One effort. I'm very grateful to all of those at Arnold. So let me pivot a little bit to our proceedings over the next three days.

So these are our big three themes. Right? Criminalization, punitive excess and the courts. What does this mean? At some level, criminalization is the way
in which public policy classifies some conduct as
criminal, as law-breaking, but we know that, at a deeper
level, the process of criminalization can mean much more
than that.

It's also very much an effort of state control,
the way in which some conduct, some people, some
communities become classified as criminal. It can be part
of a social control process, and so criminalization, I
think, can also be deep at the heart of longstanding and
historical injustices, and I think that is going to be an
important theme for us over the next three days.

Punitive excess. How do we respond to the
problem of criminalization? How do we respond once
conduct has been classified as criminal, once people come
in to the criminal courts? Once someone comes into
conflict with the law and is arrested, how do we respond?

Often now with punishment. Often with
punishment that is far out of line with historical and
international norms, as this room knows very well.
Incarceration rates are -- notwithstanding a recent
decline in incarceration, incarceration rates are
historically high and incredibly socially concentrated.

Although the incarceration rate in the country
as a whole is about 700 per 100,000, it's about 50 times
higher for African-American men under the age of 35 who
have never had post-secondary education. So there's extraordinary social concentration of incarceration. Punitive excess -- people are going to prison for very, very long periods of time.

In the United States right now, there's something like 50,000 people serving life without parole sentences. They will die in prison. In Europe, by comparison, the number of people serving so-called natural life sentences is about 40 or 50.

Why are people going to prison for so long and why are so many people going to prison? These questions, I think, are deep at the heart of the issue of punitive excess. Justice is meted out in our courts, but as we know from the papers that circulated to you all, the justice that is envisioned by the law is often very, very different from the justice that plays out every day in courtrooms around the country, and we're going to probe that question in some depth as well.

There's a very unique group of people that we have around this table. We have some of the leading researchers in the country. We have some of the leading policy-makers, policy analysts, practitioners, and community representatives.

We're asking you to spend three days here. I would ask all of you: to the best that you can, please be
plugged into this conversation. It is so important for
the collective work that we do and for the potential of
our -- of this meeting and the collective potential of the
project.

We've tried to build in ample time into the
schedule so people can check their email, text their
colleagues and so on, back at the home office, but we ask
you at this table, please do your best to be plugged into
the conversation, and I guarantee you, in the facilitation
process, Jeremy is certain to call upon you when you're
paying the least attention. So --

MALE VOICE: Is this law school?

PROFESSOR WESTERN: It's a lot like law school,
really. That's right. It's the Socratic method. It's --
the last thing I want to say before handing over to
Margaret -- a number of papers circulated. These are
going to form the backbone of our conversations for each
of the panels.

I know you've all read them and studied them in
preparation for today, and our conversation will be
greatly improved by that study, and we'll repay the study,
and if there is still preparation to be done, there's
still time in the breaks and this evening, before tomorrow
and Saturday.

So that's how each panel will go. We will kick
off by hearing from the author of the paper briefly, because we'll all have read the papers. Jeremy will facilitate and open the floor for discussion, and typically I'll summarize at the end of each panel. I think that's all I want to say for the moment. Right?

And with that, I want to hand over to Margaret Dixon, who is the Department Chair of the Department of the Administrative of Justice here at Merritt College. Margaret, last thing, I am so grateful to you and all of the Merritt team for all of your [inaudible] for Square One and this event.

This is a beautiful setting in which to have this conversation. Thank you very much.

(Applause.)

PROFESSOR DIXON: Thank you so much, Bruce, for that introduction. It is truly an honor to bring blessings to this Roundtable today. From my colleagues, my students, and the Administration of Justice Program as a whole, thank you so much for choosing Oakland.

Thank you. Thank you for agreeing to doing it here at Merritt College. As I was looking at that video, I couldn't help but think, we're in a room where there's a large picture of Huey Newton on the wall. Huey Newton on the wall.

(Applause.)
PROFESSOR DIXON: So I'm already blessed knowing that this week we're going to have a great conversation about the criminal justice system. Thank you so much. This is a beautiful city. I'm so happy that we're starting this conversation.

I'm hoping that at the end of these three days I have a team of individuals that want to continue this conversation. It's so important that we cannot stop talking about it. We have a chance to make a difference. And thank you, Square One, for bringing us to Oakland.

We appreciate you. Thank you so much for being here with us today.

(Applause.)

MS. HUFFMAN: Well, we'll hand it over to you, President Burns, to say a few words.

PRESIDENT BURNS: Good afternoon. Can you hear me? Am I -- good. It is our pleasure and great honor, on behalf of our faculty, staff, students and administrators, to have you here in Oakland at Merritt College, particularly, as Margaret Dixon mentioned, the home of the Black Panthers.

Now, some of you may not have even been around when the Panthers were around, but you've got to know, you can't always believe everything you see on TV and the news or in the newspaper. There were so many great things that
the Panthers brought to this community and to this country
that are still alive and well, and most of that has to do
with social justice and social change, which is the fabric
of what Merritt College is built on.

So therefore we are honored to have this
correspondence. I want to thank Margaret Dixon, because
were it not under her leadership, we would not be able to
have this event here that is so significant to the San
Francisco/Oakland/Bay Area communities, in particular, and
particularly to Merritt College, that is home of a
fantastic Administration of Justice Program that partners
seamlessly and effectively with Oakland Police Department,
with our Sheriff's Department here of Alameda County, and
to talk about those kinds of issues that have affected the
students that we see here today. Because I know most of
you are aware of and have heard of the school-to-prison
pipeline.

Many of our students, and particularly our male
students, have experienced somewhere along the line the
excessive abuse of power, authority, and you know,
punishment for being a child that happens to be black.
And so many our students that come here have experienced
that.

And so to have this event on our campus is
huge. In addition, we're also the home of the Gamble
Institute, the COSER Program for formerly incarcerated students, that does a fantastic job. We have graduated and transferred students to Cal-Berkeley, to other colleges over this country.

And to have you here today is significant to that. So we welcome you here. We want to hear and be part of the conversation, because this affects our community and our students directly, and the time is now. The time is past.

But right now, we've got to change this for the future of Oakland, for the future of this country. So thank you, and I look forward to participating as much as I can, and hearing some of the great things that are going to come out of this, and how we're going to turn this ship around. Thank you.

(Applause.)

MS. HUFFMAN: Thank you very much, Ms. Burns. My name is Katharine Huffman. I am the Director of the Square One Project and it is truly just -- as others have said, it's whatever's next after -- an honor and a privilege to be here with all of you all today.

It's just really wonderful. We appreciate all of your time and all of your energy and all of your brilliance coming to this table. Huge and special thanks to Merritt College. The team that we've been working with
for the past, lo, these many months, many of whom are here, have just been incredible.

We do feel like we're standing in the history and standing in the culture of this place, and that's a gift to this endeavor. So thank you all so much for everything, and we will continue to thank you as we continue to benefit over the next few days, for everything here.

I wanted to take just a couple of quick minutes to talk a little bit about the Square One Project more broadly, and I really am going to keep it to a couple of minutes so that we can get on our schedule and stay on schedule, as Bruce was saying.

The Square One Project is, as you have seen and as you have heard and as many of you are already a part of -- is about generating new ideas. It's about taking the time, stepping back, and thinking, what of everything that we're doing is just assumptions that we can change, and how can we really start to make those changes into a reality?

The two main ways that we do that are through the Executive Session, which is a commitment of three years by a group of about 25 people, several of whom, many of whom are around this table -- thank you all very much -- who agree to come together over facilitated
conversations, similar to the one that we're going to have here today, but to come together twice a year for three years in an off-the-record setting to really dig in and talk and think over time about what could we be doing differently?

What does it mean to reimagine justice in this country? The Executive Session is interwoven with and is informed by and forms our Roundtables. The Roundtables, as you have heard and as you are starting to experience, are public-facing events that are similar in that they're facilitated conversations.

They're similar in that they're designed to really dig deeply and have a sustained conversation about these things. But they're different in that, number one, it's a different cast of characters around the table each time.

As Bruce said, each of you has been invited because of the very particular experience and expertise that you have, and we're just so thrilled with the gathering that is here today, with all of that. We thought about each of you and bringing you together because of the topics that we're tackling today.

The first Roundtable in Durham looked deeply at the history of racial and economic inequity, and what that means for current justice policy, what that means as we're
thinking about our current system and as we're trying to think about achieving justice.

That flows very directly into what we're grappling with today. Criminalization and punitive excess didn't just happen one day when someone flipped a switch. They are built on and they have come from decades and centuries of policy, practice, work, culture, relationships or lack thereof in this country. And that's what we're here to think about and unpack over the course of the next couple of days, and really think about: what are the ways that this could look different?

How would we want this to look different? What will that be like? So with that, I'll stop and just say, thank you again for coming to join us in this conversation, and I want to hand it over to two of our amazing partners in this work, who -- I'll introduce both of them really quickly.

Robert Rooks, who many of you all know, an amazing advocate for justice here in California and all around the country, will give us a few words. Robert is a member of our Executive Session and just an incredibly powerful and important voice there.

Also, Pastor Mike McBride, another person who I'm guessing most people in this room know, who works here in Oakland, was a part of our first Roundtable in Durham
and has been just integral to our planning for this Roundtable and the way that we've been thinking about what we can learn from and in Oakland, and hopefully what we can contribute back to the community here.

So I'll ask each of you all, just take a moment. Thank you for being part of our planning and our host committee here in Oakland and in California. Robert, do you want to go ahead?

MR. ROOKS: Here, Katharine. I'll be brief. You know, you have to be mindful when you go before a pastor, so I'll keep my comments brief. It's good to be here in the room with you. You know, I've been part of Square One close to a year now, and it's always good to step out of the work a little bit.

You know, our organization runs political campaigns. I do leadership development. I spend a lot of time traveling. I don't get a chance to step back and think and talk amongst some of the smartest in the field about what they're seeing that needs to be addressed.

And so for me, Square One offers that important space, and I truly have benefitted from it. It's good to be here also to talk about the topic of criminalization and punitive excess here in this state of California.

There's no other way to explain it. You see,
for three consecutive ballot initiatives, from 36, 47, to 57, the voters have said that they do not want mass imprisonment. They want us to go in a different direction than what we've been doing for the last 30 years. We also have seen increased conversations and policies at the Legislature, adding discretion for who should be released early.

We've seen a move towards youth and actually looking at brain science and looking at young people when they have committed their crime, and not holding them to that for the rest of their lives. We have a new governor, a new governor who came out at the start to move juvenile justice system under public health and to do a moratorium on the death penalty.

Those are the things that's been happening that's been on the positive side of things, but yet, we are still in this state where just 15 minutes from my house in Sacramento a young man goes into his backyard and gets shot and killed by police.

We're in a state where there is a rollback initiative to try and roll back the things that were passed in Proposition 47 and Proposition 57, where law enforcement and the bail industry is coming together to do two initiatives, one for bail and for 47/57 rollback.

We've seen a level of organizing at the local
level in California by law enforcement we have never seen before in the last several decades. We've seen it when they ran and won three strikes, but we haven't seen it since then.

So California is in the middle of a crossroads. What are we going to do? We have momentum, but we also see there are real threats right before us. And so I would just leave us with the idea that when we think about criminalization and punitive excess, we don't just think about it in the criminal justice context. Right?

When people get a felony offense on their record -- right -- it follows them to every aspect of their lives. You have people that can't coach their Little League -- their kids' Little League sports team. You have people that can't be a real estate agent. You have people that can't sell used cars. Right? That's not just criminal justice. It's how punitive excess has moved in and throughout all aspects of society, in our schools, in our health care, and systems throughout.

So I hope, as we grapple with some of these issues, we'll talk about criminal justice reform and things we need to change, but we also look at how it's had a cultural impact on society and on the systems in society.
So thank you so much, Katharine, for offering me the opportunity to speak, and I look forward to talking with you more throughout the next three days.

(Applause.)

PASTOR MCBRIDE: Okay. And so I share in the deep gratitude to Square One for coming to our beloved region of the world, certainly to Jeremy and Katharine and Sukyi. They are the homies par excellence, and of all the places to have chosen to come, I do believe this is an important place to be for a couple of reasons.

Number one, you know, I believe that, as I say it often here in our organizing work when we're talking to elected officials, that the worst conditions for black, brown, indigenous and other folks in the Bay Area is not because of the Tea Party Republicans or Donald Trump.

This region is governed by progressives, exclusively Democrats, people who claim to be the champions of those who find themselves left out of the sunlight of opportunity, as Dr. King says, and so at some point, we have to reckon with the reality that claiming to be progressive or claiming to be a Democrat does not necessarily translate to governing over a system in ways that actually get us to the ends that we say we want.

You know, one of our folks here, a mentor of mine, often, you know, told me when we first organizing
that disorganized truth will find it difficult to defeat an organized lie. And so Oakland, I believe, is one of these places, as well as the larger Bay Area, where we believe in the power of organizing.

    We believe in the power of the people. We believe that the people have the ability through skilled organizing to accumulate the necessary power and influence and resources to shift the systems that too often reify the very things that many of us are attempting to structurally change, and yet we still have to contend with this reality that too many of our people who serve in governance in so-called progressive cities or legislatures or administrations, their imagination is still either too small or too over-determined by archaic and outdated assumptions about too many people who do not fit in narrow notions of humanity.

    If we are not cultivating our own imagination, we are living inside someone else's imagination, and that is why I find this conversation to be so exhilarating and hopeful, because for many, many years, I believe this conversation has been at the margins, and now it is squarely becoming a central part of how both right and left and the spectrum all in between imagine they can govern and lead very successfully.

    And so here in Oakland we think that we have a
lot to offer as both what to do and what not to do.

Somebody say, amen.

FEMALE VOICE: Amen.

MALE VOICE: Amen.

PASTOR MCBRIDE: We think that here in Oakland there is a unique intersection of not just unique challenges that black folks face, but also the unique challenges that immigrant and undocumented folks face in a system that still has too long perfected the art of criminalization of large swaths of people who make up the majority of this region.

We think Oakland and the surrounding region also has an opportunity to let this be another form of a catalyst to help us live up to the great legacy of many, including Huey Newton and Elaine Brown and Ericka Huggins and many others, who helped to really light a match for revolutionary organizing and revolutionary thinking.

And so my hope and prayer is that our voices here in this room and when we go down into the city and you get a chance to listen to some of the young people, that emerging energy of young people who are organizing, using arts, and get a chance to hear from Alicia, who's a product of this region, that it will continue to send you back home and you can become evangelists with a small "e," if you will, of carrying to spirit of Oakland, but the
need to have a radical imagination, to see these things through.

And so as a faith leader, as an organizer in our National Network of Faith in Action and the Live Free Campaign, and people who believe that faith has a role to play in radically disrupting white supremacy and systemic and structural hierarchy, we're very glad to be here, and thank you for the opportunity to host you all.

(Appause.)

MR. TRAVIS: Let me add my words of welcome to everybody. I'm Jeremy Travis. Delighted to see this group of folks who have come together for this auspicious event. [inaudible] a minute about how we're going to do our work together over the next three days, do a little bit of sort of [inaudible].

But I'd like to just ask Sukyi McMahon if you would just, as our -- the genius behind this, some -- we'll call them housekeeping, not to demean them, but they're really important messages, and then we'll get into our work together. Sukyi?

So there's a lot of work that goes into planning this, and when we have our leadership meetings, Sukyi is always beamed in from Austin and has this just amazing sort of facility to sort of think creatively about how to put people together, and so when I look around at
who's at this table and think about each of you, when we're saying, we would love to have her, we would love to have him, we would love to have that expertise at the table, we all like to claim credit for it, but what is really -- Sukyi was doing the matchmaking.

So she gets a big round of applause for making this group come together.

(Applause.)

MR. TRAVIS: So here's what I'd like to do, just to sort of set the stage so that you know where we are in the Square One Project lifespan. As Bruce mentioned, this is our second Roundtable. The first was held in Durham.

There are three more coming. So we'll be holding the next one about six months from now in Detroit, where the topic will be violence. We'll be holding the fourth one, a few months -- six months after that, somewhere, a place to be named.

When we're looking at the systems adjacent to the justice system, one of our goals is to think about what are better responses to crime, and those are other -- mental health and education systems. And the final and fifth Roundtable will be on values.

We hope to end by articulating some values that can guide the country going forward that would be
different, we think, and elevating and more affirming than
the system that we have now. In the meantime, the
Executive Session that meets every six months at Columbia
is 24 people, some of whom are at this table, working
through ideas that are resulting in papers, and those
papers get published as the papers get written.

So the first two have come out already. One is
by Bruce. One is by Arthur Rizer, member of the Executive
Session, and Arthur is this sort of conservative voice on
values. Bruce is on reimagining justice. I forget the
exact titles.

But these papers are intended to contribute to
a national discussion coming out of the Executive Session,
and the papers that are produced for each Roundtable are
intended to contribute to a national discussion. They
will also, at some point, constitute scholarly product.

We'll find edited volumes and other outlets for
them as we feed a scholarly literature. But we also want
these papers to be part of the discussion about the future
of justice in America. So you know the papers that were
prepared for this session, so you get a sense of them and
what they're about and how fabulous they are, I just
wanted to read you the titles of the papers produced from
the Durham session and encourage you to go look at them,
because they're really foundational to what we're talking
about today.

The Executive Session, Square One, decided that our first task would be to have an explicit, sustained discussion about issues of race, legacy of slavery, white supremacy, the ways in which the justice system has been an instrument of oppression.

So the papers -- just listen to these titles. Some of you will know these authors. "The Racial History of Criminal Justice in America," by Heather Ann Thompson. "Policing in American History," by Robert Brown, from NCCU.


Nancy Levine, who is here today, and her colleague, Leah Sakala from the Urban Institute, on "Community-Driven Models for Safety and Justice." "The Gray Area: Influence of Officer Background on Minority Criminal Treatment," written by a student.

"The History in Progress of Black Citizenship," by Leah Wright Rigueur from Harvard. And one more, "Race, Criminal Law, and Repair," Martha Minow. So what we're
trying to do here is engage some of these scholars, the
preeminent scholars of the country to help feed this
national conversation, and that's one of the things that
we'll be doing today.

And I'll return to that in a second. So the
Roundtable itself is a format that some of you are
familiar with, some of you have been part of in other
settings, but it's intended to take some of the themes and
really let them breathe, poke at them, kick them in the
tires, try to figure out what's going on with some of
these themes to support the larger conversation.

So the ultimate ambition of the Square One
Project goes something like this. This is -- everyone
says, what's your elevator speech? Right? And my answer
is always, depends how long the -- how tall the building
is. Right?

I can speak for a long time on this. But the
elevator speech goes something like this from Square One:
here's the mind exercise. Let's imagine that we wanted to
design a response to -- I'll use the word "crime,"
although that's definitional -- a response to a moment
when something has gone wrong and somebody's been hurt or
harmed that is -- respects human dignity, that is healing,
that is diagnostic in that it helps us understand what's
going on underneath that event, that helps us think about
how to go forward, that activates human community capacity
to respond in a helpful and community-building sort of way
rather than community-damaging sort of way, and at the end
of the day, leaves the system that we've created of the
criminal justice system as that to be used only when
absolutely necessary and in the least harmful way
possible, and in ways that respect human dignity, et
cetera.

So Square One really puts the reform agenda to
one side, and we mean that respectfully. There are a lot
of people working on criminal justice reform around the
country, many of them here. Some of us have devoted our
lives to that.

But we're really asking a different question.
Is this a time in our country when the reform that Robert
and Pastor Mike have talked about, and so -- all around
us, actually creates a space for a deeper conversation
than reforming what now exists.

That's the challenge that I want to give to you
as we spend three days together. We have a hashtag that
captures this, which is kind of snarky, a little -- kind
of cute, which is -- we don't tinker. So think about it.
We're in this conversation, really not interested in
thinking about how to make something slightly better.

Other people do that, do it very well. Some of
us are working on that. We really want to change our mindset to ask, what could be very different on behalf of our country? So the big, historical view that we have -- we heard in Durham, that we'll hear in a second from Khalil, is a challenge to our founding as a country and to our history.

So the hope is that we can do some very deep thinking about what might look different. We don't pretend that there's a magical moment called the Square One moment, or when everything was peaches and cream. Just the opposite.

Our history reminds us that it's never been as good as we think it can be. Square One allows us, challenges us, to think differently, to put some preconceptions aside and to ask what would be different? What would be better?

So how are we going to do this? This group at the Roundtable -- you notice that we lied? It's not a round table. This group at this rectangle is going to -- I'm going to be your facilitator, engage you in a conversation, and I'll talk a bit about how that's going to proceed.

We have a number of people who are watching us through this piece of machinery here. Thanks to the folks from the Virtual Justice Lab for making this possible.
They're watching us virtually, and this is all recorded, so just, you know, be on good behavior when you're speaking, and we have a number of observers here.

So I'm saying to those who are in the observer seats, many of you have an equal claim to be at the Roundtable, so we don't mean to have a -- sort of a two-tiered participant system here. So many of you, I know, are here, and could be at the table.

I will find a time each day, certainly before the day is out today, to ask you if you want to throw in a question, make an observation, say something that we've missed. No speeches, no long paragraphs, something short. I'll give you that moment in a second.

So we do want to hear from you. In the mingle time, in the evening and in the breaks, it's a really important time for us to talk to each other, not just those at the table. I will play a role different from what you might have, for those of us who know each other, seen me do.

I am not going to participate in the discussion, unless I feel I really want to, and then I'll let you know and just sort of switching hats. I'm your facilitator. My goal is to help the conversation be as productive as possible.

So the way I want to start is the way we
started in Durham, so those of you who were there will remember this. I find it sort of mind-numbing to do the usual go around the table and everyone introduces themselves. Well, I'll start with Greisa, knowing that on this side of the table, they're sort of saying, oh, God, what am I going to say?

My time is a long ways away. So what I'd like to do, just to sort of liven things up a little bit, is I'll ask -- I'll start with somebody, and then ask you to designate who at the table is the next person to introduce themselves.

So Maria is going to be the first. She doesn't know that, until just now, and then you're going to say something about who you are, your institutional identification. That's easy. That's in the material. More importantly, one or two, maybe three, sentences about why you're here.

So this is not your chance to tell us all the good work you do, which is extensive, but just sort of what brings us to this moment, and it's not the good weather. It's not you being back in the Bay Area. It's something that's going to happen here.

And then you figure out who around the -- the person that's called last shouldn't feel bad. Right? It -- right? It just works out that way sometimes. So
that's what we're going to do, and then I have a special treat.

The students behind me, I've asked them to say something about why they're here. So Maria, who are you, identification, one or two sentences, maybe three. No semicolons. Okay?

MS. MCFARLAND: This is like law school.

MR. TRAVIS: Yeah, it is like law school.

Yeah, yeah.

MS. MCFARLAND: Definitely. So I'm Maria McFarland. I just want to you know I am the Executive Director of the Drug Policy Alliance, and what's exciting for me about being here is the chance to step back, as Robert was saying, and reflect a little bit on the bigger picture questions. And we're very engaged in debates right now about providing reparations for the harms of prohibition, of marijuana prohibition, but that is clearly part of a much bigger conversation. So how does this fit into that larger conversation?

And same thing with the work we're trying to do around decriminalizing possession of drugs for personal use. That involves rethinking the entire system in a way. We have to offer an alternative. If it's not policing, then what is it?

And so I view this as a great opportunity to
talk about those things and race.

MR. TRAVIS: Who would you like to call on?

MS. MCFARLAND: Geoff.

PROFESSOR WARD: Hello, everyone. It's wonderful to be here. My name is Geoff Ward. I'm a faculty member at Washington University in St. Louis where I teach in the Department of African and African American Studies, and I'm here because I've been thinking a lot.

I'm excited to be here because I've been thinking a lot for a long time about the racial politics of social control, and in particular, I'm interested in the haunting legacies of historical racial violence, race-related political violence, and the question of reckoning today, which I think is a kind of square-one problem.

So I think that's why I'm here.

MR. TRAVIS: Who do you choose?

PROFESSOR WARD: Oh. Marlon Peterson.

MR. PETERSON: Good afternoon. Good afternoon, everyone. My name is Marlon Peterson. I'm here from Brooklyn, New York, and --

MALE VOICE: [inaudible].

MR. PETERSON: -- no question, Brooklyn's in the house. I host a podcast called, "Decarcerated," which highlights the journeys of success of people who have spent time in jails and prison. I'm also a Senior
Atlantic Fellow for Racial Equity.

I think -- so I was also one of the folks that was privileged to be at the convening in Durham. And I think, as an extension of that conversation, I'm here -- I'm in the business of, like, honesty, and I think that these conversations, whether it be around racial equity or punitive access, also about who has -- that's actually not -- that's intentional -- who has the ability to act out punitive access, as well as punitive excess.

Excuse me. I think that we don't have honest-enough conversations about this, and I think, hopefully, like, we've started that in Durham. I'm here in the Bay, and Bay is one of the, you know -- the Bay, is like organizing-central, I think.

So many mouths come out of the Bay Area, and I think that, if anything that I would like out of this, is for us to bring -- to have the most honest conversations possible. With that said, the person I'll call on next: Elizabeth Trejos-Castillo.

Did I do it right? Did I say it right?

PROFESSOR TREJOS-CASTILLO: Everyone, hi. My named is Elizabeth Trejos, and I am faculty at Texas Tech University in the Department of Human Development and Family Studies. I'm delighted to be here, and very excited.
Thank you for having me. The main reason -- or one of the main reasons, not the main reason, but one of the main reasons why I'm here is that I work with foster youth that are involved in the juvenile justice system at the same time.

And it feels like this will be a tremendous opportunity to be able to bring to the light some insights about what are some of the challenges and the needs and the strengths that they have. I think we usually look at them from the perspective of deficit, but we need to look at them from the positive perspective in terms of learning from them what are some of the strengths that they have to be able to build them forward, but also to be able to reimagine justice for them.

I feel like they have turned into the scapegoat of so many of the problems of the country, and don't let them be teenagers, regular teenagers like anybody else. So that's basically the main reason why I'm here. I would like to call Eric Gonzalez.

MR. GONZALEZ: Good afternoon. I'm honored to be here. I am a newly-elected district attorney in Brooklyn, New York. I've been -- I was elected and took office in 2018 and I've come of age. I'm a career prosecutor. I've been a prosecutor for over 20 years, but
and the office of nearly 550 assistant district attorneys, that asks them to really consider what they're hoping to accomplish with every case they handle, what is the goal of the case in terms of dealing with the needs of the victim, of our community, and the needs of the accused, and to reject being a case processor, a recipient of cases that just come from the police department and saying that we must prosecute and move forward on what's given to us, if it doesn't make sense, in terms of public safety and promoting public trust in our justice system.

I recently came out with a launch committee of many thinkers and academics, formerly incarcerated. Law enforcement was also included. And they gave me 17 recommendations, and I think, to Jeremy's point, I didn't ask them to think of individual reforms, like we're going to reform the DA's marijuana policy, but to give me structural things that I could do differently.

And the primary result of that report that I hope many of you will take a look at and give me feedback -- it just came out two weeks ago, called "Justice 2020" -- but is that the goal of my office should be to use jail as the last resort, the last alternative, and that we should be handling many more of our cases with an eye towards preventability and accountability, but not towards putting anyone in jail or prison, and how do we make that
cultural shift as prosecutors?

And you know, Brooklyn has a large office. It's probably the third- or fourth-largest DA's office in the country. There are many entrenched prosecutors who've been there for a long time, and making that shift, that cultural change that a DA's office is not about punishment, but it's about restoring people to our communities and making our communities healthier and stronger.

So I'm looking very forward to the conversation and to practical things that I can bring back to my community of Brooklyn and to my office so that we can start making the changes that I promised the people of Brooklyn that I was interested in doing.

MR. TRAVIS: And who is next, Eric?

MR. GONZALEZ: Well, it's easy. And also, DeAnna.

MR. TRAVIS: I recommend that people take a look at "Justice 2020" out of the Brooklyn DA's Office. It really is unlike anything I've ever read from a DA's office. It's really commendable.

MS. HOSKINS: Thank you, Eric. I'm DeAnna Hoskins, President/CEO of JustLeadershipUSA, and I was sitting here thinking of why -- three things of why I'm here, and what I've realized -- being over a national
First is social justice reform. And I truly believe, if we keep tinkering around the edges of criminal justice and never get to the core, we're going to always continue to entrench harm because we start to identify who's deserving and who's not deserving, and when we start looking at criminal justice through that lens, African-Americans and Latinos are always left behind or cause more harm in the criminal justice system.

So why I'm here: to actually, like Marlon said, have an authentic conversation that is sometimes hard in certain spaces, to say how we change the narrative when we start talking about criminal justice, so we can reimagine justice.

And I choose Khalil.

PROFESSOR MUHAMMAD: Name's Khalil Muhammad. I am a faculty member at the Harvard Kennedy School, and I've been on a few road shows with Bruce and Jeremy before, and some of you, actually many of you in the room, so I try to beat back my cynicism, and so I need these
opportunities to be inspired.

So I'm looking forward to learning from all of you. Thanks.

MR. TRAVIS: Who would you like to hear from next?

PROFESSOR MUHAMMAD: Yes. Marc.

MR. LEVIN: Marc Levin with Texas Public Policy Foundation, which houses the Right on Crime initiative that we started in 2010. I've been working at this in Texas since 2005, and of course, with the real goal of bringing conservatives on board to the notion of criminal justice reform, and also to what we're talking about today, is rethinking fundamentally the whole system.

And I think, obviously, we make a lot of kind of arguments on why that needs to happen in terms of what's most effective. Obviously, limiting the power of government, which is a core conservative principle, promoting redemption, promoting reintegration, promoting employment and workforce participating, keeping families together.

We can go on and on. But I think, as we get back to kind of the square one, so speak, it's kind of interesting to ask, how did we kind of get to the traditional liberal/conservative divide, which I think we're in the process of overcoming, on this topic?
But people often say, well, Willie Horton, and I'm sure that's a manifestation of it. But I think fundamentally there's this difference in the sense that the traditional conservative notion is, you do the crime, you do the time.

People are personally responsible for whatever they do and suffer the consequences, and some of that, I think, sometimes even comes from a religious notion of evil and so forth. And then on the traditionally liberal side, you hear, well, people are a victim of their environment.

It's society's fault. It's how they were raised. That's why we need to be more lenient. So to me, it's always been a false dichotomy, and that rather than talk about punishment, we need to talk about accountability, for example.

So I think, overcoming this false dichotomy is the biggest obstacle to kind of bringing out about the type of system Jeremy was talking about earlier that's fundamentally also not counter to human dignity and the values we share, but rather, works alongside and promotes that.

So that's why I'm here, to get there. And I will turn it over to my friend, Robert Rooks.

MR. ROOKS: Okay.
MR. LEVIN: Yeah, Rob.

MR. ROOKS: Thank you, Marc. Robert Rooks, Vice President, Alliance for Safety and Justice. You heard a little bit about kind of my thinking on why this space is important. I'd just like to add that I am particularly interested in Square One as a reimagining space, and a space where we can bring in exactly what people and communities are experiencing -- right -- like on the ground.

People are experiencing social control. People are experiencing a lack of safety. You know, people are experiencing being left to deal with issues, real issues of mental health and addiction by themselves, and so I just want to make sure in this conversation what we imagine we are bringing in the real experiences of people in communities into these conversations as we do so.

MR. TRAVIS: Who do you want hear?

MR. ROOKS: Darrel.

MR. STEPHENS: Good afternoon. I'm Darrel Stephens. I'm -- I guess I'm a semi-retired consultant, doing consulting work now. Continue to be involved in police executive leadership training, council of governments, justice reinvestment, and have long been involved in working on wrongful conviction issues.

But primarily, I've spent a career trying to
reimagine policing, and how we might police our communities more effectively. So to have an invitation to come and be a part of a group that wants to think about how we can reimagine criminal justice was very intriguing to me.

So I'm honored to be and look forward to participating and maybe contributing. Keith Wattley.

MR. WATTLEY: Afternoon. My name's Keith Wattley, and I'm the founder and Executive Director of UnCommon Law, and we work with people who are serving life sentences. Our work is really about re-humanizing them in the eyes of those who have cast them away and bringing them safely home from prison.

A main reason I'm here is because I'm really committed to reimagining their role when they come back to the community and being violence disruptors when they get here. And I would pick -- right here in Oakland is my office, not too far from here. And I would like to hear from -- let's see.

Who else's name can I -- oh, Sirine, Sirine. There we go. Right here.

MS. SHEBAYA: Okay. I was sure I would be picked last. I guess that didn't happen. Thank you, Keith. No. So I'm -- my name is Sirine Shebaya. I am the interim legal director for an organization called
Muslim Advocates.

It's a civil rights advocacy organization that does litigation, policy work, and public education around the full spectrum of civil rights issues that impact Muslim, Arab, and South Asian communities, and I'm honored and super excited to be here, because I think that too often there are sort of parallel conversations that happen in silos within different communities that are all equally being impacted by the same issues. And so I'm delighted to be here in a context where, you know, I can really kind of listen more and engage and think about how Muslim, Arab, and South Asian communities are really kind of engaging and working together with other communities to address the big criminal justice and immigrants rights, and kind of overlapping issues that affect everybody, but in a context where we're not just accepting the status quo, but we're actually thinking together about how we can all work together to create a new system that addresses the needs of all our communities.

So thank you for inviting me. The next person? How about Nicole?

PROFESSOR GONZALEZ VAN CLEVE: Hi. My name is Nicole Gonzalez Van Cleve. I am a professor of sociology at the University of Delaware, and I work on empirical studies of the criminal court system. I started back as
an undergrad law clerk, being a law clerk at the
prosecutor's office in Chicago, Cook County.

And I think, as a young person, I wasn't
prepared to see mass incarceration in its -- in real life,
and there was no kind of larger public word for what that
was at the time, and I -- you know, I wasn't also prepared
to see the level of racial abuse by discretionary
practitioners, and that was difficult to name in a kind of
color-blind era, and so that took me on a decade-long
journey to disentangle how racism plays a role in due
process, how our court systems become a central place for
racialized punishment.

And one of the unintended consequences of my
work was my book, Crook County, came out at a time when
Laquan McDonald was shot in Chicago. He was shot
16 times. The police covered it up, and one of the things
that I had known from working in the court system is that
there was an enormous amount of prosecutor and judicial
complicity.

And the police officers were emboldened by
prosecutors who were almost intimidative of their own
police force, and that led me to kind of translate my work
into the public sphere, and it resulted in helping Anita
Alvarez get ousted from office, one of only two
prosecutors in the nation that was ousted.
And so I'm really excited to be here because it's been a long time since we've really examined how the courts are part of the system, this punitive system, and we expect it, because of the, you know, due process protections, the Constitution, the court record -- we expect it to be the space in which punitive excess would -- you know, would not thrive.

And my hope is to talk a little bit about how it does. Thank you for having me. Jonathan Simon.

PROFESSOR SIMON: Thank you. I'm Jonathan Simon. I teach criminology and law down the way at UC-Berkeley. I'm really grateful to be here at this beautiful East Bay campus here at Merritt College, and I'm very grateful for this conversation.

I've felt for a long time that mass incarceration is much, much bigger than just a criminal justice problem, and I'm really optimistic. Maybe it's here living in the East Bay that spawns that, but I feel that we're in a position, if we think big enough, to really see dramatic change.

I mean, I hope that we can see our status quo as having just come out of something like the Argentina dictatorship or apartheid in South Africa. It's an opportunity to really rethink what kind of political community we want to be part of.
And again, I'm a big optimist. I'm sure 20 years from now, we'll look back, and it won't be as big a change as I wanted to see, but if we don't ask for it now, it's not going to happen. I'm convinced of that. So I'd like to hear from Alexandra Natapoff.

PROFESSOR NATAPOFF: Thank you. I'm Alexandra Natapoff, but everyone calls me Sasha, so I hope that you will. I am a law professor at UC-Irvine. Before I became a law professor, I lived and worked in Baltimore as a community-based lawyer and then as a public defender.

The reason I feel privileged to be an academic is the same reason I am here. I feel that the opportunity to be a scholar has helped me try to think about and understand the bottom of the criminal system, the enormous, vast, unattended-to bottom of our system filled with cases, and most importantly, people who do not receive the attention, resources, lawyering, due process, data collection, dignity and respect that all human beings deserve if they are unfortunate enough to have an encounter with our criminal system.

And so the work that I do as a professor and my aspiration for these three days is to help understand that phenomenon better. I think that that -- the reason to focus on the bottom is because it is so unattended to and opaque that it is the place where some of our greatest
injustices take place that no one sees, that we lack the vocabulary and resources to deal with it because those cases, those issues are seen as unimportant.

I think they are profoundly important. They affect the vast majority of individuals in our criminal system, even though their cases and their treatment, their incarceration, and their punishment often takes place off the radar and under the table.

MR. TRAVIS: And who to call on? It's very risky to do what I'm about to do, which is to commend academics for the publication of their books because I'll miss somebody, but you mentioned Crook County, so there's a good read on topic.

I want to also commend Bruce's book to everyone's attention. It came out four or five months ago, called Homeward. But I particularly, because it's the most -- oh, and Jennifer Eberhardt, who will be here on Saturday, just published a book on implicit bias, which is, like, going to be a magisterial treatment of that.

But I also want to commend Sasha's book on punishment without crime, which is an examination -- I mean, the two -- we have the two of here. It just feels like it's just perfect. This -- the underbelly of the justice system as being a place where punitive excess lives and thrives.
So I felt lucky [inaudible] book tour. It was great. So who -- did I give you long enough to figure out who you want to call on next?

PROFESSOR NATAPOFF: I already knew, though.


PROFESSOR NATAPOFF: Yeah. Jennifer Chacón, please.

MR. TRAVIS: Oh, great.

PROFESSOR CHACÓN: Hi. I am Jennifer Chacón. I am a professor at the UCLA School of Law. I am here, I think, for the opposite reason from Jonathan, who is optimistic. I am here because I am depressed, and I think that it's partly a function of doing work on immigration and the intersection of the immigration criminal law systems for the past few years, and it's been grim.

And I think it's a really important time to have conversations that pull in the immigration conversation into the larger conversations that we're having around criminal enforcement, around social justice and reform. And I have been inspired in this by young activists who are working in this space, and they are often people who are without status or with liminal status, living on the edge, very much on the edge, but who somehow find the energy and the strength to every day do this work, and if they can do it, then no matter how
depressed I might feel, then I can too.

And so I am hoping that we can, together, advance some conversations that encapsulate some of the insights that I feel they've been generating about transracial movements, about broad calls for social justice that incorporate issues not just in the criminal enforcement system, but the immigration system, in the welfare system, in the health care system, and the many kind of intertwined systems that need our attention and our concern.

Oh, I have to call on somebody. I'll call on Josiah Rich.

PROFESSOR RICH: Thank you. I've been, you know, nervous about when I'm going to be called into law school. And my nephew recently graduated law school, and he told me that the first year, they scare you to death. The second year, they work you to death, and the third year, they bore you to death.

So I'm not sure where this meeting fits in, but somewhere in there, I guess. I'm a physician, and I trained in infectious disease, and then I went to Rhode Island 25 years ago. We had a large injection-drug-use-related HIV epidemic, and that really brought me into the criminal justice system where a third of the people with HIV in the state were diagnosed behind bars.
So that's a pretty big slice of the pie to ignore. And over the years, I've -- we've evolved to -- I've evolved to look at -- more at the addiction issues, particularly in the last few years with the overdose epidemic.

So I have a clinic. I've tell my students I've been behind bars every week for the last 25 years, and I tell them I've also been released from behind bars every week for the last 25 years. And you know, I started a center for prisoner health and human rights, really as a way to advocate for two things, two fundamental things.

The first is that this so-called criminal justice system is clearly an abomination and we need to do whatever we can to change that, and then the second is, there are opportunities, public health and health opportunities [inaudible] critical problems.

I kind of think of how nice of the state to go out and round up all these people at high risk for these diseases and parade them one-by-one in front of a nurse and we can get them started on treatment. Most recently, in Rhode Island, we were able to start medications to treat opiate addiction, and offer all three.

We were the first state to do that, still the only state to do that to everybody, and that's resulted in a 60 percent drop in overdose deaths in people coming out
of prison, which [inaudible] of that magnitude of effect
in the first year. It has turned the whole nation's
approach to incarceration [inaudible] is that since we've
published that less than a year ago. The court cases have
come through citing that data, and [inaudible] Justice
Department is pursuing American Disabilities Act
litigation.

So anyhow, that's the lens I come at with this.

PROFESSOR WESTERN: Where was that published,
Jody?

PROFESSOR RICH: JAMA Psychiatry, and it's --
you know, we -- I called the Brown Publicity Office, and I
said, guys, my 25 years of being a professor at Brown,
this will be the most impactful article I've ever written,
so I need you to go to the mat.

I don't even know what Twitter is, but somebody
there knows what it is and needs to get it out there, and
needs to get it published and we [inaudible] written and
we leveraged it, and then I went to the funders at NIH and
I said the same thing, and then I went to my hospital and
I said the same thing.

We had a whole team of people trying to get
that out there, and it worked. We got a lot of good
press, and [inaudible] the circles of people that are
doing corrections and opiate treatment. I mean it's
[inaudible] and the Arnold Foundation has been very helpful and supportive.

MR. TRAVIS: We'll find ways to help get that out. There's a bit of a family reunion here, just to be clear, that Khalil and I were on the National Academy Panel on Incarceration. So this -- getting together again.

So who do you want to call on, Jody? Who's next on the list?

PROFESSOR RICH: I think -- she's just got the craziest name. I've got figure out if I can pronounce it. Nneka Jones Tapia.

MS. TAPIA: You were very close. Thank you. The pronunciation is Nneka, but I usually just say, call me Neka, so we'll go with truthfulness here today. We'll talk about Nneka. But thank you. I am a leader in residence at Chicago Beyond, representing Chicago, since New York represented so well in the room.

And prior to being the leader in residence at Chicago Beyond, I was the former warden at Cook County Jail, and the first clinical psychologist to run a large correctional institution in the country. And I'm very thankful to be here today and to work with the Square One Project in general, because when I think about reimagining justice, I think about, you know, the disruption that is
necessary around punitive excess, not just in the criminal justice system as a whole, but the disruption that's needed in our correctional institutions specifically.

And now the work that I'm finding myself in with disrupting punitive excess in our communities, and we talk about that school-to-prison pipeline, we have think about how early that really begins and the work that has to be done with our young people, in service of our young people with them at the table.

So I'm really happy to be here in this thoughtful space, to not just again be thoughtful, but to also put action behind those thoughts. As Pastor McBride said, cultivating my own imagination so I don't continue to live in the imagination of others.

So thank you for that.

MR. TRAVIS: Who would you like to hear from next? We're down to a couple left.

MS. TAPIA: John.

MR. CHISHOLM: I was hoping to get to make the closing argument. The -- my name's John Chisholm. I'm the District Attorney from Milwaukee County, Wisconsin. First disclaimer: I am not the winner of the $750 million-dollar lottery from Wisconsin, so I'm still going to work on Monday.

I've had the privilege to participate in a
couple of forums like this, and what I have been able to take away from it is -- essentially the type of insights and knowledge from spectrums which prosecutors usually don't intersect with -- just to be very honest, we don't often intersect with the public health system.

We don't, as often as we should, work with community-based organizations, faith-based organizations. We don't work with our academic partners, and there's just so much to be learned in that process, that we can use to serve our communities in a much more effective way.

And I just fundamentally have come to believe that we just to have redesign the front end certainly, if not the -- we can start by redesigning the front end of the system. There's a lot of much deeper and prolonged work that needs to be done, but what I have learned from sessions like this, I have been able to bring back to serve my community, and that's like winning the lottery, in and of itself.

So thank you. And I think LeRonne, have you been tagged yet?

MR. TRAVIS: He's up.

DEPUTY CHIEF ARMSTRONG: I have not. And I think you guys intentionally saved the police officer for last. Right? So I'm LeRonne Armstrong, Deputy Chief of Police for the Oakland Police Department. I'm also the
direct partner with Stanford and Dr. Jennifer Eberhardt's SPARQ team.

So I work with Dr. Eberhardt on doing research around racial disparities in police stops, and so we'll get a chance, obviously, over the weekend, to talk about some of the work that we've done together around reducing racial disparities in not only stops, but also searches, as well as probation and parole searches, and how we can reduce the impact on that population, as well. And so I'm encouraged to be at the table.

I'm born and raised in Oakland, and so it's always good to have this conversation. But I am also comfortable now with being around researchers. And so traditionally, law enforcement stays away from rooms with researchers because it usually -- we leave somewhere like this -- more for us to do.

And hopefully, we leave today, from my perspective, with additional work that we can do to improve the way in which we police in our community, and so --

MR. TRAVIS: Thanks for hosting us.

DEPUTY CHIEF ARMSTRONG: Pleasure.

MR. TRAVIS: So [inaudible] for the College, that the City is hosting us. So Greisa and Margaret, I think you're the last, if I'm --
PROFESSOR DIXON: Why I don't go, since LeRonne went, and I -- some of my work has to do with what he's doing now. Again, I'm Margaret Dixon, professor here at Merritt College. I teach criminal justice. And so my hope this weekend is to do two things: one, reimagine what the Oakland Police Department will look like.

I spent 25 years there, and since my leaving there, I've had a chance to really think about what I would like to imagine it to look like, and so my work will start there, is to work from the top to the bottom, and so that I can bring to this community an opportunity to start to rebuild trust with that police department.

This community deserves it, and I plan to bring attention to that. Also, I work with students who have the desire to go into law enforcement. I feel that if I work with them with their minds at this point, whatever agency they choose, they can go in with the idea knowing that they're there to make a difference.

So again, thank you guys for being here, and I plan to participate as much as I can. Thank you.

MR. TRAVIS: At this end of the table --

PROFESSOR DIXON: Oh, we went.

MR. TRAVIS: -- we have Greisa, and do we dare call on Pastor Mike again?

PROFESSOR DIXON: Oh, let's do Greisa first,
because we'll save him for last.

MR. TRAVIS: Yeah, yeah. Okay. I'm with you.

PROFESSOR DIXON: Yeah.

MR. TRAVIS: So I've asked Greisa to share with you -- I also sort of pivot between the Jonathan and Jennifer sides of my being, of optimism, and you know, like, pessimism. So Greisa is one of those people who will help you think there's good things happening.

So I asked her literally on the way from lunch to here, what good news can you bring? So I wanted to share with you what I learned from there to here, because it's actually, I think, fascinating. Happened today. All right.

MS. MARTINEZ ROSAS: Good afternoon, everyone. How are you doing? And there's coffee, I think, in the back, too. So my name is Greisa Martinez Rosas. I am the daughter of Luisa and Elio Martinez, and I'm here representing United We Dream.

We are the largest immigrant youth network in the country. And I'm here bearing good news, because today, immigrants from Liberia who were set to be deported at the end of this week and lose their protections from deportation woke up to the great news that they have two more years of certainty in this country --

(Applause.)
MS. MARTINEZ ROSAS: And that is because of the organizing of young, black immigrants from the UndocuBlack Network and the immigrants of United We Dream all across the country. And so I think the reason why I'm here, outside of, like, the views and the good -- I think, these -- they have good food here in Oakland, so I'm excited about that, but I think the other one is that my life and the life of millions of undocumented people in this country are at stake.

There's no mincing words about that. Every day, we're dying in detention centers. Every day, our moms and our fathers are being torn away from us, and that is deeply connected to the criminal justice system and the way that people of color are viewed in this country.

The second one is because I believe that there is a future for us that is grounded by organizers and young people, some of them sitting behind me, and in United We Dream. And we have a vision where we are able to live unafraid, with dignity, and the ability to live with safety, and so I'm here bearing good news that -- don't despair.

Young people are on it. And also to be able to take what you all have learned through your life lessons and the places where you operate to make sure that our organizing continues to be strategic, deliberate, and a
winning strategy. Thank you.

(Applause.)

MR. TRAVIS: -- of the Roundtable because we want to be in touch with the next generation, and have been wonderfully successful, and with the events tonight and the student competitions, but little did I know that we'd have a visiting delegation from Williamette. And DeAnna is going to tell us why they're here, and how they decided to come here, because they're not from here.

Who are you? Let's all stand up, and tell us what your spring break -- this is what I find so interesting.

FEMALE VOICE: So yeah. We're from Williamette University, located in Salem, Oregon, and we're here [inaudible].

(Applause.)

MR. TRAVIS: Jennifer, did that help at all with the pessimism?

PROFESSOR CHACÓN: Yes.

MR. TRAVIS: Good. Okay. Pastor Mike, do you want to add to what you said before?

PASTOR MCBRIDE: Yes.

MR. TRAVIS: Okay. So now, we're about to get to work. So we're going to share what I call the rules of the Roundtable, and those of you who have worked with me
before, these will sound familiar. But before doing that, I want to be very clear in expressing our gratitude to the funders that have made this possible. Bruce, I mentioned Arnold Ventures, where I now work, which is funding the Roundtable.

We should also express appreciation to the MacArthur Foundation, which as part of the Safety in Justice Challenge, is funding the Executive Session at Columbia. We've added a third funder, Galaxy Gives, which is helping us with the messaging work and the Raben Groups, you know, we're trying to really get this word out, and that requires additional support, and most recently, the Joyce Foundation, which would be funding the Roundtable on violence in Detroit.

And anybody here who represents a foundation that wants to come and talk to us about additional funding, there's room for more investors. Let's put it that way. So I'm delighted that the foundation where I work now has made this support possible, and want to acknowledge Arnold Ventures, and our founders, Laura and John.

How does the Roundtable work? So the way -- the best way to sort of understand this is just pull out your agenda for what we're doing today and tomorrow and the next day, and I'll just sort of -- it's almost like a
sort of talking you through it, but you'll see what we have in mind and the way in which we hope all of this, at the end of our time together, sort of hangs together.

But we have segments that have titles, and for each of those segments, there's a paper that's been written by one of us, that is somebody around the Roundtable who's written a paper that's been distributed to you.

And as Bruce said, we assume that you've read it. And if you haven't read tomorrow's papers, you have tonight to read them. If you haven't read Saturday's papers, you have two nights to read them. We assume that you have read the papers.

Now, the notes to the academics in the room is that this is not an academic conference. I hope this feels somewhat different for you and better maybe in some ways, because your role here is to get us started in the conversation.

Once that's -- once we are started in the themes that you have elevated, then the rest of the conversation is not directed back to you, so I'll just, you know, use an example of attritional academic conferences.

There's a paper presented, and then there are people who are responding to the paper, and it's to inform
the paper. That's not why we're here. We hope that
you're listening in ways that will inform your thinking
generally and maybe the paper, but what's more important
is this conversation.

So I will be very clear in saying, first, after
the 10 minutes or so that each of you is asked just to put
some themes or some ideas into the conversation, I'll be
very clear in saying, are there clarifying questions from
the Roundtable, not -- I really don't agree.

You didn't cite so-and-so. How could you have
-- you know, that sort of thing that happens at our
academic conferences. Not what we want. But we do want
an opportunity to say -- someone to say, you said
something I didn't quite get. Could you clarify?

But then I'm going to stop the conversation
between you and members of the Roundtable and open it up
to everybody else. I'll try before the session ends and
come back to you to see if there's something that you
really want to say that you've heard that you think
requires some clarification, and then my colleague and
friend, Bruce Western, will be asked at the end of
virtually every session to sort of -- because he sits and
listens and summarizes and synthesizes in ways that are
always helpful to moving the conversation.

What did you hear, Bruce? And he'll take a few
minutes before a break to help synthesize what it -- the conversation that just happened. So that's for each segment. So let's just start with what we have going first, and you'll see, I hope, how they hang together.

So Khalil has written a paper for us that is, as one would expect from him, just big and masterful and provocative based on his work that in ways that I hadn't expected. But as I read it, I said, thank you, because it's a bridge between this Roundtable and the first one.

So Durham was all about race and history of race and the ways in which race and white supremacy have sort of taken over the criminal justice process. So Khalil is, in part, that bridge in his paper.

So we want to start there. But our focus is not racial history. It's really this phenomenon of punitive excess. How has the operations of the justice system -- how have they have been sort of inhabited by our history of white supremacy? We'll then take a break.

And then we're going to come back, and one of the high aspirations we had for this Roundtable was that we would be able to make the link that a number of you have made between the criminal justice issues that we are steeped in, most of us, and the issues that are one step removed, whether it's immigration or issues of difference generally or othering generally within our society.
So we're delighted that Jennifer Chacón has written this really brilliant paper that helps us think about the parallel processes of our immigration policy and our criminal justice policy, and she doesn't go way back. She starts recently.

And it could have been -- I said this to Bruce -- it could have been writing the National Academy report that we wrote, but it was all about the immigration version of how did we get here? So we want to put those ideas into play, and this is what Elizabeth was talking about, Greisa was talking about, and others, but how the immigration work in that advocacy community is closely aligned, but never really connected, or insufficiently connected to the work on justice reform.

So that -- as if that's not enough substance for the day, that will be a big discussion for us. We then have a reception, a break in the evening, and the wonderful events that have been planned, and then we'll come back tomorrow morning. And then we'll look at the sort of close-at-hand issue of the courts, how the courts operate in this environment.

And again, a big thank you to Nicole Gonzalez Van Cleve who has, again, a powerful, powerful paper, that paints these pictures that are just so poignant and sort of difficult to face about what happens in our courts,
very similar to Sasha's book, I think, in just elevating
this part of the criminal justice, while we focus a lot of
attention, correctly so, on mass incarceration and prisons
and the like.

And then we'll come back to the work that Geoff
Ward has done, that really links us back to Oakland. How
do we continue to think about what we've just learned in
those sessions in the spirit of a -- this is already a
Square One theme of reckoning, of reconciliation, of
coming face-to-face with history.

This is the work that Geoff has done and
challenges us to think about how the Square One process
fits or doesn't fit in that large ambition. And then
you'll notice a change of pace. After lunch, we have a
session called Justice in Oakland.

In Durham and in Oakland and I'm assuming in
Detroit, everywhere we go, we want to provide an
opportunity for the people that are doing the hard work in
the community that is hosting us to come educate us,
inform us, inspire us about the work they're doing, and to
be part of the larger Square One family, larger Square One
community.

In Durham -- I'm sure it will be the same here
-- what we leaned from the individuals, a newly-elected
DA, a judge, two judges actually. We had at the table a
bailbondsman. That was fascinating. But to just sort
think about the work that's being in those communities in
the context of our work.

It's both a reality test and an inspiration to
us. So the Justice in Oakland session that will be
facilitated tomorrow afternoon is also an important part
of the methodology here. And then we have a wrap-up, and
then we have Alicia Garcia Garza who is speaking to us
about her organizing works, which will undoubtedly be
inspiration.

Saturday, we come back. We like to keep people
moving, and keep lots of things in play. We have the
remarkable scholar and sort of a [inaudible] to herself
and in her own quiet way, Jennifer Eberhardt, whose book,
as I said, is just coming out on implicit bias. Her paper
is just this -- as you read it, this cautionary tale about
how the public reacts to the work we're doing,
particularly when the focus is on race and racial
disparities.

I think a very important contribution to our
discussion, but she is a leading force, and I'm not
surprised that you're working with her, and then we will
end our time together with Jonathan Simon who is going to
elevate the discussion by challenging us to think about
some of the core values and the work that he's done and
the rest that he's done, and it's reflecting, continuing to reflect, on the human dignity and the citizenship theme that he's been so instrumental in elevating, and asking, I think, a very important legal question which is whether there's a possibility for this to become an active legal concept, or is it, as you say, a civic idea that we also want to engage?

Anyone tired yet? Sounds -- everyone's up for this? Sound good?

FEMALE VOICE: Uh-huh.

MR. TRAVIS: Okay. We can't go any further without asking Vikrant to introduce himself. We have been joined by another member of the Executive Session of Square One, Vikrant Reddy.

MR. REDDY: Vikrant Reddy, Senior Fellow of the Charles Koch Institute, member of the Executive Session. Sorry I was late. I just had a flight delayed. Happens.

MR. TRAVIS: Great to have you here, Vikrant. We'll catch you up in a bit. So the rules of the Roundtable go something like this. It's fairly simple. I will facilitate a conversation. At the beginning of our time together, it will be more -- you know, you'll signal that you want to be on the queue.

Some people like to put their name tents up. You can also just get my attention and I'll look around
the room a lot, and I'll put your name on the queue. And to the -- at least at the beginning, I'll call people in order.

The queue will -- can be set aside in one of two ways. The first is what I call the insistent wave. You know how to do this.

FEMALE VOICE: Do we give you our name tag?

MR. TRAVIS: You know how to get my attention. It's, you know, da, da, da, me, something like this, and what you're saying to me is -- I don't care about the queue, Travis. I've got to get in right now, because what I have to say is really important and on point and right now.

If you don't hear from me, you're going to miss something important, and it better be good. But I will recognize and respect your use of that exception to the queue. Over time, maybe today, maybe tomorrow -- we'll see -- I will also try to weave in people's observations from an earlier point in our discussion.

So if at some point, you know, Geoff says something that, you know -- on Friday afternoon -- I say, Geoff, yesterday you said something. You must help us make the connection between these two thoughts in your mind so that we can benefit from your thinking at this moment.
And I will exercise that prerogative from time to time, just to make this a -- sometimes it will feel a little bit like one after another after another. I hope it doesn't feel that way, because it should be synthesizing and cumulative over time.

The other rule of the Roundtable is that everybody speaks. Some people are little bit more -- how shall we say -- they have a lot to say and they want to say it often. If you have a lot to say, I may ask you to wait, if there are people who haven't spoken before.

That's another way the queue will not be honored. If you have too much to say at the moment when you're called on, there are hand signals. Speed it up. There are hand signals -- you know, this is what you don't want, because we have to respect each other's time.

Right? These students took their spring break to come here. I'm just still blown away by this. So we have to respect each other's time while we're together. So there will be hand signals: shorten it, end it, speed it up, stop now.

Right? Hopefully I won't use any of those because you'll be on -- we all believe in informal social control. Right? So you won't need the heavy arm of the law here, just so you --

FEMALE VOICE: Not the police. Thank you.
MR. TRAVIS: Okay. So everyone speaks, and I'll just talk to you if I haven't -- if you haven't -- if I haven't heard from you yet. Please remember that we're live-streaming. Please remember that we have a stenographer, and you'll get my attention if people are not being -- not audible.

And I'm going to ask you -- and I might try -- I will try to do it -- sort of the first time you speak, even though we have microphones that are identified, I'll say, Elizabeth, you know, come on in, or Sasha, come on in now, so that we know who is speaking.

It just helps the stenographer a little bit. Please tweet, not while you're speaking here, but during the breaks. Those who are observers, live tweeting is encouraged at #SquareOneJustice. And let me see if there's anything else I want to say before we're ready to get going. Da, da.

I think not. Good. Okay. So, ready? Yes? Khalil, you are up to give us a 10-minute, no more, sort of your thoughts from your paper, and then we'll open up the floor, get your attention, people who want to get into the conversation.

We're a little behind schedule. We'll make up, like airplanes do, make up for lost time so that we end on time, because we have people waiting for us, but we'll
start with Khalil Gibran Muhammad.

PROFESSOR MUHAMMAD: Thank you. Thank you, Jeremy. So Jeremy was right. I offered a big platform, but I think that we have to start with a correction, and if I were exercising Roundtable rules, I'd say that Jeremy misspoke.

Race and racial disparity are not things that we consider as something that is a menu of possibilities for how to understand punitive excess in the United States. It is in part the fact that, for the last 50 years, people who have been responsible for shaping this system as policy-makers and practitioners have erased the core features of our history of which they stand on top of, that has mis-educated many of us to the fact that race is something that we go to a session at ACS on, or we opt into a class on.

I'm at the leading policy school. I hope my colleagues are listening. I doubt it. And race is invisible in the structure of that policy school, even more so now that Bruce is gone. So that to me is a perfect segue to essentially the paper that I wrote, and perhaps a bridge to the papers before.

So if we're going to answer the question, which partly my job was, is why the United States is so punitive, first, it is in fact a historical question.
Second, as has been said many times and it was very well articulated in the video, that the origin story of the United States is a story rooted in settler colonialism and conquest, can never be extracted from that history, because the question of whether or not we've transcended that history is predicated on how much we've actually wrestled with it, and that's a new thing, which is the thesis that I'm arguing here, the fact that we are still struggling to identify the centrality of race.

So I'm going to make some super-provocative claims, in hopes that those who haven't read the paper will, because the paper articulates these in more measured language. But anti-Blackness and anti-indigeneity are core features of our -- to answer the question of punitive excess, period, hard stop.

Twenty percent of the black population in colonial America were enslaved, which by definition created an irreconcilable conflict for a liberal democracy. That liberal democracy could not proceed on the basis of universal rights of man with 20 percent of its population enslaved.

How did it solve the problem? It solved the problem by inventing a myth of inferiority, of fundamental, categorical, hierarchy of human species. So if you take issue with that, that's okay, but that's a
feature of your educational system, not my problem.

The second stage of this is that the resistance
of those enslaved people not only challenged that system,
that hierarchy and their actual enslavement, but it
further entrenched or further made necessary further
discourses and practices of criminalization.

So the harshest moments of slavery came in the
19th century, more than 200 years after the system had
long been in place, precisely because, as people of
African descent gained language and built community, they
objected to their subjugation, and out of their objection
to their subjugation came slave patrols, spectacle
violence, beheadings, literal cutting off people's head,
putting them on signposts as an example.

Now, we know about lynching later, but this is
before slavery ends. So you have to understand that that
resistance made further necessary more criminalization and
more punitiveness. And we -- this is the big headline --
we have been stuck in that cycle ever since.

And so resistance and the expansion of liberal
democracy, contraction, resistance, expansion,
contraction, resistance. But we've never discarded the
basic dynamics that bring all this to the fore, which is
the basic problem of subjugation and beliefs about
hierarchy and inherent inferiority.
And the only way you get to that is if somehow the 100 years that comes after slavery somehow should be discounted as debatable as to what happened then, and my guess is that most people don't debate that. So now all of a sudden we're right about 1965, and here's where things get tricky.

So I've said here in the opening of this paper that empirical researchers prefer behavioral models to explain things, because mostly they -- whether we think of these in ideological terms between the left and the right, or conservatives and liberals, or Republicans and Democrats, essentially almost everyone, as Pastor McBride suggested to us, has a kind of natural relationship to behavior that says people are responsible for the choices they make.

And so empirical researchers have dominated the field of criminal justice, the practitioner focus of it, over the last 50 years. The growth and proliferation of policy-based research and criminal justice schools, as in John Jay in particular, have focused on those behavioral models, meaning that history has almost not been welcomed even to the conversation.

What does that mean? That means everything that happened before 1965 either gets acknowledged in the most abstract sense as something that happens a long time
ago -- it was terrible -- or it gets discounted. And it gets discounted -- and this is the important fact that I want to point out to you -- gets discounted in the way that says, well, okay, fine.

There were more innocent people who got a raw deal back in the day, but today we know that most people who are in prison are there because of some harm they've committed. We know from the community itself that self-reported rates of victimization are as high or higher than uniform crime reports and therefore we're not talking about innocent people.

We're talking about guilty people, and what are we supposed to do with guilty people? Well, the problem with that is that if we knew our history better, we'd know that there were actually a lot of guilty people back then too, black ones and brown ones and white ones.

So the innocence question is only our historical reading of the past. So you either have some understanding that people actually do harm, past and present, and our response should not be to reinforce the logic of elimination or the logic of exploitation, and that we ought to actually encourage through some productive, accountable means of socialization that we are helping people, or we are doubling down on what we've always been doing.
And I'm not going to go into any detail in my opening remarks about models of examples that we can find internationally or historically for what a different kind of system looked like, but I do resist the notion that we are building this thing out of whole cloth, that Square One is a reimagining of something that we haven't seen before, and you know, that's another provocation for a conversation to be had.

So let me wrap this up in a way that I think makes the most sense for this conversation. One, I'll say that we have -- historians have spent a lot of time with ever-greater sophistication and attention to detail of all the ways in which people simply were defined categorically as criminal, whether or not they were breaking the law or not. Because the law -- breaking the law itself does not get you the label of criminality, does not produce criminalization, and most certainly is not the only pathway into punitiveness, which only through history can you see that for what it is, because people living in the presence of their own victimization are living in the presence of their own victimization.

The second point is that historians are spending a lot more time looking at relational criminalization. At the gender or intersectional level, which I spend a lot of time talking about new evidence --
we ought to be talking more about the experiences of black women through convict leasing and chain gangs, because we learn even more the ways in which these systems were meant to destroy.

The scholar Kali Gross talks about exclusionary politics of protection, which fundamentally means that the law, as we understand it in terms of criminal law for protection, often imagines an idealized victim, and that idealized victim was a white woman.

What does it mean for a black woman to not be able to embody victimization in a protectionist construct? And so those histories describe precisely what the legacies that haunt us with regard to how black women were left out of the category of protection, and so a woman like Marissa Alexander can be charged with 20 years for firing a weapon in self-defense, not having access to stand your ground in Florida by the same DA, Angela Corey, in the midst of the Trayvon Martin scandal. And due to protests and resistance, she was able to get a lighter sentence.

That's the long history there. The other is that my colleague Nicole Siegel has actually looked up close in Indiana, Putnamville Correctional Facility, precisely how white men imagine their conditions of confinement as the conditions of being black in America,
that they understand that they themselves have been caught
up in a system that was meant to hurt, harm or destroy
black people, and they simply are collateral damage.

Now, it doesn't mean that they, to a person,
may not recognize, I broke some law, but what I'm
experiencing, the dehumanization, the denigration of my
life, the lack of opportunity, the mistreatment by the
guards, is a function of a system they now understand to
have built for black people. Just like welfare benefits
and food stamps in this country have been defined as
something that white people shouldn't take, even though
they are the greatest beneficiary of our social
provisions.

So these are not bygone logics. These are
logics that are ripe and ready in our contemporary moment.
We cannot kid ourselves that the history that I've written
or the history that Nicole has written or referenced or
that Jennifer has written or that Geoff Ward has written
would pass the smell test in almost any public forum
outside of this room.

And the fact that it won't pass the smell test
is not a function that the history is wrong. It is a
function of the deliberate mis-education of Americans to
uphold a system that, from the very beginning, was not
meant for non-white people to thrive in.
It was not meant for non-property people to thrive in. The fact that the 13th Amendment has not been overturned or the fact that Alabama still does not provide for integrated public education by Constitution tells us something about the legal structure.

I have a line in here that says essentially once you look at this history for what it is, our nation was founded on lawlessness as the law itself. So how should I close with my opening remarks in this messy, crazy stew that I have?

If Jeremy will indulge me for a minute, I'll tell a quick story.

MR. TRAVIS: Please.


I sat in the audience anxious to hear him. With a broad smile and supreme confidence, he praised the newest release of the pioneering crime-mapping software known as CompStat, that had been at the heart of stop-and-frisk policing when it first began in the early 1990s.

Bratton was almost giddy about the comparison, although the unintended pun on the film's title seemed to escape him. Two years later, 2017, at a Heritage Foundation summit on "Policing in America: Lessons from the Past, Opportunities for the Future," Bratton gave more detail about the architecture of CompStat 2.0.

"The software is based on algorithms and advance data-mining techniques we call predictive policing," he said. "Effectively, it's the CompStat of the '90s on steroids in the 21st century. And just like all new technology, it was guaranteed to be better than before."

"It is discriminating, not discriminatory," he bragged. "It is precise, not prejudiced." Until he retired, Bratton was America's top cop. Starting his career as a military police officer in Vietnam and then on to Boston in the 1970s, he spent the next five decades running the biggest and most racially-troubled police departments in the country.
FEMALE VOICE: [inaudible], would you mind slowing down a bit?

PROFESSOR MUHAMMAD: Oh, I'm sorry.

FEMALE VOICE: This is brief -- we set the story.

PROFESSOR MUHAMMAD: Bratton served in six departments, coast to coast, from New York to Los Angeles and the Big Apple. Several of these departments were subject to federal investigations for police brutality, either before or after he left.

Over the years, he has developed a strong sense of history covering the entire span of the post-civil rights era in policing, but unlike the many critics of aggressive police tactics, Bratton has rarely if ever publicly questioned the value of social science data, except when the research critiqued police racism.

In his Heritage speech, he celebrated the theoretical founders of "broken windows" policing, the criminologist George Kelling and the political scientist James Q. Wilson, two personal heroes of mine, he said. But he also repudiated the Kerner Commission findings, which he said he had read in 1974 to pass the sergeant's exam for the Boston Police Department.

"They believed at the time that the cause of crime -- or the causes of crime were racism, were poverty,
were police practices, in many instances unemployment, demographics. They thought those were the causes. They were not, they are not, and they never have been."

His words. At the summit, Bratton said, "By the '90s, the policing profession had finally figured out how to get past the flawed Kerner legacy. Police and community leaders started coming together at a series of executive sessions led by faculty at the Harvard Kennedy School."

His words, not mine. I wasn't there. "There, we began to get it right," he noted. "The cause of crime is people." Paraphrasing Al Gore, he said, "There is an inconvenient truth that cops go where the criminals are. Data-driven or evidence-based policing is not biased policing.

"The disparities are not a policing issue. It is about behavior. You have the crime numbers and they are self-evident." Bratton could just have well have cited the National Rifle Association's slogan, guns don't kill, people do, as inspiration.

Future historians will have to place Bratton's legacy in its fullest context. For now, what's clear is that he had an oversized influence on how racial crime data continued to shape the lives of African-Americans and Latinx people in the post-civil rights era.
Now, I'll end with that story because if this history mattered in any way that we might recognize in either the written text that is in this book or in the stories that we will hear or in the videos that we will hear, you might think that America's top cop would have a different story to tell in 2017, but he doesn't.

And the reason why he can isolate crime is precisely the reason that I opened with, that as long as you simply say that people as individuals are responsible for their behavior and nothing else matters, the discrimination, the isolation, the alienation only matters for white people because of course they get access to their individualized selves, except of course when they have been blackened by their poverty or blackened by their proximity to black people, then he's right.

It is a behavior issue, and nothing more, and we are wasting our time. So I couldn't have thought of anything more provocative to end on, but I'll leave with that.

MR. TRAVIS: As predicted.

(Applause.)

MR. TRAVIS: Thank you, Khalil. We're off to a roaring start. That's great. Are there clarifying questions of Khalil that -- he said something that you'd just like to have some elaboration on before we get going?
Okay.

The floor is open for those who would like to react to, comment upon? Just you know, take it where you would like to take it under this big heading. Yes, Jennifer -- Nicole. Yeah.

PROFESSOR GONZALEZ VAN CLEVE: Well, first of all, thank you for that beautiful summary and for the article. I think this -- I want to start with something that might sound very controversial, especially to some faculty around this table, and that the description in that final story you talked about really in some ways sounds like it's emerging right out of the Criminal Justice Academy, meaning the top criminal justice programs in America right now are teaching all those techniques and the techniques that in some ways create more harm than good.

There are historians that have been pushed out of criminal justice departments across the nation. You cannot find an historian that can be tenured in a criminal justice department. I think there is also no classes on race at all in criminal justice departments.

Faculty have not diversified unless they're able to participate in the types of predictive police studies and other things that seem to get funding. And so I guess one of the things I'd suggest that might be
uncomfortable to many academics is that if you follow the educational tracks of how researchers are trained within the field, you are finding some of these pockets of power that often in some ways are reproduced by funding. Right? So the predictive policing folks realized that body cams are tools for police accountability. So they shift over the funding structures to try to get funding in that respect. And so I think -- when I was thinking about this idea of Square One, I think one of the introspective things that many of us, especially as faculty members, need to think about is the places that we were trained, how are they in some way reproducing the power structure in which -- seems to blindly ignore history and makes it very difficult for us, especially as faculty members, not to participate and become complicit in it as well?

MR. TRAVIS: Okay. Good.

MR. WARD: Khalil, that's -- thank you very much for this powerful paper and your summary. I also wanted to respond to the challenge you raise about undoing the deliberate mis-education of Americans. I think it is one of the most practical things we can really think about attempting to do.

In the interest of this -- you know, in my piece, I write about this as a problem of reconstruction.
We're at another moment where we're contemplating reconstruction and how do we think about building a sustainable, a new and sustainable model of equal justice in this society?

I think that, you know, like Nicole, my mind went immediately to the discipline of criminology, which is the site of incredible racial violence, subtle but spectacular in terms of its constructions of the knowledge about race and crime and so forth, and its erasure of certain problems.

But as I thought about it more, you know, I'm thinking we really -- we should be thinking about early childhood education, elementary and middle school and high school as well, where fields like social studies and history have either been kind of denuded of their critical -- of the knowledge that has been born of the last, say, half-century and more of critical work on race and history, but also feels like philosophy, where some of the most important work around, you know, values generally but also the racial logic of America and the American creed has been developed.

So I think it's -- I just wanted to thank you for raising that problem, and then to also put -- to make the suggestion that we cast a broad net in terms of thinking about the challenge of redefining education in
this country and then building a new Square One.

MR. TRAVIS: If you want to get in, just you
know, wave at me, get my attention somehow. Okay.
Elizabeth? Marc?

MR. LEVIN: I think that -- what I talked about
in my -- when I was introduced was this false dichotomy
between personal responsibility and crime is society's
fault, and I think what you said -- basically to elaborate
on that, that when you talk about -- well, you do the
crime, you do the time, personal responsibility.
We're not going to consider, you know, your
background or how this -- what led you to this. We failed
to answer kind of a question that we may not be able to
answer conclusively in individual case, but we know in the
aggregate, which is lots of different reasons why someone
may be more likely to engage in criminal activity.
Obviously, racism -- I think the specific
issues that young black men face in our society and have
faced historically, poverty, but also issues that some,
you know, folks on the right have been more likely to talk
about, like absentee fathers.

But exposure to violence is another one that's
emerged. Children exposed to violence have much higher
rates of crime. So of course, the flip side is that we
can't have a deterministic view that some people are
destined to engage in crime -- is that kind of robs people
of free will.

FEMALE VOICE: Mr. Levin?

MR. LEVIN: Yes?

FEMALE VOICE: You [inaudible] into your own
political [inaudible].

MR. LEVIN: Sure. So --

MR. TRAVIS: He will be your biggest
challenging, I'm predicting --

MR. LEVIN: Yes.

MR. TRAVIS: -- because we've been together
before. Yeah.

MR. LEVIN: So -- and then the other thing that
I really thought about is -- I think we've all seen the
analogy of a marathon, and some people are starting at
different places, and that raise -- and I think where we
can kind of intervene the soonest is where there's the
greatest consensus as a society, and obviously we see that
issues like the school-to-prison pipeline that's been
talked about earlier.

And then finally I think you're -- when you
talk about slavery, I think it reminds us that too often
the criminal justice system, and particularly our prison,
are battling against human nature, rather than aligning
themselves with human nature at a very fundamental level.
So you can look at the architecture of our prisons, the lack of natural light, the lack of opportunities for just human contact, and we saw this, Jeremy and others who have been on the tour on prisons in Germany, just how much different a system is that, you know, allows for autonomy, people to check out their own library books, people to pick out ingredients to cook their own meals, instead of just turning them out as automatons, whose every move is dictated by the rules.

So I think that if we can focus on those three things, kind of combating this false dichotomy of personal responsibility, and you know, on the other hand, saying there's no free will, and we can recognize this marathon analogy and we can align the system to human nature instead of fighting against it, we can start to kind of overcome some of this history.

MR. TRAVIS: The -- thanks, Marc. So the queue that we have now, just so you see where we are, on active bench here was Elizabeth, Sasha, Maria and Jonathan. We're going to move toward a 3:30 break. We'll be a little bit behind schedule, take [inaudible].

And before we do that, I'm going to ask Khalil just for some closing observations and Bruce just to do, again, a very brief, summary. So next is Elizabeth and Sasha.
Thank you, Khalil, for that very provocative paper. I just have a comment, and just to kind of build on one, what Geoff was saying, regarding education of schools. I think that one of the main challenges, or you know, one of the challenges that we have is being able to educate our children about our past and educate them about a past without being afraid of naming our past in the way that it happened.

There is so much that is going on that we -- in our effort to try to spare them the pain of what we have suffered, we are not allowing them to be able to construct and deconstruct history and being able to understand the suffering of so many different groups in this country.

You know, along with that, we have to -- I think that a big challenge also is to be able to bring the voices of those active agents in history back into how we document history but also how we educate our children about what has been going on in the country with different groups that have been underserved and continue to be underserved, and not just give them a PRI digest story of what has been going on.

With that, saying I think that the history or how we have been documenting the suffering of our different groups in the country, have remained deaf to the
lives and to the personal, individual trajectories of people that have grown through many different systems.

And you know -- and certainly, one of the challenges that I think, when you think about slavery-ism [phonetic], is that we tend to look at slavery-ism from so many years ago, but we are not looking at how that looks like today.

You know, we're still dealing with these kind of issues with a lot of immigrants that are undocumented in the country and because of that, they are being abused in so many different ways. So don't we talk about those things?

Because we don't want to bring them to the table. We don't want to face it. We want to put history, like, something like -- that it's static, when it's actually dynamic and changing every single day.

PROFESSOR NATAPOFF: Well, I'm going say back to you what I think your challenge to us is, and then I'm going to share just a little bit about how I've tried to meet it in my own work, obviously under the influence of your work, but also while we're making lists of books that everybody should read, Elizabeth Hinton's book, From the War on Poverty to the War on Crime, which you discuss in your essay, but it's just an extraordinary, eye-opening tour de force.
So I take it that your invitation to us to think about how -- to inject our historical understanding and knowledge into our understanding of the criminal process in a way that destabilizes the individual culpability syllogism.

And I think one way to tackle that challenge is to notice that there are many dynamics in our criminal system that are more visible in the misdemeanor system than they are in the felony process, even though those dynamics permeate our entire criminal system.

There is something about rape and murder that shuts down the normative conversation in ways that I think does not admit of a more nuanced structural understanding of how we got to that spot, in ways that often disappear when we're talking about loitering or jay-walking or the chump change crimes that populate the misdemeanor system.

And so I just -- and more specifically, so we don't have actual vagrancy laws anymore after 1972, but we have many cognates of vagrancy law that criminalize being in the wrong place or being the wrong sort of person at 2:00 in the morning on the stoop in Baltimore.

Loitering is the arrest of choice for street clearing in Baltimore. And I just want to articulate how our historical understanding becomes visible in deconstructing how people get a misdemeanor. So for
example -- and I always go back to Baltimore in my mind, because that's pretty much where I learned everything I know -- the definition of loitering in Baltimore under the Baltimore city code is impeding the free flow of vehicular or pedestrian traffic after having been warned to desist and having failed to desist.

The reason the statute looks that way is that if it said, standing around on the corner looking suspicious, it would be unconstitutional. So the statute, the law, has to prohibit more specific conduct. And Maryland courts have recognized that the vast majority of the kinds of conduct for which police arrest African-American men in low income Baltimore neighborhoods rarely meets that standard.

They are not actually impeding the free flow of vehicular or pedestrian traffic. That's not why they're being arrested. And so when we understand that they're not being arrested for the crime as defined on the books and named in their arrest warrant, and just as importantly, in their ultimate conviction, we can see that the historical practices in Baltimore and elsewhere to use crimes like loitering, which are in effect empty of culpability and harm.

They're policing tools. They're not because we think, you know, oh, loiterers. I think that it is
revealing to unpack how the deployment, the disproportionate deployment of those offenses against people of color, against the poor, against African-American, which then, all too often, because our misdemeanor system is so sloppy and does disregard the law so often, all too often translate into criminal convictions, because people plead guilty to get out of jail, because they can't make bail.

We see the state reaching out, affirmatively reaching out through kinds of laws, through those current police practices, to create the criminal label in an affirmative way that is, unlike rape and murder, empty of the kind of culpable and scary and harmful content that I think obscures the conversation at the higher levels of our felony system. That when we see that those arrests are not motivated by fear of public safety but by other things, how many people who are innocent even of those offenses plead guilty and thereby become criminals, that that -- at the low level and that spread is the first way that the state affirmatively marks people of color and African-American men as criminals in ways, as I said before, that I just think is more obvious and visible and accessible to people who might be hung up on the syllogism of individual culpability than it is when we are talking about more serious offenses.
MR. TRAVIS: My prediction is that this is a theme that we'll return to.

PROFESSOR NATAPOFF: I'm going to keep saying it over and over again.

MR. TRAVIS: No. I just think it's -- in a different way, Marc Levin also raised it. So thank you for that. So the queue now has Jonathan next, then DeAnna, and then LeRonne, and then I'm going to see where we are.

I'm sorry. Yeah. Maria next. I'm sorry. Maria, then Jonathan, and then just see where we are. So let's close it for then. Nneka, I'll hold on to you, and see if we have time, but we'll be back after the break, too.

So Maria. Sorry.

MS. MCFARLAND: Thank you, and Khalil, that was a brilliant piece. Thank you. I would just -- coming at it as an activist injects a bit of a twist. And I liked two points that you made, one, the one about the deliberate mis-education of Americans, which I think is actually not controversial at all and clearly true, and the other one about this being a nation that was founded on lawlessness at the law itself, which I think is harder for a lot of people to wrap their heads around.

And it got me thinking about law school, when I
was -- I keep thinking about law school today -- but when
I was there in the '90s, we were talking about
progressives. We were talking about the courts as a place
where you would see social change happen.

Right? And we would look back to the Warren
court and all of these great decisions, and civil rights,
and so we're in such a different time right now with
courts that are very regressive and getting worse, that I
think younger people that I'm encountering and young law
students are certainly not looking to the law or the rule
of law as the place where justice is done.

They're hungering for something else, and I
think there's much greater space for grassroots activism
and mobilization, and I think there's an energy that I'm
picking up from my younger staff and much more broadly
around change, and a hunger for understanding that history
that you're talking about.

So I would say, yes, this is all an accurate
description of reality, and yet we are at a moment in time
when it could change. And it's our -- the challenge to us
really is, how do we step in and feed that hunger and
direct that energy in the right way?

PROFESSOR SIMON: I should say, if you're
feeling too optimistic, I recommend reading history,
because it's a real downer, and you know, after the
Supreme Court's decision in Brown v. Plata, I was on a real optimism high, and then I read The Condemnation of Blackness.

And it's a good thing I didn't read it before I wrote my embarrassingly over-optimistic book, because it would have been much less optimistic. So a couple of reflections. I'm really struck here by this -- a theme of sort of law's erasure of history.

Like, law cannot abide -- or at least our kind of law in American seems to have a very hard time abiding history. I'm thinking of the Supreme Court's recent voting rights case, where they said, you know, there's no social science evidence that race is still a problem in America.

There's only history. There's no behavioral models that show us that, you know, the South is still suppressing black votes. McCleskey v. Kemp -- you know, can we at least acknowledge that the death penalty is as marked by racism as any institution that we have in the country?

But the Supreme Court said, well, it's just not strong enough, social evidence of race here, to go with history. We're not going to go with history. So we have -- and then law itself, I mean, you know, can take so long, like Brown v. Plata itself.
That was history. It was, like, 25 years of fighting about humanity in prisons. Or the Riders case. You know, how long is the Oakland Riders case going to go on before we say, this is history in the making, but it's taking historical epic to get there?

So it made me reflect a little bit on, how does history factor into our reimagining of criminal justice? If so much of how we've gotten here involves an erasure of history, how do you build, you know, some confrontation of history into it?

I'm thinking of Bryan Stevenson's [inaudible] or you know, should Jon Burge's torture chamber in Chicago be a museum? I don't even know if the building is still there or whatever. I mean, there has to be some way to make the history of mass incarceration as visible as the history of, say, the Japanese internment is.

That brings me briefly to a second point, which is, you know, a haunting line about law's foundational lawlessness. Right. Because for so much of us -- many of us, law is the place to turn to think about reconstructing our terrible carceral state.

You know Huey Newton and Bobby Seale were actually studying -- I think it wasn't actually a J.D. program, but they were in some kind of legal studies program when they wrote the Panthers program, which
borrows heavily from the Declaration of Independence, and has many themes of legality in it.

And yet, there's this foundational lawlessness to our legal system. And it's interesting to think about -- maybe one way that sort of -- to build history into reimagining the justice system is actually to make the history of law's lawlessness part of that.

I mean, when somebody was talking about going to law school -- I mean, we don't even hardly have a legal history in -- at Berkeley Law these days. It's not a required course. Nobody would take it if we offered it because it's not IP or something like that.

Finally, I just -- you know, because your book had such a big impact on me, I'm wondering why eugenics only showed up once in your essay. Because I mean, to me, I'm kind of obsessed with it now, after -- and I can see how the Bill Brattons of the world can honestly say, slavery, not my problem.

I -- you know, I'm not responsible for that. But his work is the new eugenics in a lot of ways, and has never broken the kind of police science of criminality. There's just an unbroken line from, you know, the teens and '20s, right through to that.

We need to -- in addition to slavery, you know, we need to bring that history of eugenics a little bit
more clearly.

MS. HOSKINS: I didn't do my homework. But no. You said something that, as I was listening -- when we talk -- when we have this question about race and reckoning with our past around slavery, to get us somewhere, even the conversation doesn't go back there.

It still starts with -- we just identify laws that are going on or -- and for me, when you mentioned the 13th Amendment, that it abolished slavery except in the state of incarceration, and we continue to build off of that, for me, it's abolishing that.

We have to -- if we're going reimagine or somewhere else, how do we go back and abolish what still kept a portion of slavery in place, that the system was built off of? That the prison system was built when slavery was abolished to control the individuals that the slave owners still wanted to control?

So if we're going to get back to undoing some of it, we have to go back and say, how do we heal from this, and then create the policies that we don't recreate it again? And that's what I saw when I was in Germany. I saw Germany had memorialized and healed from their past, and they created structural systems to make sure they never repeat it again, even in a carceral state.

So -- and you -- and when you talk about
CompStat, and this is just my problem and my issue, that we know the harms of CompStat with the algorithms and all of that, and still today, we keep creating algorithms within the -- what we tout as the best criminal justice reform policy, going across the country. And we still depend on algorithms that we know have been entrenched in racial biases to get us to a point of deserving and not deserving.

So I guess my question here is: we can identify the structural racism that the system was built on, and we can identify the harms that have been caused, but we keep reliving it and we keep recreating it in 2018, that we passed the first step that totally had that in there, that entrenched the harms for black and white -- I mean, black and Latinos, but it was touted as the best criminal justice reform.

And I'm, like, where are we going in this country if we don't see the harms that are constantly being reinforced over and over, instead of reverting back to, say, how do we undo these Jim Crow laws that the system is built on?

So I want to thank you for that. And one more thing that I want to bring up. When you talked about where we're educated over one race being superior, and I thought about -- in our school systems, we only learn
about history with the start of slavery.

So we are learning that a race is superior based on history, where it starts in elementary. It starts as slavery. It doesn't go before that. So just thank you, Khalil.

MR. TRAVIS: LeRonne, and then we'll bring in Nneka, and then Khalil will offer some observations. Bruce will offer some observations. We'll all take a deep breath and realize that we've just opened up, like, huge topics of conversation.

LeRonne?

DEPUTY CHIEF ARMSTRONG: Khalil, I just want to thank you from the law enforcement perspective. I can say that I've been in law enforcement for a couple decades, and so I think that the acknowledge of history, the history of law enforcement and the impact that it's had on minority communities is a conversation that they don't want to have. That whenever you begin to talk about the history of law enforcement, that conversation, again, to your point, is something that was in the past, and that we're creating new strategies on how we're going to move forward.

But I think, being somebody that's practiced several of the strategies that you just mentioned, whether you're talking about the "broken windows" theory and
understanding the impact that it has on minority communities, where you are stopping and making contact with people for low-level crimes, that really -- don't really have an impact on the sort of violent crimes that you say you're focused on, and really, then moving on to the next step in the CompStat model -- right -- which is really counting widgets and really counting dots on a map, and trying to determine who will commit the next crime after that, and then the biases that exist within that.

And so I acknowledge that these crime strategies, I think, particularly when in most cases they're used in minority communities. Right? And so I came from an era of utilizing suppression as a way in which you drove down crime, meaning that whoever you had a crime spike, you put as many cops as you could in that particularly area, and you stopped as many people as you could in order to prevent additional crime from occurring, not ever examining the outcomes of that -- right -- really looking at the number of people that you impacted that were uninvolved in crime, and the decisions that you made around introducing them to the criminal justice system when it wasn't necessary.

And so really that, for us in Oakland in particular, and the work that we're doing with Dr. Eberhardt is really looking at -- is it necessary to make
these low-level stops. Right?

And then also recognizing that the disparities that exist in minority communities in some ways produced these things -- right -- that if I'm poor and low income, and that if you -- if I drive a car to get to work, but I can't afford to have my registration paid for, and then law enforcement stops me every time and cites me, and then writes me a citation that they know I can't pay for -- right -- and then all of a sudden, a month later, I have a warrant -- right -- and all of a sudden, I'm arrested.

And so just what these contacts sort of, you know -- what they lead to, particularly for people of color. And so acknowledging that now, those are conversations we need to have as law enforcement as we create these new strategies.

And so I think -- I really applaud you for really looking at, I think, the history is overshadowed -- I'm not ending with this one story, that I was leading -- I'm leading a program at the Oakland Police Department around procedural justice and police legitimacy, and one of the things that we looked at in our research was -- we wanted to see what the history was like, and we ended up finding in the archives a 1974 video that was produced by our former chief of police.

And during this video, the chief said on camera
that he was instructing his officers to go out into the community and use brute force in order to achieve compliance. And so when we examined that, we thought, well, as we sit in the 2000s, we recognize that we still had an issue obviously with officers using excessive force, officers being aggressive in their police practices, and we were wondering, where did that come from?

And as we begin to examine that video and look at officers that have been on the department for 30 years, who was here when that video was produced, and had been somebody who had taken on those commands, we understood that that had built into the culture.

And so how do you go into an organization and begin to reconstruct the ideas of what good, legitimate, Constitutional policing looks like? And so I think that's what law enforcement needs to do. Examine not only current practices, but practices that still exist within your culture.

And I know, Jeremy, you know Ron Davis very well. He said to me as one of my mentors, he said, I want you to clearly understand that culture eats policy for breakfast. And so as a law enforcement leader, understanding that if I don't change culture, then I really won't have any impact on these outcomes.
And so I thank you for that.

MR. TRAVIS: So Nneka is going to be our almost-last speaker before Bruce and Khalil, because I have a very quiet, respectful, insistent wave from Robert that he had to get in, but after you.

MS. TAPIA: Thank you. So Khalil, like everyone else, I thank you for this incredibly insightful piece. My comments are more rooted in reflection on what I've heard other people say, and as I was listening to some of the comments, I was thinking about this notion of educating our young people on the history of enslavement and I question that.

I question that, as I think about 75 to 80 percent of our young people in Chicago being exposed to violence. And as I think about thousands of young people in Chicago alone having their fathers and mothers ripped from their homes to be incarcerated.

And I think about the intentional deprivation of medical and mental health services and the removal of those services. And I think about those students that have to go to school with more law enforcement than social workers in their classrooms.

And I wonder if my challenge to myself isn't to look at this differently? And I pose this challenge to this room. Despite all of those intentionally, systemic
obstacles that have been placed on our young people, specifically in Chicago and I'm sure in other areas, we are seeing them thrive.

We are seeing communities of black and brown people that are elevating themselves to great potential and actualizing their potential. We have young black lawyers coming out of those communities, young black doctors coming out of those communities.

So for me, it's more about me going into those communities and letting the young people that are thriving despite all of those obstacles, to educate me on how you are able to live in this current system of enslavement and still thrive?

Because they're living it every day. It's not about the history of enslavement from what I'm seeing. It's about their current experience of enslavement, and being able to make it beyond those obstacles.

MR. TRAVIS: [inaudible] and then to Khalil.

MR. ROOKS: Khalil, thank you so much for your work. It wasn't provocative at all to me. It was pretty straightforward. It made a lot of sense. It was rooted in history. And right on. What is provocative to me is what to do now?

Right? Like given that analysis, what -- and I'm going to have to say. I didn't read your piece.
Right? I just haven't had time, but I will read it, because I'm motivated to now. But, like, what would you say to people in this room, young people in this room, about what to do, given this is our analysis?

What I like about your piece is that you've rooted it in the fact that there's no way United States could move to being an industrial nation with 20 percent of the population without dehumanizing that population. Right?

And so I would argue that inherently what we should think about how we move forward is, it's about power. Right? It's fundamentally about power and how do we get power, and then advance some of these values -- right -- through that power?

And I know that it's a big question, but in some ways it's not. Right? You have definitely police chiefs here. There are people across the country that wield power at different levels. So given that history -- right -- what would you say to them in terms of how to best advance something different? So --

MR. TRAVIS: Thanks, Robert. Khalil, a few minutes, Bruce, a few minutes. Then we'll take a break and talk to each other more.

PROFESSOR MUHAMMAD: I want to start with the solution question first, and then maybe offer a few random
observations of other things people have said. So I laid out three models here that I think would answer the question of what would you tell people they should be thinking or doing differently.

So one, I think -- and I alluded to this earlier -- I think if we start with, what kind of justice system do white, affluent people get in this country, removes us from the land of abstraction and make-believe, and begins to look concretely at every layer of accountability that comes when a powerful person is being subject to a criminal prosecution.

And in the rogues' gallery of Trump campaign officials, we've seen exactly -- I mean, I'm just constantly struck by, at least in the federal court system, how much prosecutors -- how carefully prosecutors talk about what evidence can prove and what it can't prove.

And Sasha's point is, like, it does not apply. So I think that, to me, it is important to begin to look at, where does our system work? Who is it working for? Why doesn't it work that way? And it's really not a mystery, but that's not an abstraction.

The second is that many people in this room have been to Germany. Others have read about this. But again -- and John and I had a really great conversation
about this. One of the thing we learned about the German model, aside from it being rooted in the Holocaust -- it's a post-Holocaust system, and it's self-reflective of the Holocaust which, you know, is sort of obvious analogy for the challenge we face, because we are not a post-slavery society.

We are not a post-slavery society. We are not a post-slavery society, despite what most Americans think. Okay. You know, the Confederate monuments. And Geoff's going to talk a lot more about this. So what we also know in that system is that it's a much more federalized system.

So we've got this crazy quilt of 50 states, et cetera, et cetera. Everyone here knows this. So when we talk about culture, we really are talking about -- that is our front-edged sword to dealing with those states, because it is not a technocratic solution to how you get 50 state legislatures to decide to do something differently.

It has to be something else. And so we cannot escape this history problem because it feeds self-identity. I mean, think of all the sense of agency that people who are politicians have about their own historical arrival, their own me time.

Their me time is rooted in a sense that I went
from this to this. I'm an important person. I've had this set of life experiences. My place in the world is going to shape the lives of other people. So it's not that they don't have history in their head.

They've just got the one that is doing harm, rather than good, in too many instances. So practically speaking, one way to think about this is, if we can't get more people to think about the legacy of Huey Newton as a legacy of what the California Youth Authority did to his generation of new migrants to the California region, Huey Newton became an activist precisely because of the mistreatment of the juvenile system in the state of California, and the people who were most likely to be recruited to the Panthers on this campus and San Francisco State University shared that experience in common.

So yet again, we're stuck with innocence question. Right? Because we assume the big -- we think -- say, well, they got in there in the first place because they were troublemakers. When in fact, even if that were true, the system did very little, eugenically speaking, to actually try to lift them up to create pathways of opportunity.

So if we could imagine a future of politicians who could talk about the legacy of Huey Newton, because his legacy is a legacy of trauma, about being black in
California when you weren't welcome, about them being criminalized and subject to a system that traumatized you, resisting that trauma through political education, and then the collateral damage of a state of lawlessness where you could open-carry.

Then you go to Sacramento and they changed the law because black people have showed up with open-carry. That's what I mean about the lawlessness of the law itself. Then, you know, that trauma caught up with Huey Newton -- right -- and so he became the very thing that he tried to resist against.

That is not a story of some kind of radical, anti-white villain who can't be discussed. That is exactly the American story in all of its messiness, and if we can't get politicians to stand up and tell that story -- you know, I think the President here is amazing, but I'd be interested to hear how she tells that story, or not even her, but how other California politicians would.

Okay. The last is that -- and this I write about in condemnation. We do have a seven- to eight-decades history of what it looks like to decriminalize white people, on the very basis of their crime and violence problem, on the very basis of drug and alcohol prohibitions gone wrong, on the very basis that an infrastructure, a social investment, a New Deal, a
progressive area, a VA Bill, a house -- all of it.

And I can tell you -- I'm going to call it out, because it's sitting on my heart, and I've just got to say it. I've heard Jens Ludwig talk about the Crime Lab. I've heard give him a stock speech, a lecture, in Boston and Chicago.

Great thing about YouTube. You can, you know, see all these things. And he says explicitly that there is a root crime problem, a root causes problem, and a moral poverty problem, which is to say that some people think it's about the environment, and some people think about what's in -- he said, I'm not going to worry about either one of those.

I'm going to work on cognitive interventions of one kind or another. And that is not okay. We cannot leave it to an economist or any group of economists to say that the very history of this country of investing in white people to give them pathways and access to redistributed GDP in this country is not on the table for a country that was built on the backs of people who never got access to that GDP commensurate with their input and their citizenship in the first place.

Not okay. And I can't blame --

(Applause.)

PROFESSOR MUHAMMAD: -- an economist for not
taking that history seriously, by thinking that it's too
messy or that it doesn't fit in his models of
intervention. And I'm not going to even question the fact
that maybe he is saving some black boys' lives.

But that ain't going to rewire America, and
there are not enough well-spoken, good, black boys in this
country that are going to change the hearts and minds of a
vast majority of white people who think that they're not
worth it when they see them walking down the street.

Doesn't matter what law degrees or positions,
coats that they have in the trunks of their cars, when
they show up in the wrong neighborhood at the wrong time
of day. So we have structural work to do, and the only
way we get to that structural work is if we look at the
communities that get a better model of justice, if we look
at other parts of the world that treat their citizens
better and are informed by history, and if we look at our
own history to see how we have dealt with these problems
in other communities in times past.

(Applause.)

PROFESSOR WESTERN: So he goes -- I agree.
We're off to a strong start. I think we're making
progress already. So Khalil began by asking why is the
U.S. so punitive? And he provides for history, a history
of America whose origin story is rooted in conquest.
It's a history of collective violence that's premised on the inherent inferiority of black people, and there's a lot of rich observation in this history. This history has selectively minimized the pain of victimization.

I thought that was a really interesting observation. Only some people are eligible to be victims, and other kinds of victimization minimized -- white women are our paradigmatic victims. Their pain is taken seriously.

Black women, black men, too of course, their pain is completely minimized. In contemporary criminal justice, individual culpability, the way we experience the legacy of this history in our criminal justice system today, individual culpability, one's moral agency, erases all of this history.

I think Sasha sort of helped me gain some analytical clarity on that idea. Individual culpability erases history in contemporary criminal justice. The criminal justice system doesn't take in account four centuries of racial injustice.

It doesn't view the circumstances of a defendant in a misdemeanor court in the context of all of the red-lining and employment discrimination and a history of Jim Crow before that and slavery at the beginning in
order to assess that case.

All of that is erased. And another interesting observation in this argument -- the academy was a handmaiden of this process. The law schools, as Maria said. The schools of criminal justice, as Nicole and Geoff observed, were also part of this process.

So our question is criminalization. Right? But that is one of our major themes. So we have one part of a definition of criminalization. In this discussion, it's abstracting the individual from history. This process of criminalization is partly about abstracting the individual from history, assessing their moral agency with no regard to the historical context that ultimately brought people in conflict with the law.

But it has two parts. So that's one part of what criminalization is, abstracting the individual from history. The second part, I thought, was given to us by Sasha. You look at misdemeanor court. It's not just abstracting an individual's moral agency from historical context.

You look at the misdemeanor court. People are barely exercising any moral agency at all when they get swept up and arrested for loitering. The state is affirmatively reaching out and declaring some people criminal. The state actively constructs criminality.
It is still engaging in this act of collective violence that characterizes the entire history that Khalil described in his paper and his remarks. So how do we think about criminalization in the context of our discussion?

Two things. Abstracting individual culpability from history and the affirmative acts of the state, wielding collective violence over historically oppressed groups. And then Robert raises a question. So third and final comment.

Robert raises the question -- so what do we do now? And I heard two things, actually. One was: there has been a failure of education. Right? I heard that again and again. There is -- so there's a cultural project to be mounted here, which involves humanizing people who, over the -- their entire history in this country, their humanity has been taken away from them.

That's a cultural project. What do we do now? There's a political project too. And part of that political project is precisely to limit the way in which the state actively constructs criminality in the misdemeanor courts, for example.

I think, for me, this idea that the work in front of us is partly cultural, partly political, helps sort of answer this question I always struggle with,
because I think about James Q. Wilson and George Kelling and Bill Bratton, who were smart people, who are not ignorant of history or couldn't read history in some way.

And I think we're sort of -- where we are is the product of both intended consequences, intended acts of oppression, collective violence, wielding of power, and part of it is unintended in a cultural context that is profoundly dehumanizing for black people in America or in other historically marginalized communities in [inaudible].

An alternative, a justice project, I think, has to address both the unintended aspects of the system that are culturally rooted and the intended aspects, sort of the product of deliberate political acts in which the state is affirmatively creating criminality, really through acts of collective violence.

So that's how I heard our entire conversation.

MR. TRAVIS: Thank you, Bruce. Thank you, Khalil. Thank you all for getting us off to this good start. We're going to take a 15-minute break. So there's a clock on the wall there. It's 20 of. Be back please.

And for the observers in the room, we're going to take five minutes or so at the beginning just to ask if you have questions or observations, really short ones, and we'll do that occasionally, but before we start with
Jennifer's paper.

(Whereupon, there was a short recess.)

MR. TRAVIS: On the screen behind me are some Twitter comments that we've received from the people who are listening in and watching. I was pleased to see our colleague from the Roundtable, Vivian Nixon, who was with us in Oakland, is active on Twitter, as are others.

This is encouragement to those of you who are active on Twitter to please share some thoughts and quotes from what you're hearing. One of our goals, as you know, is to build a large community of people, as we're doing this work.

So this is one way to build it, using social media. So we're going to take five minutes, no more, because we're getting a little bit of a late start, for observers who would like to -- again, the invitation is to lob in a question or an observation we will factor into our discussion.

Please tell us your name and who you are and if [inaudible] no description of how great your program is or anything that we'll do during a break, but anything that we're missing. Sort of try to be as sort of surgical as you can with what we're not covering that you think we should.

So a question or an observation. The floor is
open, and I'll start with our students from Williamette. Anything? Have we got -- okay. Anything we're missing?

MR. VASQUEZ: So my name is Alexander Vasquez. I'm a student [inaudible]. And I have a question around the nature of [inaudible] or actively [inaudible].

MR. TRAVIS: Good question. Other questions or observations from observers, from the -- yes, please, stand up and tell us your name and what you would like us to focus on.

MALE VOICE: My name is [inaudible].

MR. TRAVIS: Any other questions, observations, from our observer colleagues? [inaudible] this again tomorrow morning at some point. So please don't hesitate to jump in. So you've got the social media work you're seeing on the website.

Please, if you're active on social media, use your networks to expand the conversation, and we're about turn our attention to the issue of immigration. And same deal. We'll ask Jennifer to summarize a big paper. But what do you think we should be thinking about from your work, the paper and your scholarship generally, for 10 minutes or so, and then we'll open it up and then come back to her, and then ask Bruce to close out the day.

The floor is yours.

PROFESSOR CHACÓN: Thank you. Nobody should be
I wanted to start by saying that during the last session I was thinking about the, kind of, criminalization, punitive excess, and the courts, the concepts that frame the panel, and I was thinking about criminalization and thinking about it as the process that lets us be okay with putting kids in cages, and not just this summer, but every day in juvenile detentions and jails and prisons.

And criminalization is the process that lets us accept the practice of ripping kids from the arms of their parents and not just this past summer but with every deportation and every incarceration. That is criminalization and it is historically contingent and it is racialized, and punitive excess is what we are empowered to do to these individuals who have been criminalized.

And so I wanted to sort of think about that as we think about what is happening in immigration enforcement, not only in this country, but kind of globally in the -- in wealthy Western countries, and I wanted to frame that within the context of this conversation about criminalization and punitive excess.
And I think when most people think about the immigration system, they think it doesn't fit in this conversation for maybe two reasons, maybe more. One is that it's civil. It's supposed to be a civil administrative system and structure.

It's not about criminality or criminalization or punishment at all. And the second is that it is about sovereignty and the prerogatives of the sovereign nation necessarily trump the needs of individuals in any given moment, and that's why we have to situate the immigration conversation in a different bucket from the conversation about criminal justice reform.

And what I want to do is just question both of those principles and ask that we integrate our conversations about immigration with broader conversations about criminal -- about punitive excess. So with regard to that first notion that immigration is a civil system, I think what I've tried to do in the paper is demonstrate the way that criminal and immigration law systems and restrictions move in tandem.

They draw from the same logics and they produce the same kinds of racialized effects, and we can trace that history. We can look at particular moments of time. Jonathan talked about eugenics in the 1920s, a moment when we saw anti-miscegenation laws proliferate in various
jurisdictions, and we simultaneously see the closing of
the American border against individuals who are deemed to
be racially inferior.

These things travel together. We can think
about the 1960s as an inflection point that's in answer to
that moment. The Voting Rights Act and the Civil Rights
Act often -- I'm sorry. I am way too -- I knew I would do
that.

So we could think about the 1960s at the moment
of the Voting Rights Act and the Civil Rights Act is an
inflection point and a partial answer to those earlier
moments, and we should include the Immigration and
Nationality Act of 1965 in that conversation as well.

It was a law that was -- it was partially and
imperfectly and incompletely trying to grapple with the
legacy of racialized exclusions in immigration law. We
can see that we never understood that to be part of the
immigration structure.

We can see that in the Supreme Court's decision
this past summer in Trump v. Hawaii, which underscored
their own inability to grasp that as a tool for achieving
greater racial equality. But it was in that moment and of
that time, and imperfect in many of the same ways.

And then we can think about the 1980s and the
1990s with the punitive turn in the criminal law which was
linked explicitly and at many points to the immigration system. So we made it a deportable offense to commit any one of a number of criminal offenses.

We made a list of aggravated felonies that literally goes on for pages in the Immigration and Nationality Act, meaning that you are not only deportable, but subject to mandatory detention throughout your immigration proceeding and barred forever from reentering if you've committed any of the crimes on that list. And that list, I can tell you, includes lots of things that we don't think of as particularly severe.

Some of the things that Sasha would probably categorize as going on the bottom of the criminal justice system. So these things travel together. And we can think about moments when we've talked about immigration reform in recent years, and the way that those reform efforts are always already linked to greater oppression for the people who are not included within them.

So my colleague Victor Narro famously called the Comprehensive --

FEMALE VOICE: [inaudible] your colleague?

PROFESSOR CHACÓN: Victor Narro. He famously called the Comprehensive Immigration Reform bill that was proposed and passed by the Senate in 2013 a crime bill, because of its potentially punitive effects for those who
were not covered or encompassed by its protections.

So these things travel together. So I want us to think of this not as simple, but as criminal, as drawing from those logics and as following similar paths.

The second point where we might try to draw the distinctions about questions of sovereignty, the need for the mission to preserve its borders, and I want to raise two kind of rejoinders here. One minor, that sort of moderate intervention, and one that might be more controversial in this space, and that I hope will open up some conversations.

So the modest point, sovereignty as the prerogative that trumps, is that it doesn't in most nations in most contexts. So we in the United States have an absolutist view of sovereignty that is not mirrored anywhere.

You know, European Court of Human Rights, Inter-American Commission, those international bodies recognize that individual equities have to be taken into account and weighed against the prerogatives of sovereignty when we're talking about when citizens, long-time residents, people who had lived in the country for years and have equities, have jobs, have families, have communities, don't just get to be thrown out because they committed a minor offense or major offense many, many
years ago.

That all has to be weighed and considered. We don't do that in our law. We never have. It's not considered by the court required as part of the process, and it's not considered in the statutes as something that's required for many, many immigrants.

So that's the minor point, that sovereignty doesn't necessarily trump what an individual is owed by a society and that many legal systems recognize this and have for some time, but we should, too. And when we don't do that, we should think about it as punitive excess.

The second point, and perhaps the more controversial one, is a bigger point about sovereignty that I want to use as sort of a conversation starter, or maybe stopper. There are two terms that I heard used on the video more than once, and in conversations that have followed since, and they're not mistakenly used.

They're used quite deliberately to evoke certain feelings and certain responses, and the two terms are citizenship and nation. So the civil rights movement really placed at its core this quest for inclusion in the nation, as full citizens, people who have been excluded from the nation as full citizens.

Nationhood and citizenship are at the core of the framing of that quest for rights. But I think what we
need to remember when we consider -- when we continue to insist on citizenship and nation as the core of our framing of that quest for rights is that international motions of nationhood arise out of racial orders of criminalization, and citizenship in this global order has an exclusionary edge.

So given that we know that the nation that we are living in and arguing about on the legal systems that produced it are the product of what we've already acknowledged in whenever there's conversations as part of a flawed, a cynical and a problematic bargain.

Maybe our Square One conversation should also cause us to think about communities beyond nations and empowered belonging beyond citizenship. And so I want us to at least take those as provocations for thinking about how we broaden this conversation about what Square One needs to be.

MR. TRAVIS: A good way to start this conversation, and those are welcome provocations. So we will open the floor for any clarifying questions that any member of the Roundtable to pose to Jennifer about her topics, anything that we're missing.

Did she miss anything [inaudible] back to you after you've listened for a while to the conversation that you've started, and I'm going to ask you to wait, if you
could. I was -- privileged people at the Roundtable [inaudible] did you want to say anything? Yeah. Okay.

Who would like to start the discussion?

MR. LEVIN: Yeah. No. I appreciate the connections between what we're talking about here and one of them certainly would be due process, and you know, procedural justice as well, and I think that there seems to be obviously a sentiment out there that we just want to deport people as quickly as possible and dispense with those niceties which are at the heart of what our Constitution is meant to be.

So -- and then specifically, of course, the equal protection provision in the Constitution says persons. It doesn't say citizens. So I think that that often gets forgotten, especially, you know, by folks like on my side of the ideological spectrum who, you know, talk so much about the Constitution.

So -- and then, you know, one of the specific issues, I think, that's very interesting is if you look at the immigration law judges in the federal system, they are actually appointed by the Attorney General, and they can be overruled, and they have recently been by the Attorney General.

And so it is not -- I mean, it's almost like we're using the word "judge" very loosely. It's really an
extrajudicial process by appointed officials who can be overridden by someone who's appointed and it's really the executive branch.

So we also have the very issue of separation of powers to think about and how we're handling these cases. So I think obviously if you believe in natural rights or for other reasons that all humans have a certain dignity and are worthy of protection, then of course where [inaudible] birth occurred, whether it was in another country or here, the fact that someone is here, they should be entitled to the same due process.

So I don't see that as provocative so much as something that, you know, whether you're liberal or conservative -- that it's the innate value of the -- every person that -- who should be protected.

MR. TRAVIS: Sirine is in the queue.

[inaudible] attention, and we'll find you.

MS. SHEBAYA: Yeah. So I wanted to actually kind of build on something that Jennifer said, and maybe put a finer point on it about the degree to which this conversation about criminal justice and justice generally has to very centrally and integrally involve the immigration system.

If you look at some of the recent conversations, like even in the Obama years when there was
a bigger conversation that was starting to happen about criminal justice reform, and the ways in which that did or didn't intersect or carry over to the immigration space, I think it really highlights the degree to which the immigration space is like a microcosm of everything that's wrong with the criminal justice system, and also dated back 40 or 50 years.

So towards the end of the Obama administration, there was this review that was undertaken about minor drug convictions -- or not necessarily minor, but just nonviolent drug convictions and the fact that people were serving sentences that were too long for those drug convictions.

And there was a review that happened that resulted in early release for -- I think it was 9,000 Bureau of Prisons federal prisons. And the thing that went unnoticed was that out of that there was, like, a third -- a third of that population were immigrants. And while everybody else got to walk out on the street and go back home, the percentage of that group that were immigrants actually went straight to ICE detention.

And there were multiple efforts -- I was involved in those in a previous capacity -- a number of organizations did multiple efforts to say, at least give prosecutorial discretion for those folks because they got
released on a recognition that the criminal justice system was doing them wrong. You know, like, wasn't actually -- was completely disproportionate to what they had done.

But there was no negotiating with the Obama administration in order to get that to happen, and so to a last one, including people who were longtime, lawful permanent residents of the United States, people who had children here, U.S. citizen spouses, they were all deported, every last one of them.

They were detained for a period of time and the they were deported. I think that's one example. I think that there are multiple examples like this that show, like, for example, I think someone in a previous session -- I can't remember who -- said there are no -- like, there are no more vagrancy laws.

And in a way, technically, that's true, but there is something in the immigration system called the public charge rule, which basically is a vagrancy law as applied in the immigration context, which means that if you are likely to become a public charge -- and let's not imagine how that gets interpreted by the officials who get to make these discretionary determinations, especially now.

You don't get to emigrate to the United States. That's a ground of inadmissibility. And so I just -- I'm
kind of highlighting those examples to kind of build on what Jennifer was saying, build on what Marc was saying, too, like there's no right to counsel in the immigration system, even though the consequence could be that you get deported back to a place where you could be killed immediately upon arrival.

Even though the system is so complicated that Justice Alito said, you can't expect a criminal justice -- a criminal defense attorney to understand it, but you can expect a two-year-old to represent themselves, or a mentally-incompetent person to represent themselves in immigration court.

So you know, I think there are a million more things that could be said, but I'm just kind of throwing these out there to say, like, there's no conversation about reimagining justice that can really happen without an integral part of that conversation being the immigrant justice/injustice system, and so that's why I think, you know, this session is so important to happen.

MR. TRAVIS: Thank you. So here's the queue. We have -- Bruce is next, then Nicole, then Maria, then Greisa, and then Eric. I want to make sure that we -- the earlier session had a slight tip of the balance towards academics.

I want to make sure that that balance is struck
properly as we move forward, and Marlon's in that -- that helps that with that balance, just saying. But we want to make sure that we get everybody, all voices here. So Bruce?

PROFESSOR WESTERN: So history is different in this conversation, compared to the one we just had in our first hour, and I'm -- and I guess as a question to the table, and the question for you, Jennifer: what are we to make of this?

It seems like the important history here is much more recent, and the paper points to September 11, for example, as a pivotal event. 1965 immigration reforms are important in this story as well. It's a much more recent history than four centuries of racial injustice.

Yeah. So I'm just sort of trying to think, what are we to make of that? The recent history is much more important. Is this -- are these -- are the politics of immigration much more open, perhaps, because history doesn't hang so heavily or at least in the same way?

That's a question.

MR. TRAVIS: If you need to hold on that, or if you'd like to give it an answer right now, because that sounds like it -- like, an important clarification.

PROFESSOR CHACÓN: No. I think that's a great question. I -- so I think -- in the paper I really
focused on recent history as a mechanism for sort of walking us through the technical ways that the immigration law leverages criminal enforcement as a mechanism for implementation.

Right? So it relies on the sorting mechanism that we know works so well in criminal enforcement, and then it uses that as the way to identify who's deserving and undeserving for purposes of immigration law. So that -- and I think the paper sort of demonstrates both how that's happening and then how -- why it affects particular people in this historical moment.

But I do think there's a broader and deeper history, and it's the one that I was gesturing to in the -- kind of my final remarks, and prompted, I think, by this push to go deeper. And it is: who gets passports? Who gets in?

Who gets to travel and why? And that structure is much older, and maps onto the moment that Khalil was talking about, the moment when settler/colonial societies moved bodies to places to populate with laborers and move other bodies out. And that you know, those are the moments, as you know -- as people from India seek to move to other parts of the British Empire when passports suddenly become very important in a system where other members of the Empire had moved freely from place to
place, where there was no mechanism for exclusion.

So there is a pattern and a practice of racializing exclusions in particular ways that become naturalized and become sort of identified as part of national exclusions, and so we now have sort of wiped it free of its racial stain.

And so we can talk about deporting foreign nationals as if this is not a racialized practice, and that's exactly what we do. So we know, when you look at the deported populations, that we are deporting largely Latinx communities, disproportionately Latinx communities, mostly Mexicans and Central Americans, and also now there's a growing API community that's being impacted by these deportations.

And we -- so we see this happening, but we don't -- we can't frame it as race because we've told a national origin story and we've talked about legitimacy -- not national origin, but nationality -- we've talked about legitimacy of nationality and preserving the order.

And so race becomes invisible-ized, when in fact it's both patently obvious to everybody who's watching it happen and has a historical explanation. And so I think that's why I was kind of calling on us to -- if we're sort of going to reinvigorate the historical discussion, to think very carefully about how we get to a
point where it is natural that almost everybody sitting in immigration detention is brown, and we don't have a conversation about race. Because we've moved beyond being able to talk about what's happening as race, because nationality is so inherently raced already, but we accept that as a valid premise for structuring movement between countries.

MR. TRAVIS: Nicole?

PROFESSOR GONZALEZ VAN CLEVE: [inaudible]. You know, as a criminal justice scholar, I don't often think about immigration unless there was a defendant that came into court and then you would see that they'd plead guilty and get a relatively light sentence, only to be deported in the back end and punished a different way.

And so I stopped thinking in a [inaudible] way and I started thinking about this concept called criminal justice adjacencies, which is how do these systems share co-dependencies of culture and structure? And so one of the things that I think about is this idea of -- in my work, I call it either a monster or a mope.

Right? Half-devil, half-child. It's the clearly racial constructs that we think about. Those were the dichotomies that I saw in a felony court, but we can think about them as having parallels within immigration. So there are welfare burdens.
They're having anchor babies that the state needs to provide for, or you have a Trumpian logic of --
they're sending their rapists, their gang members, people that want to, of course, rape an imagined victim who must of course be white.

And so I think -- to me, I think one of the things that academics and policy-makers have to do is, we have to maybe stop saying we're immigration specialists or criminal justice specialists, et cetera, and see these shared logics, so that we can think about these systems in different ways.

One kind of colloquialism in a criminal court is the judge would say, you know, after a sentencing -- move to shipment. That meant, literally, a black or brown person was being shipped off, out of an urban center and usually to a down-state prison where their family couldn't see them.

So move to shipment -- sounds a lot like slavery. It sounds like moving an object. But then when I think about deportation, it is almost like that. Now, the difference, I think, is it's almost like punishment without any resources.

You're not even good enough for us -- for the state to expend anything on you. We're not going to feed you. We're not going to give you drug treatment. We're
not going to give you mental health treatment. Any of the meager types of social services you might be able to get in a prison, if you were under this immigration category, right, and then you're deported, it's a way -- Hadar Aviram talks about being cheap on crime.

Right? You can cycle people and move to shipment, knowing the consequences, potentially life consequences, and not ever have to expend resources. I mean, it's -- there's no greater way of saying that you are not worthy of punishment, even.

And so I think seeing those parallels is particularly powerful, because as we start to solve one set of problems, we can think about the parallel solutions in another space. So thank you.

PROFESSOR CHACÓN: Yeah. I want to thank you for what you've just raised, Nicole, because it reminded me of a story of a man I met a couple months ago who had been in detention, was detained for six months in New York, but then during those six months, he was, like, shipped to Alabama and then to California and then to -- all across the country.

What he told me -- he was, like -- he just felt like merchandise, because he knew exactly within himself that they were making money, and the "they" means, like, these corporations, and like, the local jails off of it
every day that they were keeping him there.

And so for me, you know, I'm glad that you
clarified that this is actually like a different history.
This is -- there's a lot of shared roots in what we're
talking about, that when immigration is, like, talked
about within a national security framework, at the core of
it is, like, the protectionism of this poor white woman
that needs to be protected from these brown men.

And that is also at the core of it -- like, the
use of a workforce or the labor of people, and then being
able to just discard them whenever you're done with them.
So I think as we look at this I -- by no means would I
equate this to slavery and, like, the deep history that
that comes, but actually I think that the reason why these
things have been separated for so long is, like -- it's a
strategy of division.

It's a strategy to, like, continue to
destabilize, like, the natural connection and solidarity
between black and brown people. Like, you saw that here
in California where, like, the first Mexican governor of
this state was a black man from Mexico, and that the
reason why the Mexican-American War existed is because
the -- America didn't want another whole state to, like,
be against slavery, and that they wanted to make sure
that, like, they pounded the idea from Mexicans that
slavery was not going to be accepted out of the people
in -- that were Mexican in the state.

And so for me, the -- what I see every day in
grassroots organizing, it's, like, young black and brown
people deeply understand how, like, these systems are
meant and constructed to be able to slap every bit of
humanity out of us, that, like, a kid from New York shows
up to a school with a black shirt and immediately is,
like, put in a label of, like, a gang member who is a
threat to our national security and therefore must be
detained and deported.

And so the question for us is not -- I mean,
it's actually, like, a challenge to this -- particularly
to the academics and the policy folks here, because it is
connected already. Like, it's, like, lived and, like, in
our bones, like this idea that criminal -- like, the
criminal justice system is meant to punish and expel,
like, people of color.

And the idea that those are two different
tracks of work and that they must be treated differently,
and then one's about, like, the due process, and the other
one is about, like, this deep inability to be able to have
a conversation about race, I just feel like is not useful
for any of us.

But I do think that there is a -- there's just
so much opportunity in this conversation. There's opportunity to be able to, like, reimagine just like how you would even do policy-making, reimagine how you do grassroots organizing, and reimagine how, like, academics themselves view these systems and view the way that we're -- like, history, to be able to have a combined sense of where we're coming from and where we're going.

And so I guess the offering that I would bring here is that -- let us not make assumptions that this is not already connected. Let us ensure that there is, like, a -- continue to change the culture in these spaces that, like -- of connecting the histories and ensuring that we'll be able to reach back to all of that and also be able to use that to construct, sort of, like, the history and, like, the -- or like a better world that I know immigrant young people that are black and brown in all of the different places that we're ready to build.

So that's my addition.

MR. TRAVIS: Yeah. Thank you so much. Now is Eric Gonzalez, and then Marlon. [inaudible] to you, if you would. Oh, great.

MR. GONZALEZ: So Jennifer touched upon it again, but when I -- I created a policy in Brooklyn to help reduce collateral consequences and chances of an unfair deportation for people who had contact with the
And it was meant as a way of separating the work of my office from the work of immigration. A lot of the push-back that I received was interesting, really, not just that people disagree, and they said, oh, you know, your policies treat immigrants better than citizens, but it's unsaid, as citizens, because they'll be prosecuted in the more standard way, and non-citizens will get some sort of benefit.

But it was the way that I found interesting, was those who were deemed -- and this is why I said Jennifer touched upon, as being worthy and not worthy of that redemption, that people who may -- you know, for example, because they were a student or DACA student because they may be more worthy of redemption than their parents.

And I find that to be troubling, to say the least, that the due process that my office was to provide to people depended on what other people perceive to be their culpability in their existence, and not just simply about, you know, whether or not they are a good, long-term resident of our society.

Are they productive? Should our system be even thinking about their immigration status when we are thinking about what's appropriate in that case? And so I
think that we have to really be very careful when we
continue promoting policies that say certain non-citizens
are demanding or should get better treatment, should get
better standing because largely the experience is the same
with people who I see.

And the reason I created this policy was
because people were getting deported who had been long-
term citizens who had pled to crimes in the '80s and '90s.
Those crimes were not even deportable at the time, and
then the law changed on them, and now they're subjected to
this, you know -- this unfair process.

And it's about equity in the system. I think
we talk about [inaudible] with the equity that's involved
with this, because if we allow this sort of thing to
continue -- so I've been going back and vacating old
convictions, because the equity involved in it is -- our
justice is actually perverted.

When we think a person does not even deserve a
day of jail, doesn't even deserve any kind of other, you
know, criminal response, and yet, 15, 20 years later,
that's used to deport them -- I think that's a perversion
of our justice system.

And so I just bring that up because I believe
that a lot of the dialogue I hear are those immigrants who
are hardworking and worthy of protection and that sort of
the dangerous immigrants who, you know, are not worthy of
the same protections, and we should be viewing them as,
you know, humans and people who are honest and given the
due process that all of us would want for ourselves and
for our families.

MR. TRAVIS: Marlon. Then after Marlon is
Darrel, and then Maria. Then Khalil.

MR. PETERSON: So remember a couple of years
ago, the theme is -- sort of, infamous quote was
"families, not felons," and that was by President Obama.
I'm going to start off with that real quick because --
sort of lay a groundwork for this.

The first time I had ever written about this
sort of -- the fusion between the criminal legal system
and the racist system was probably about 2006 and 2007.
Around that time, I saw -- I was incarcerated at that
moment, and where I worked in the facility -- I worked to,
like, prepare men for their release, and in this
particular facility, I realized -- there was a huge amount
of men who were being sent to this facility as a stop-off
point where they were to sent to deportation prisons.

So as a result of that, we started an
organization called Could Have Been African. You needed
help to prepare men for their Could Have Been African
unity. I'm getting sort of -- I'm -- trust me. I'm going
somewhere with this.

We eventually -- upon my release, I ended up being part of an organization called Families for Freedom, where I eventually became the board chair of that organization. Throughout that whole period on the activism side, and even still to this day, there's been the narrative of the good immigrant versus the bad immigrant, and a good immigrant are the folks who were to receive some relevant empathy through policy, and the bad immigrant are the people who we can easily discard and say, like, you know, they don't deserve any sort of empathy from the criminal legal system.

Definitely not from the immigration system.

The reason why I started with that -- with the Obama quote is not so much to muddy his name, but to sort of, like -- at least we're having this conversation here -- our policy is largely informed by racial -- by these dichotomies that are not enshrouded in issues of racial -- in issues of race. Because it's the blackening of immigrants, whether it be actual black folks or black and brown folks, or just the label of the blackening of these folks that makes it okay to treat them a certain way, where they don't have due process.

And even more recently, I think DeAnna alluded to this in terms of how we see victories that aren't
really victories. The first setback was something that completely left out people who were undocumented in prison, as if they somehow would not benefit from being early -- from a early release.

Whether -- even if the early release did result in deportation, they would still benefit from early release. Somehow we saw it as a victory that we can somehow prioritize certain people in the criminal legal system and not others.

So go right back to the quote of "families, not felons," I think -- I mean, the whole point of, like, in certain [inaudible] that sort of [inaudible] here is that -- thinking about from Square One, I think that when we think about policy and advocacy even, we have to be much more certain -- much more concrete about what victories are.

Victories that are -- victories cannot be victories if they are not based in an understanding of a racial historical analysis. I'm happy that Khalil started off with that in the beginning, because largely, right now, as we see with this current administration, this current administration is literally just furthering what was already laid before in a much more robust way. But it literally -- and they're also building off of that rhetoric, literally building off of that rhetoric, that
somehow in so many ways we have allowed.

We have become beaten. So many of us in the advocacy space have been complicit, too. And so I mean, I just really -- and so I appreciate the piece -- I appreciate your piece, Jennifer. That's why, as soon as you walked in, I said I literally did appreciate the piece that you brought in here.

As we're thinking about Square One, I really -- literally in the space now, you think about the racial history and the racial oppression in this country, you think about from the enslavement of folks to Jim Crow laws to the war on drugs to deportation.

Like, it is continuing. We don't know what the next iteration is yet, but I think we should have some level of integrity to understand that we should not be complicit in this time line of racial oppression.

MR. TRAVIS: Thanks, Marlon. Darrel Stephens, then Maria, then Khalil, and then we'll see where we are. We might be driving towards the end then, but let's just take a check at that moment.

MR. STEPHENS: Jennifer, thanks for helping us understand this issue a lot better. Now, I think the history of what has been criminalized just by the very nature of how people think about undocumented aliens -- if you hear them talk about it, if you hear -- you go to
community meetings -- in their mind, if you're here undocumented, you're a criminal, and that's the way that they frame it.

So even these other things that aren't necessary to criminalize that, because the majority of people across the country -- that’s what led to the policies in Arizona. Prince William County -- I don't know if you're familiar with what took place in Prince William County over a couple of years.

It was politicized, but it's still a segment -- a substantial segment of people across the U.S. believe that if you're here undocumented, you're illegal. It's a criminal -- it's a crime. It's not a civil issue. It's just simply a crime.

The part of the paper that deals with a role of state and local folks, and the role of law enforcement, and there's a lot of other state and local officials that's gotten involved in this policy and debate and conversation -- I think it's kind of -- I think should be fleshed out more. Because I think there's a lot of work that had gone on around the country and still goes on around the country by policing, law enforcement, local political officials, that have tried to craft policies that mitigates some of the draconian approaches that we see in immigration enforcement today.
Propriety enforcement program is -- you talk about a little bit differently than what I saw it as, and was involved with conversations in getting them to shift to establishing some priorities in how they decided to deport people, and the highest priorities were violent felons.

And pushing way down on the list, misdemeanors and other things that shouldn't even come close to being deportable. That whole program was done away with, I think, to the detriment of people who get caught up in this system, because you see a lot more people being deported just simply because of the civil infraction of being here.

MR. TRAVIS: I'll do a -- sort of a queue check here. In the queue, we have Maria, Khalil, Marc and Keith. Greisa would like to exercise her privilege of an insistent wave to make an observation, and then we'll come -- we'll see where we are after Keith is last up, and see where we are again at the end of the day.

PROFESSOR CHACÓN: Mr. Stephens, I just want to make sure that we were on the same page about -- as we are having this conversation that is difficult and that we're all stepping into, that we do not continue to use language that is both dehumanizing and harmful to immigrants, and when we use the word "alien," I feel like that is sort of
proving the point about how we're stripping away the 

humanity of people of color.

And so I ask that we refrain from using those 
terms.

MR. STEPHENS: Okay.

MS. MCFARLAND: Yes. Jennifer, thank you for 
that great presentation. I just wanted to tease out -- 
well, I'll make two separate points. First, I wanted to 
tease out a couple of distinctions that we're -- that you 
made in the paper and that were in your presentation, that 
I think it was worth fleshing out a little more about the 
ways in which immigration intersects with criminal 
justice.

So one is the way in which immigration 
enforcement itself is punitive. Right? And even when the 
criminal justice system is not a part of that formally, 
deportations like the ones that are happening right now 
are punitive.

Family separation is punitive. It's cruel. 
It's inhumane. It's excessive, clearly. That's one way.

And there are other systems that also reflect 
punitive excess. Right? Child welfare, for example, kids 
being taken away from their parents in other settings, as 
well, for drug use, for example, and they affect people of 
color disproportionately in all of that.
So I think that's something to explore. And then the other one is the way in which the criminal justice system actually focuses on immigration as a crime. So there's illegal entry and reentry, which are huge offenses for which people are being arrested and convicted in the federal system.

And it makes no sense. Why is entering a country a crime? And to me, there's a lot -- there are a lot of parallels with drugs. Right? Why is possession of a drug for personal use, when you're not harming anybody, a crime?

So that's a different form of punitive excess. So I just wanted to flag those two. I wanted to thank you for broadening the frame historically, and looking at the history of colonialism and talking about how immigration itself is racialized, and enforcement is, but I would also broaden it to say that the U.S. itself exerts power internationally in ways that shape the conditions that so many immigrants are fleeing, escaping, and you know -- and I think Khalil's point earlier about mis-education is very relevant here.

As a Peruvian who moved here when I was 20, I've been shocked that world history is not really taught in U.S. public schools. What is going on here? And it's just so obvious that there's this hubris, this American
exceptionalism, that shapes all of these issues and also needs to be grappled with when we're talking about [inaudible].

MR. TRAVIS: Khalil, then Marc, then Keith, then Sirine, and this would -- it invariably happens at the end of the day. This is last chance. One more thing. So -- and we expected this, and here we are. And Khalil, the floor is yours.

PROFESSOR MUHAMMAD: Yes. But -- so I really enjoyed your paper, Jennifer, and when I was reading the front of it, I thought we were totally simpatico in sort of evoking this, you know, brief sketch of the past, and I was grateful for the organizers giving us our kind of task, because I felt like you could have gone deeper.

I could have gone deeper in your chair. So -- and I'm going to say on her behalf that I think she didn't do as much history, because she saw my job, and I didn't do as much immigration, because I saw her job. All right? We're here.

So one invitation that you raised around how we reframe this -- and I'm with you on 1,000 percent on the full citizenship -- and I just want to -- I both want to lift it up as sometimes a rhetorical trap that's just the air we breathe and we don't -- you know, we're not policing in the same way that we -- you know, just talked
about the term, "alien."

But I also want to point out exactly some of those fissures to take your invitation to that conversation in a quick way that Bruce asked about, the ways these histories connect. So I just jotted down, you know, these items.

So one, there's a line that I use in the -- my paper that I've said earlier: anti-Blackness has shortened and fouled their lives, which is a reference to how white men experience incarceration alongside or in proximity to black people, and their conditions are basically shaped by that.

So one way in which this -- these stories are intersecting is -- and I teach my students this. You know, a lot of scholars who work at these intersecting points essentially say that the white-black binary is the governing logic for how people enter the United States, both symbolically, categorically, historically in time.

And so we -- you know, we struggle with intersectionality in some ways because we know the world is complicated and we know that we are in a post-9/11 world and we've got, you know, this tremendous rainbow of diversity that represents many different nationalities. But one of the forms that mis-education takes is that it convinces those immigrants that somehow they've escaped
that white-black binary, and it's not to say that their experiences don't turn on other axes or other ways of acknowledging how their oppression or subjugation is different.

It just means that it's been shaped. The context has been shaped. So to be very specific, Section 10 of Executive Order 13769, which was one of the first calls for enhanced statistical surveillance of the crimes of certain foreign nationals, was a direct attempt by the Trump administration in the early Muslim ban to prove the case.

Right? So the point was, the idea comes first, which is always true. The ideology, the beliefs are what shape how we think about what question we should be asking. And so the story of criminalization there intersects perfectly with the story of racial criminalization, which is that when we have the numbers, when our scientists tell us that these people categorically show up in these crime statistics, whether it's eugenically speaking for the Italians at a certain point or for black people or whomever, that's -- that is the technology.

That is the criminalizing technology that we just saw play out in the conversation around Muslims and the threat that they pose to the nation based on its
borders. The third example -- so the way in which I also
want you -- us to think about this historically is that
we've been talking about deportation and the punitive
excess that it poses for people, but one logic that we see
play out in the Trump era is the logic of self-
deportation.

So the terrors of the experience of separation
itself is meant to send a signal of essentially the
spectacle of violence, our collective violence directed
towards you. And this is useful, because in the
conversation on nationality and citizenship, one of the
things we know -- if anti-Blackness is defining how these
things work, we know that self-disenfranchisement was a
key feature of the Jim Crow era starting at the end of
slavery.

The terrors of the possibility of lynching
because you tried to exercise your citizenship right, vis-
a-vis the vote, like, if you vote, you might get lynched.
Hey, guess what? Not only am I not going to go to the
county registrar when some civil-rights, pointy-head
liberal shows up in 1956 and tells me, you know, you
should go vote.

It's -- you know, we're fighting this thing.

No. So that -- in order to understand the logic of the
self-deportation regime that we are witnessing, you also
could see it play out over 100 years in the South. The other example is the model minority myth.

And I mentioned this in my paper, but it's a perfect -- another example. Some of the most robust criminalizing logics of immigration were first tried out on Asians, and particularly Chinese immigrants, particularly with the Exclusion Act of 1882.

One of the authors that both of us cite, Kelly Lytle Hernández, talks about the Wong Kim Ark decision which was the first effort, though it didn't pass, to in fact make illegal presence a crime, and subject to automatic deportability.

It didn't happen then, but there again, we see that this history, this logic goes back much older. And finally, the notion of honorary whiteness and blackness is a concept that sociologists have long explored, to Marlon's point, that immigrants either adopt a kind of normative value that I'm not like those black people, and no matter how -- whatever their phenotype looks like. They try to position themselves in opposition to as a way to transcend that history, as essentially say, don't treat me like you treat your own people, or other groups have been defined.

So it's a twist of history that Mexicans at this moment have been so thoroughly racialized as other
and dangerous and threat, even though they've moved in and
out of those positions, depending on the time, because
they've basically been counted as white people for the
entire history of the United States.

So this only goes to show, again, a sort of
similar way in which the logic of these criminalizing
punishments and practices, even at the border, are about
the expression of the power to define who belongs, under
what circumstances, be it citizenship or immigration
status, for the purposes of what extraction.

Right? The only reason why we even have
immigration policy in the first place is because we need
workers. And so the extraction is, we want your labor,
but not your humanity, and when your humanity trumps vis-
a-vis asylum-seeking refugee status, you're, you know,
voting with your feet to escape terrors in your own
country, it doesn't matter.

So I just think holding intention that the
longer history of conquer and exploitation is also
about -- well, we want what we want until we don't.

MR. TRAVIS: Well, we have Marc, Keith, Sirine,
Jennifer, Bruce, dinner.

MR. LEVIN: I think one of the connections
between, you know, your presentation and hers is that
there's a psychological read people have that's based on
their own insecurity, and that leads therefore to often a
need to feel superior to certain other groups.

And that, I think, can tie a lot of this
together. One of the contrasts, I think, between the
criminal justice reform and the immigration discussion is
that in criminal justice reform, we've had the
laboratories of innovation.

We've been able to have all these different
states enact, you know, sensing reform, things to promote
reentry and so forth, and of course, with immigration,
we're stuck with one federal system which can often, you
know, create a lot of problems.

You know, as far as the history, I think
perhaps one of the things you were addressing is it's not
just our history of colonialism, but also, you know, more
broadly, obviously, the Spanish colonialism -- right --
that created kind of the cycles of bad governance in some
of the essential American countries that we're still
seeing the consequences of today.

And I guess what I -- you know, you hear a lot
of rhetoric say, we're going to become another Venezuela.
These people are going to bring their problems here, but
it's not the people themselves. It's the way their
governments in some cases are structured.

So I think it's a very kind of deterministic
and wrong mindset to think that there's anything wrong with these actual people, when it's in fact a problem of governance in those countries. And then of course, there seems to be an effort to kind of compartmentalize certain types of persecution that people are fleeing.

So people are trying to distinguish something like fleeing the Holocaust from fleeing, you know, deadly gangs in Central America where your life is equally at risk, even though it's not a state action, or in some cases, may or may not be state-sanctioned.

So I think there's a lot of false distinctions. And then finally, I would say that I think one of the things we could kind of look towards here is the power of relationships between individual people. So I know I've heard some stories based on the fact of, you know -- household -- there's an undocumented housekeeper -- right -- and then, okay.

She's pulled over for driving with a suspended license, and all of a sudden, that husband and wife or maybe just the husband and wife, one of them goes down to the court, and says, oh, I'm going to get her out, make sure she's not deported.

And so the question is, are we tolerating certain things as a society in an abstract way where we don't see what's going on? We're tolerating something
that once there's an interpersonal relationship we would never tolerate.

And I think we have to call that out.

MR. TRAVIS: Keith?

MR. WATTLEY: Thanks. I'm not sure where this fits, but I'm just struggling with this and detecting in all we've been talking about it, and in my work, just seeing that this issue that says we're committed to not tinkering here.

We're -- like, the truth doesn't really matter, like, in the systems that we work in. Like, it matters what I can prove. It matters what I -- the narrative I can control, but the truth doesn't matter much. You know, I -- when I work, I travel to a lot of different prisons, and we have, you know, prisons right along the border with Mexico here in California.

And I drive through some of these areas, through the hills and through the desert. I'm saying if anybody thought about the fact that families are crawling through this to get to the United States, how could they ignore the fact they're only trying to make a better life for their family?

Right? It's only when you remove from that can you pretend that that's not a part of the real story. And I draw parallel, just through the fact that the truth
doesn't matter that much, to the work we do with people
serving life sentences.

California has, you know, a huge population.
We have 35,000 lifers in California, and those life with
the possibility of parole. So if they can transform their
lives, they can come home from prison. And when we go to
a parole hearing, the parole commissioners are asking all
kind of questions about how someone has changed their
life, and if the person can't satisfy the parole board
that they've changed, then they can't go home.

It doesn't matter how much time they've served
or how much clean time they've done. But I had a case a
while ago of a person who was in prison for conspiracy to
commit murder. He got a 25-to-life sentence for that.
He'd been in prison for almost -- well, about -- almost
20 years at the time of his parole hearing, and the victim
of the crime -- because he wasn't killed -- comes to the
parole hearing and says, he didn't do it.

I lied at trial to get him convicted, because
the police had something on me. They told me if I helped
them out, then I would be off the hook. I lied at trial.
My family lied to get this guy convicted. The parole
board says, well, I don't know why this man came in here,
but parole denied.

See, they have -- you know, California has one
of the most progressive systems for discretionary parole. They still deny parole most of the time, overwhelming majority of the time. But they also have about 15 different parole suitability factors that guide their decision.

Not one of them said, didn't do it. It's not even a factor. There's no place for them to consider the truth of the matter. And I think if we're going to create anything from Square One, the truth has to be at the bottom.

Like, it has to drive every -- all the rest of it. And I see it missing in the immigration context and missing in the criminal justice context.

MR. TRAVIS: We can wrap it up, before we turn it back to Jennifer and Bruce.

MS. SHEBAYA: Yes. And you know, also I think I forgot to say that I really enjoyed the paper, Jennifer. I'm so delighted that we're having this conversation, but I actually wanted to make two hopefully small comments.

One was, I think, Khalil made that comment, but just reminding people about the Chinese Exclusion Act, which were actually the first immigration restriction laws in this country, which were explicitly about race, just to kind of put a finer point on this idea that there really is no separation. It's a very long history. It was in
the 1800s and it's very much about race from its inception.

And the other point that I wanted to make was that the system, the immigration system also kind of criminalizes and punishes people who try to take advantage of benefits that are available to them. And that's actually something that I think hasn't been sort of highlighted yet in this conversation, that some of the people -- Jennifer mentioned the category of people who are placed in so-called mandatory detention, which means they -- what that means is they don't even get a bond hearing.

So like, all of the litigation that's happened around mandatory detention, all that's being asked for is a bond hearing. For people who sometimes serve zero time in jail for whatever it was that they committed, that's how minimal it was.

But for that category of people, the group among them who serves the longest time in detention, like sometimes up to year in immigration detention while waiting for the cases to resolve, is the group of people who are longtime, lawful permanent residents who have very strong claims to relief and ultimately win their cases.

But I can tell you that I have personally spoken with and met, and like, sometimes been a lawyer
for, people who ended up midway through saying, I just
can't do this anymore. I cannot keep fighting. I'm going
to give up everything.

I'm going to go back to a place that I know is
dangerous for me because I can't possibly stay detained
for another year, and for those cases, you know, the
government tends to, like, appeal them very aggressively
and doesn't tend to acknowledge -- like, okay. This
person has a strong claim to relief.

They shouldn't even be detained in the first
place, but those are people who are trying to take
advantage of immigration benefits that are available to
them and are being punished for doing so by being detained
for extensive periods of time.

And I actually think that that's a very sort of
comparable example to what's happening at the border right
now, where there is all this conversation about these
illegal people. They are flooding in. There's no room
for them. Blah, blah, blah.

The numbers are not even that high compared
to -- my country, Lebanon, is a country of, like, 3.5
million people that currently has a million Syrian
refugees in it. Like, it's not even a drop in the bucket
compared to the number of people who are coming here
seeking asylum, and they're coming here to take advantage
of a benefit that is available to them. And because they
are doing that, they are being cast as criminals and they
are being detained and they're being treated in a horrible
way.

And I actually am class counsel for one of the
family separation cases that involves parents who are
forcibly separated from their children and treated in the
most horrible manner because they had tried to bring their
children here for protection, and I think that that's
actually something that needs to be kind of highlighted in
this conversation, along with the fact that the criminal
laws, the laws that criminalize illegal entry and illegal
reentry.

Seeking asylum is not an affirmative defense.
So you might actually -- you might end up getting asylum,
but you still have a criminal conviction on your record
because you entered not at a port of entry, but the thing
to note about that is that ports of entry are thousands of
miles apart, and these people who sometimes have been
walking in dangerous conditions for weeks upon end, to get
anywhere where they can turn themselves in to a border
agent, and say, I'm here seeking asylum.

And so those are the people who we're also
doubly criminalizing just for trying to take advantage of
a benefit that is actually lawfully available to them.
MR. TRAVIS: I don't know about everybody else in this room, but this is a riveting conversation, and I really am grateful [inaudible]. Marlon asked for the insistent wave to be recognized, so you'll get a minute. Jennifer gets to say -- react to what we've talked about, but Marlon, the floor is yours.

MR. PETERSON: Yeah. Just two quick points. One is this interruption of how we view this. One is that I think the idea that we hit a notion of rapists and murderers coming to this country. There's an assumption that people who are rapists and murderers also are looking for a better life.

Right? We release people in this country from prison who have committed those crimes, with the assumption that they are going to live a better life. That's one thing. The second point is -- to suggest Marc's point -- I think that when we think about any other government in Latin America, we should never have that conversation exclusion -- with the exclusion of American intervention.

So just like we can afford a social context for people who have been guilty of crimes, we also have to create a social context for these -- for the bad governance in these countries, not absolving of what they're doing, but keep them accountable for how it is
that they got to the point that they're doing what they are doing.

MR. TRAVIS: History, history. Look at the [inaudible] of the day as history. Jennifer, what have you heard? How would you like to react to what you've heard?

PROFESSOR CHACÓN: Well, I --

MR. TRAVIS: And we'll turn it back to --

PROFESSOR CHACÓN: -- it's almost too overwhelming. There are just a bunch of great thoughts on the table, and I want to lift a few of them up.

So one is -- you made the point about the kind of private profit motive that is nestled into both systems that we've been talking -- the intertwined systems, I would say, that we've been talking about today, and I think it's something that we need to consider, and it's not just private profit motives.

We have deep public investment in these institutions, and so we can think about the conversation that you were having about, sort of, decisions that immigrants try to make to position themselves as assimilating to whiteness or blackness, and we can think about the predominance of people of color as Border Patrol agents, and think about what that story is.

Right? And part of that story is about where
resources are for people who are bilingual and living near the border. Right? The resources are not in great, exciting federal jobs programs. The resources are in working for the Border Patrol.

So we -- you know, we build systems that also encourage people to position themselves to be Latino Trump voters. Right? They are, you know, deliberate -- there are a series of policies and practices that are going on there that help to -- oh, I'm sorry.

FEMALE VOICE: [inaudible].

PROFESSOR CHACÓN: There are a series of policies and practices in place that are sort of driving that -- some of that construction. The other thing that I wanted to talk about was courts, because I realized that that's the third part of our trilogy, that is the kind of caption.

And I didn't talk about courts in there. There were a lot of comments that people made that implicated the courts, and I think it's worth just highlighting a couple of those comments in that context. So one is when we talk about courts, immigration adjudications, we are not really talking about courts, and that's been highlighted.

We're talking about an administrative law system that is deeply, deeply lacking in anything that
resembles anything like a system of process where individuals, where children, as somebody pointed out, can be representing themselves in proceedings, where individuals with -- who are mentally incapacitated can be representing themselves in proceedings, and where by and large most people are unrepresented in proceedings, where one immigration court judge has frequently said that what she feels like she's doing is adjudicating death penalty cases in traffic court.

That is what our immigration court system looks like. So that's the administrative side. And that's for people who ever see the inside of a court, which is not the vast majority of individuals who are in removal proceedings.

So most people are administratively removed through expedited processes that don't even involve going before an administrative judge of that kind. So that's the civil side. And then we've talked about the criminal side, which we have seen through -- which kind of -- we've talked about in the context of things like mass misdemeanor prosecutions along the southern border with systems like Operation Streamline, where defendants literally plead en masse in a criminal court proceeding.

They maybe meet with a defender for a couple of minutes. They stand together. They -- you know, there's
translations through headphones.

Some of them are in the clothes they wore off the desert. And they are in a U.S. federal criminal court process taking criminal plea en masse, and we know this is deeply problematic, but -- and it looks like the worst form of misdemeanor justice, and yet we're not only railroading individuals through -- for unlawful entry, misdemeanor unlawful entry convictions in that way, but we also do something that looks not too different when we're talking about illegal reentry convictions, which can carry penalties of 20 years.

So it's very severe, and it's very weak in terms of any sort of procedural protections. Those are -- that's what we're talking about when we're talking about courts in the immigration system, and we compare that with what we see in criminalization and punitive excess.

And I guess the final point is just sort of bringing home the kind of concern about the dichotomies, and this is a point that I think has been well taken and well made by the kind of new generation of organizers, immigrant organizers, who have rejected this dichotomy that I think has often been leveraged, particularly by Beltway insiders when they're trying to negotiate for immigration reform packages, of you know, families, not felons, as if felons don't have families.
Right? Or I think the other part of the speech was that the gang -- you know, the mother who works hard for the family and not the gang-banger, which ignores the ways in which lots of mothers who work hard for their families identified as gang-affiliated and then subject to removal on that basis.

Right? They don't have to have a conviction. They can be hanging out with the gang members because that's where they live and who they're with. Right? But that is -- that distinction doesn't exist. Right? Mothers can also be identified and treated as gang-bangers.

Right? They're this -- and so we sort of -- we have doubled down on that narrative of a deservingness. We have doubled down on the narrative that some people deserve justice and others don't, and I think that has been one of the sort of beacons of hope in my otherwise depressing life, which is that I feel like a lot of young organizers have called older organizers on that activism rhetoric, and have called Beltway insiders on that rhetoric as well.

And so that's a hopeful sign that they're saying, no more. Those are not lines that we're willing to draw. And we talked about violent felons, and I thought it was really interesting to sort of go to the
point about truth and who's labeled a violent felon, and how we come to that determination.

And you know, the story you told was a story of a "violent felon." Right? That would be how we would characterize that in the immigration system, and that would be someone who would be number one on the priority enforcement system under PEP.

Right? And subject with no additional consideration to removal. And so those are the kinds of categorical distinctions that we draw really easily in the immigration space that are deeply problematic and that pull from some of the deeply problematic sorts of categories and assumptions that we've made in the criminal justice system as well.

So I just want to kind of lift up everyone who has cautioned us against those fragile frameworks and those racialized frameworks and make sure that we are also really cognizant of how those terms come to be, how they're given meaning and life and how they come to take on lives of their own.

PROFESSOR WESTERN: So I think in both of these -- both these discussions that -- this one led by Khalil and the second one led by Jennifer, we're struggling in different ways with the problem of criminalization and the injustice that often accompanies
how criminalization is constructed.

And immigration is an important case, not least because we're in a policy context right now in which deportation is increasing and immigration enforcement has moved in a very punitive direction, and it resembles it in many ways in its operation, a lot of features of the criminal justice system.

But it also -- it is telling us something about -- for me, this discussion now helps me understand better the process of criminalization in -- as it often unfolds in the criminal justice system. So I think, as we're talking about in this discussion, criminalization is a process of exclusion from the fundamentally, and it inheres not in conduct but in the status, a particular kind of status.

As Maria said, you know, it's similar to a lot of drug offenses in this way, and it doesn't inhere in conduct. It inheres in status. And the status naturalizes a kind of moral contamination. Right? And that criminalized group becomes morally contaminated by the criminal conviction or by the adjudicated immigration status.

It often dispenses with due process. This is part of the degradation of the status of the person that's subject to the process of criminalization, and it's not
random. And in both of these examples, in Khalil's and Jennifer, the people that are affected overwhelming are black and brown people.

As Greisa noted, it's often divisive -- right -- by separating these as two discrete policy spheres. That's often divisive, but by understanding the similarity of both of these processes, that it is a process of social exclusion for people of color, that realization in itself is the basis for solidarity for, you know, two groups that may share interests in political work.

I thought it was really clarifying what Jennifer was saying about the place of history. In a way, this is sort of racism by other means in the context of a nation whose history has come to be defined by a racial binary.

So down to Robert's question. So what do we do? And I think Eric provided us with one example. And Eric, by vacating old cases, that could trigger a deportation, it's a process of a decriminalization, of restoring status to people who have had it taken away by their old cases.

Darrel observed that power is very diffuse in the American system. Although immigration policy is a federal jurisdiction, local, state and local officials --
and Jennifer wrote about this in the paper as well --
state and local officials have power to mitigate the most
draconian effects of immigration enforcement.

The one concluding -- yeah. Well, okay. I'll
do two. One thing I'm struggling with -- right -- so
throughout this whole discussion, we're talking about
criminalization as fundamentally an unjust process.
Right?

It's a process of social exclusion that casts
black and brown people out of a vision of a white America.
Is there -- are they just models of criminalization? Are
they -- does public policy -- can public policy draw lines
around moral agency that we would feel are just and could
support a project of social inclusion rather than social
exclusion?

And by that, for me, that's an open question.
I don't know the answer to that, but so far, we've only
talked about criminalization as a process of injustice.
And I'd like to sort of push on that and figure out if
there's an alternative.

So the last thing I want to end with. I
thought Keith's observation about the power and importance
of truth-telling was really important. I think one of the
reasons why we're all here at this table and able to have
the conversation that we're having, I think, is in our
different domains, we've been very close to the ground in
different ways, and we've had our own experience of
driving through the desert, or you know, knowing the
person who's coming up before the parole board, and
understanding the reality of people's lives and the
complexity of what people often face, particularly when
they're very disempowered and very disadvantaged and
placed under incredible stress at key moments of their
lives.

That elevates within ourselves instincts of
empathy and compassion. Right? We're not in that
dehumanizing mode once we gain an understanding of the
reality of people's lives. And so I think an element of
this work too -- and maybe this is a cultural project --
is about bearing witness and truth-telling, even if we're
not quite sure where it might lead, even if we're not
sure, you know, if this could yield a political win or
something like that.

There's sort of intrinsic value in bearing
witness and in truth-telling in context of very deep
disadvantage and imbalances of power in which the life
experience of some people is very hard to see for those
with power and resources and affluence.

So that's -- they're my remarks.

(Whereupon, the Roundtable was recessed, to
resume Friday, March 29, 2019.)
THE SQUARE ONE PROJECT

ROUNDTABLE ON THE FUTURE OF JUSTICE POLICY

EXAMINING CRIMINALIZATION, PUNITIVE EXCESS,
AND THE COURTS IN THE UNITED STATES

IMPLICATIONS FOR JUSTICE POLICY AND PRACTICE

Newton-Seale Conference Room
Building R
Merritt College
12500 Campus Drive
Oakland, California

Friday,
March 29, 2019
ROUNDTABLE PARTICIPANTS:

LeRonne Armstrong | Deputy Chief of Police, Oakland Police Department

Jennifer Chacón | Professor of Law, University of California, Los Angeles

John Chisholm | District Attorney, Milwaukee County, WI

Margaret Dixon | Department Chair of Legal Administration, Merritt College

Jennifer Eberhardt | Professor of Psychology, Stanford University

Malachi Garza | Director, Community Justice Network for Youth

Eric Gonzalez | District Attorney, Kings County, NY

DeAnna Hoskins | President, JustLeadershipUSA

Marc Levin | Vice President of Criminal Justice, Texas Public Policy Foundation and Right on Crime

Michael McBride | National Director of Urban Strategies, LIVE FREE Campaign

Maria McFarland Sanchez-Moreno | Executive Director, Drug Policy Alliance

Khalil Gibran Muhammad | Professor of History, Race, and Public Policy, Suzanne Young Murray Professor, Harvard University

Alexandra Natapoff | Co-Director, Center in Law, Society and Culture and Professor of Law, University of California, Irvine

Marlon Peterson | Host, Decarcerated Podcast; Founder and Chief Re-Imaginator, The Precedential Group

Vikrant Reddy | Senior Fellow, Charles Koch Institute

Josiah "Jody" Rich | Professor of Medicine and Professor of Epidemiology, Brown University

Katharine Huffman | Executive Director, Square One Project, Justice Lab, Columbia University; Founding Principal, The Raben Group, LLC
Robert Rooks | Vice President, Alliance for Safety and Justice

Greisa Martinez Rosas | Deputy Executive Director, United We Dream

Gabriel Salguero | Founder and President, National Latino Evangelical Coalition (NaLEC)

Jason Seals | Department Chair of Ethnic Studies and Professor of African American Studies, Merritt College

Sirine Shebaya | Acting Legal Director, Muslim Advocates

Jonathan Simon | Faculty Director, Center for the Study of Law and Society and Lance Robbins Professor of Criminal Justice Law, University of California, Berkeley

Darrel Stephens | Owner, Darrel Stephens Group LLC

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Jeremy Travis | Co-Founder, Square One Project; Executive Vice President of Criminal Justice, Arnold Ventures; President Emeritus, John Jay College of Criminal Justice

Elizabeth Trejos-Castillo | C.R. Hutcheson Endowed Associate Professor of Human Development and Family Studies, Texas Tech University

Nicole Gonzalez Van Cleve | Associate Professor of Sociology and Criminal Justice, University of Delaware

Geoff Ward | Associate Professor of African and African American Studies, Washington University, St. Louis

Keith Wattley | Founder and Executive Director, UnCommon Law

Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Bryce Professor of Sociology and Social Justice, Columbia University
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PROCEDINGS

MR. TRAVIS: While we're getting settled, I'd like to do two things. One is just to -- as we start our second day together, to review the agenda of what we hope to cover today, and just have in mind. To visualize the journey for today, how it relates to yesterday, how it sets up our final day on Saturday. And what's clear from yesterday's conversation is that we've taken on some very big topics.

We've invited people to be honest and open and forthright in their observations and their commentary, and this is the Square One idea, is we really want to open up big conversations in order to allow for new thinking about how to respond to crime and reimagine justice.

So today we'll continue that journey, building on the momentum from yesterday, and we'll start -- if you just look at your agenda, you'll see where we're headed. We're going to ask Nicole Gonzalez Van Cleve to talk to us about courts.

You'll remember that the third topic of our time together after criminalization, excessive -- punitive excess is the role of the courts as an instrument of the state in being a place where justice is -- I'll put this in quotes -- "meted out." So very important that we've added courts to the conversation yesterday.
I was pleased to see that -- today I was pleased to see that yesterday we were already raising these issues from interventions from Nicole and Sasha, in particular, but also our DA voice here, with Eric Gonzalez, and our chief of police voice here from Darrel Stevens.

This is where the action happens, and so very important for us to talk about courts. That will be started -- we'll start with Nicole's paper. Then we take a break, and we come back and we'll -- in essence, return to reframe and think more about the issues of reconciliation and race and racial history in our discussion about Square One by asking Geoff Ward to take his paper as a jumping-off point for thinking about some of these issues more broadly.

Then we have a lunch. And then we have what we call, "Justice in Oakland." I described it yesterday, but let me just take a quick moment here to say that part of the Square One methodology is to engage people doing the work on the ground, and when we take the Roundtable to different communities around the country, we want to open up the conversation to people from that community who are doing the difficult work.

So the Justice in -- we will in essence expand the table literally to invite our colleagues from Oakland
to come and talk about what they're doing here. Lots of action in Oakland. It's really an interesting city and jurisdiction for that reason, but it also -- it broadens the Roundtable reach.

We had a meeting, Bruce and I and Katherine and the team yesterday with some funders from the Bay Area to continue the work of Square One beyond the three years, and one of them from a local foundation said, well, how -- what does this mean for Oakland, which was a great question, and so we've invited them to come this afternoon and just listen to their Oakland colleagues to -- who have been part of our conversation.

I've been reading the papers. I've been thinking about what the Square One process might look like. And our hope long-term, of course, is that these ideas take root somewhere, not just somewhere, but lots of somewheres.

And so this methodology has an intentionality to it, which is to create local communities that are thinking differently based on the thinking that's happening at the Roundtable. So that's the end of the day.

And then we have a special treat this afternoon, as Sukyi will tell us to how to do the logistics of getting to the Impact Hub Oakland for this
interview with Alicia Garza by our very own Marlon Peterson of DeCarcerated podcast.

And you may remember from our video yesterday that we had a similar interview in Durham with Melissa Harris Perry and Marlon. So this is an opportunity for us to listen to a leader of the movement for justice reform on the ground.

So that's our day today. We will play by the same rules as we did yesterday. We're going to start off with a slightly different -- couldn't have happened yesterday, for reasons that will become obvious, a different -- 10 or 15 minutes at the beginning.

So here's your assignment, as we turn to Jason, is to -- and we'll do this sort of lightning-round fashion. It won't be for conversation. It will be just to get ideas in the room.

If you want to nominate an idea, an issue, a thought, a thread, that you think either we didn't discuss yesterday and should before we leave here on Saturday, and/or we discussed a little bit and want to elevate to a more prominent discussion today, now's the time to just say that.

And Bruce and I talked about some that are on our minds as we were on our way over here, but the important thing is to have this be a collective process.
So the way I like to think about this as a facilitator, when we leave here on Saturday, I don't want anybody who's here at the Roundtable to express regret, that I wish -- you know, I had something -- it was just bothering me, something on my mind that I didn't put into play, and I just wish I'd taken that opportunity.

That's the worst thing to think, after we've spent this time and committed this energy and been with this group. So I'll do this today. I'll do it tomorrow.

And I know that what happens -- it's the reality of a group process -- is that overnight, at dinner last night, over ribs, whatever, wherever it happens. Something comes into your mind that you hadn't thought of before, or that sometimes if you're really deep, the subconscious does this work for us overnight while we're dreaming.

As something is going on, that's what we want to articulate and express and bring into the table. So that, I'll do after we hear from Jason, who's a professor of African-American studies, Chair of the Ethnic Studies Department here at Merritt, and the -- it will be a lightning round.

So just as succinct as you can make it, what have we missed? Jason?

PROFESSOR SEALS: Good morning. Thank you for
the welcome. Welcome, everyone, to Merritt's historic college. I'm Jason Seals, Department Chair.

I've been here for 11 years. So it's really good to have everyone come and convene here in Oakland, because this is a place where we serve community, and just to kind of position everything, we're literally nine minutes away from a juvenile justice center, about 24 miles away from Santa Rita, about 58 miles away from San Quentin.

And so I think that it's really important as we're having these discussions and convening here that we're thinking about those lives, that we're mindful of the people that are incarcerated, and in our community, I was just speaking about how so many of our students come right from the community.

And here, we make it a point to make sure that we're serving the needs. And I think that what has to be uplifted in the conversation today is humanity, and what does humanity mean? And beyond just the institutions -- because I think a lot of our conversation focuses on courts, focuses on the institutions.

But I think it's about the people as well. What are the values of the people that are drafting the policies, that are creating the funding streams for these prisons? We have to think about -- are their values
inclusive?

Do they see the humanity in African people? I think it's really important as it was brought up yesterday to begin to think about slavery, but I think it's important to think about the 55 white men that sat around the table in 1787 and centralized the economy and our governance system that still reflects 2019.

Where were their efforts? They centralized the dehumanization of African people. That was the central focus. And so it hasn't really shifted. And so part of my role here at Merritt College, as I am leading the Black Studies Program, is to cultivate minds and energy to ask they do away with some of what's impacting people.

And I think we have to uplift families. So when we're talking about systems that are impacting, that's incarcerating, let's talk about families. Let's uplift those mothers, those fathers, those grandmothers, those elders, because they play a huge part and they're being impacted.

We cannot emphasize this without talking about economics. How does economics play a part? When we think about the early systems of actually taking away the humanity of Africans, it was very much connected to economics.

So we have to factor economics in 2019 as we're
having this conversation. I think what's also important is making sure that we're talking about healing.

You said it's important that we think about those things that we're want to make sure is put on the table. We need to talk about healing, not just healing for African people, but healing for people that are making the decisions to incarcerate and dehumanize African people.

Healing has to be a part of this conversation, and I know in academia because it's not tangible, because it's not measurable, sometimes healing isn't seen as a viable conversation. But it's essentially important, because when we're talking about racism in America, sometimes we get into this one-way dynamic, where we're talking about those that are harmed and impacted.

But when I look at pictures of people that were maimed, people that were lynched, what I'm seeing is families that were there, that were witnessing that. What trauma did they carry? If we're always talking about the people that are impacted, we don't get into the duality that everyone is impacted, that it's not just a one-sided issue, where all people are impacted.

So healing is essential. Healing is important. And so I just want to ensure that, as we're having these conversations today, Saturday, and beyond, that we're
lifting up ideas but we're also thinking about solutions, that we're also thinking about stakeholders, that we're also thinking about partners that can do this work beyond this space.

Because when we open it up to people that work here in Oakland, they're going to tell you about some of the initiatives they have inside of those correctional facilities where they're going in, and they're saying, yes, you have a maximum sentence, but I still see your humanity. That right here, down the street, nine miles away from -- in the juvenile justice system, people are in locked facilities at the highest level, and people are going in and doing work with those young boys to rehabilitate and support their transitions out.

And so we need to ensure that we're talking about what's happening before, during and after. This summer, we're taking a group of young men that were formerly incarcerated to South Africa. We're doing that because we want to create leadership opportunities, and we know that them connecting with who they are, their identity, is going to support part of their healing.

And so we need to create more spaces, more opportunities for us to be proactive, for us to work with folk while they're incarcerated, but then even afterwards, continue their healing and rehabilitation. And so I
welcome everybody.

I welcome you all to be here today, and I'm excited about the conversation, and I want to make sure that, as we're having this conversation, we just bring the energy of Oakland into this room. The energy of Oakland, let it sit in this room, let it permeate and let it inspire the conversation moving forward. And for each and every one around this table, I want you to think about this one thing.

I have a son. My son is five years old, beautiful. Malcolm Rashad Seals, and we all think it stopped. People say, oh, he's so beautiful, he's so handsome. Always wonder at what age will he no longer be that?

What age will he be criminalized? I want us to think about the legacy of our children. What do they need as we move forward? Welcome. Give thanks.

MR. TRAVIS: Thank you, Jason.

(Applause.)

MR. TRAVIS: That was more than a welcome. That was an exhortation and inspiration, though -- thank you so much for leading us off that way. You've already nominated one topic, which I really appreciate. [inaudible] talked about healing as being a process for human [inaudible] to find time to raise that up today.
So what I've asked you all to do is to nominate other topics that you think are important to add to our conversation today, and it can be to put a finer point on something we actually raised yesterday. And we'll do this quickly, and this is -- the goal is to really rapidly -- not to discuss it but just say, it's important that we talk about X.

So there are two tents up already. Just get my attention in whatever way suits you, and we'll start with Jody Rich. What should we talk about today that we haven't mentioned so far?

MR. RICH: I just want to try and put on the table the -- a little pragmatic -- I mean, it's great to start with square one and rebuild the whole system, but I think there's an opportunity here with the opioid crisis that has not been available before and may not be available after the opioid crisis. And that is, at least in Rhode Island, it's hard to find a family that's not impacted by this disease one way or another, either a family member or a neighbor or a coworker's kid.

And so we have an opportunity to connect the dots with the war on drugs, mass incarceration, and this disease that's killing people rapidly, and the deaths are just a small tip of the iceberg, compared to everyone that's impacted.
And so I think the -- there is a moment in time where we might be able to -- and I don't -- I'm not saying, tweaking. I think some really serious changes can be made, maybe not starting over at square one, but I think that there's an opportunity here that we shouldn't squander.

And you know, not one of the 320 people who died in Rhode Island this year of an overdose died because there wasn't enough incarceration, because there wasn't enough police presence, because there wasn't enough legal system. So --

MR. TRAVIS: Okay. Got it. Thank you. The opportunity presented by the opioid crisis. The next up was Bruce, and then we'll go around to Sasha and Keith.

PROFESSOR WESTERN: Yeah. We haven't -- I guess this is similarly motivated to Jody's point. We haven't talked at all about mental illness and criminalization of mental illness. If I could add one more quickly, we have not -- we have talked about criminalization largely as a critical idea, a source of injustice.

A question I want to pose is -- is there a positive conception of criminalization in which society expresses its moral disapproval of crime defined in some way, some areas of social activity?
MR. TRAVIS: Okay. Bruce got two in. That's very clever. Mental illness and positive perceptions, but they were terse, which I appreciate. Sasha?

PROFESSOR NATAPOFF: Does that mean I have two?

MR. TRAVIS: Well, let's see how you -- terse was the relevant observation there.

PROFESSOR NATAPOFF: I want to lift something that Sirine said yesterday which goes to the role of law in this entire endeavor. So I think that law as the tool. Sometimes it itself inflicts injustice, and sometimes it can be a vehicle for justice.

It's not inherent in law itself. It's what we do with it, and to follow up on a point that Khalil made yesterday as well: sometimes the law works well, or there is a group of people and circumstances under which the law works in just ways.

It's available to Trump's friends when they want to invoke it to protect their rights and their dignity, and as Sirine pointed out yesterday, sometimes either it's not available at all or that the vulnerable are actually punished when they try to invoke their rights, that they -- and we see this throughout the criminal system.

If you plead guilty, you're sped through the system. If you insist on your right to defend yourself,
it takes months. You may stay incarcerated.

If you go to trial, you'll be sentenced more harshly. So I think it's worth -- as we think about solutions and rethinking the role of law in our endeavors to remember that law is available as a tool, but that also it does work differently for different people under different circumstances.

MR. WATTLEY: Because we now have to mention two, I will do that also, but mine will be quick. The first one actually ties together what Jason and Jody mentioned, I think, and that is about the way in which we have criminalized our responses to adverse childhood experiences and trauma.

MR. TRAVIS: Say it again slowly and loudly.

MR. WATTLEY: If -- we have criminalized --

MR. TRAVIS: Right.

MR. WATTLEY: -- our responses to adverse childhood experiences and --

MR. TRAVIS: Okay.

MR. WATTLEY: -- trauma. And the other is about -- was briefly touched on yesterday, but I think we should spend more time on this false dichotomy between serious and violent, and nonviolent, those two types of crimes, two types of people.

MR. TRAVIS: John Chisholm?
MR. CHISHOLM: Thank you, Jason, for your introduction. It actually brought to mind something that I think is really important, in discussing economic history as well as it relates to race.

And what I'd like to see is also even bringing it in to more contemporary history and the impact of racially discriminatory housing policies that [inaudible] populations that are most impacted by police policies and practices over the last 30 or 40 years, and particularly, I'm thinking of some of the work that Mehrsa Baradaran [inaudible], Color of Money.

Finally, I think it goes to the issue of reparations because of all the unmet promises of the civil rights. It's really [inaudible] of generational wealth that occurred because of the lack of opportunities to live in places where you could [inaudible] left those neighborhoods that were [inaudible].

MR. TRAVIS: We will save you for last. I want to make sure that we get the [inaudible].

FEMALE VOICE: Good morning, everyone. I think that as we continue to think about how we're going to reimagine the justice system, we need to think more deeply into how different systems intersect and serve as, like, a -- you know, like, pipeline for prisons.

So we need to think - consider schools, for
example, consider the child welfare system, consider the mental health services, because some of those have become the direct way or pathway to getting to prison for the juveniles in this country.

MR. TRAVIS: Thank you. Sirine?

MS. SHEBAYA: So I also had two quick ones.

MR. TRAVIS: I like the honesty that’s coming through here. People sort of say, I'm going to violate the rule, just letting you know right now, daring me to stop you. You just got away with it. I mean, the two of you, look at this.

Okay. Go ahead. Two things.

MS. SHEBAYA: All right. Yeah. I'm owning it. So the first one is about short-term versus long-term solutions. I think it's something that we've sort of circled around but haven't fully tackled head-on, that sometimes we're forced to within the current system accept short-term solutions because they are better for people now, but in doing so, we end up sort of endorsing, like, broader problems with the system at large. And so how do we navigate that tension between needing to -- so, like, just to kind of clarify what I'm talking about.

So one example, for example, is the elimination of cash bail in Maryland, which was a huge win for
criminal justice advocates, but the risk assessment tools that are being used are actually resulting in -- now, instead of just high bail amounts for people, you know, essentially indefinite detention for people who shouldn't be there to begin with.

So just like how to navigate the fact that sometimes we have to accept short-term solutions that don't speak to how you reform the system long-term, and still incorporate the biases that we're already struggling with right now, but faced with the fact that we need pragmatic solutions in the moment.

We can't just reject everything and walk away from it because it's not like the ideal kind of revamp. So how do we navigate that tension in a principled way?

And the second one is, again, putting a finer point on something that we've sort of circled around, which is acknowledging that sometimes it's not the laws that need to be changed, but it's actually a narrative about certain people that needs to be changed. So, like, there are narratives underlying the enforcement of laws, about who's dangerous and who poses a public safety threat and why, that target particular communities in very, very pronounced ways, whether it's the black community or the Muslim community or other communities that face an uphill battle trying to beat back that narrative.
And so somehow centering that or finding a way to talk about how do we change the narrative, even when the laws are, in theory, great?

MR. TRAVIS: You made your first observation about short-term versus long-term as -- so is this a moment to say, sort of -- this was raised yesterday by DeAnna, and then the tent went up. So we'll come back to you in one second.

Maria, next. Things that we have not talked about or not talked about sufficiently?

MS. MCFARLAND: Yeah. I think the other side of punitive excess is the lack of state response to so many social problems, which cuts across the drug issue, you know, mental health situations, health generally. It's true within the criminal justice system as well, failure to test rape kits, for example.

Right? That doesn't mean that the response should be punitive excess, but how do you address the absence of the state in important areas, and the way that that plays out differently also by race, as was discussed yesterday with, you know, black women not being viewed as victims, whereas white women are.

MR. TRAVIS: Well, this is exactly what we hoped for. Look at this -- Jody's being patient. I think -- Greisa, did you have a tent up? Yeah. Okay. Go
ahead. And Maria, briefly.

MS. MARTINEZ ROSAS: Buenos días. Good morning, everyone. I think the two things that would be really important to bring into this conversation are, one, continuing to ask ourselves, who profits from, like, the way that things are right now in terms of, like, money.

I feel like ensuring that there is a proper power analysis about if we are -- let's say that we come out with a solution out of these conversations, who's going to be the power that is going to be against the change of this system, because they profit from it?

And so the -- and then the second on for me would be gender, and the role of patriarchy in how these systems are constructed. In the same way that we are centering anti-Blackness into this conversation, centering patriarchy and the violence against women that is going to be important for us to be able to have real, breakthrough conversations.

And so I think that I would offer those two things as things to add to our analysis throughout the day, and then also in the next coming months.

MR. TRAVIS: Okay. I apparently am not close enough to the mike. Geoff Ward, and then we'll do a last call, and then Jody.

Geoff?
PROFESSOR WARD: Building on the previous point about impunity as a problem, I think the problem that the spring breakers raised, one of them raised yesterday, of environmental justice has to be integrated. This is one of those adjacent issues.

It's one of the ways also that histories of injustice become kind of embodied in our landscape and in our physical bodies, toxic prisons being a really clear-cut example of the connection to our conversation. These are prisons that are sited in places known to be environmentally contaminated with adverse implications for the incarcerated and the prison workers.

So I think it's an important topic to integrate in our conversations and our strategies of intervention.

MR. TRAVIS: And Jody? You just feel jealous. You put in one idea. Everyone after you has put in two, and you just -- how [inaudible] did the first one --

MR. RICH: I'm just not as smart as Bruce.

MR. TRAVIS: Yeah, right.

MR. RICH: So yeah, I'm guilty of --

MR. TRAVIS: And did you also want to say something? You did. Okay. I don't want to forget that. Go ahead. Yeah.

MR. RICH: So I'm guilty of leaving this population out of my thinking, and I -- you know, that
we've got this narrative of racial issues driving the incarceration. We've got the drug issues driving incarceration, and one -- and it's easy to focus on those issues, but one population that I often leave out is the sex offenders, and that's a whole kind of different ball of wax, and I kind of -- I've sort of always thought, well, yeah.

We'll deal with them later. I can't quite wrap my head around what should be done, what's the right thing to do, what is punitive excess? Is punishment necessary? And yet so many of the people that I see that [inaudible] dealing with addiction and mental health issues, a lot of it seems to have come from being abused as a kid.

[inaudible]. How can we as a society both promote justice for all and yet protect our youth from [inaudible].

MR. TRAVIS: DeAnna, then Nneka, obviously, and the Darrel. Yeah.

MS. HOSKINS: So just really quick. As I was listening to the topics of what we should not leave out or we should speak about, I'm just reminded of how it all intersects, of how adverse childhood trauma sometimes shows up, and what is known and gets labeled as violent offenders and different things of that nature.

But I still think, when we talk about healing,
we can't forget or lose sight of the structural racism that the system was built on, that everything we're talking about still comes back down to the structural racism that has entrenched. It -- when Jody and -- no offense -- but this is where we push back -- when we say we have to pay attention to what the opiate crisis does, we first have to go back -- and you connected it to war on drugs and mass incarceration.

But the system doesn't look at it like that, because the war on drugs was the result of the crack epidemic with a black face, and it was criminalized. And now we're looking at it as a public safety issue, but we're not going back, rectifying the harm that we did to black communities through the criminal justice system, through the war on drugs.

So we can't talk about the latter without talking about the former, and to me, that goes back to what Jason said about -- we have to keep the focus of healing, and I just don't want to lose sight of that and what's been done based on structural racism.

MR. TRAVIS: Great. Thanks. Nneka, then Darrel.

MS. TAPIA: So one, thank you, Jason, for that warm welcome and for grounding us. Just to solidify one point you made about the duality of healing, I really
wanted to call attention to the healing that needs to be
done within law enforcement.

    If we're talking about, you know, the
dehumanization of people, I think a lot of that, people
feel capable of doing because they haven't dealt with
their own healing, and I see pervasive mental illness and
trauma within law enforcement, especially with
correctional professionals.

    And I think we'll hear a little bit more about
that when Nicole talks about her paper and how that plays
out. And then, two, because I'm just going to go with the
crowd and break the rule --

    MR. TRAVIS: Why not?

    MS. TAPIA: -- is I specifically want to be
mindful about the impact of the system on African people.
I heard a lot yesterday about black and brown, and I do
believe that there is -- you know, there are many
similarities there, but I also believe that there are
distinct ways in which the system has impacted black
people, and I don't want to lose that, personally.

    MR. TRAVIS: Darrel, and then Khalil.

    MR. STEPHENS: Just one quick thought. We've
talked and heard a lot about in the history of the police
role in criminalization, and we have shown that, and
accept our role of responsibility in that. But as we talk
about short- and long-term solutions, I think it would be helpful to think about how the police can be good partners in helping us move forward.

I think there's a lot of efforts where they've made those efforts. I think they'll continue to make those efforts. In ideas and thoughts from these conversations, it would help move that forward, I think, would be helpful.

MR. TRAVIS: Khalil?

PROFESSOR MUHAMMAD: A quick idea that I just want to put in this phase. We should be talking about the role of public sector unions in criminal justice, both in policing and in corrections, and the power that they hold, both in their political ability to block reform and as expressions of the kinds of ideologies and belief systems that play out in the work that they do.

And you know, this is something that I think is a lever in the system, that may be a political third rail even to the Democratic Party as it intersects with public sector unions of the Democratic base. But I mean, if we're really going to get down and dirty with the Square One, there has to be some fundamental shifting in collective bargaining agreements for those employees.

And last is that data collection transparency. And so as a similar problem, either because of unions or
because of traditional legislative protections of privacy for public workers, a lot of the changes that we seek that are implicated in these conversations are blocked when police or corrections facilities are black boxes to public scrutiny. So --

MR. TRAVIS: We have lots of big ideas that we either didn't handle sufficiently yesterday or didn't mention at all. So the obligation of those who nominated those ideas is if you see an opening where it would be the right time to raise it, or anybody else who says that was a good idea that I heard from my colleague, we don't want them just to be enumerated and say, check the box.

We want them to be integrated if possible, not artificially but if possible into the conversation today and tomorrow. We'll do the same thing tomorrow morning, so keep thinking about things that we've missed. Again, the -- we don't want the regret at the end of our time together to say, if only.

If only we talked about something. So let me do a couple housekeeping things before turning it over to our discussion with Nicole's paper. The first is to the observers who -- I miss the kids back here. They were -- that was a great energy to have at my back.

They're on to some other spring break project today. I asked if they'd be coming back tomorrow? They
said, no, they're -- I forget what it is. They're doing something else.

To the observers who are here, we will, after our break -- I'll give, as I did yesterday, an opportunity for you to throw in a question or an observation, something that we've missed in the conversation. We want to make sure that we pay attention to it.

And there was a gentleman who wanted to get in yesterday. I looked for you. I don't know if you're here, but I looked for you as we closed yesterday. You were standing over there, and I know that I sort of cut you out because I wanted to keep the conversation at the table, but if you're still here, whatever you wanted to say yesterday is still good today.

So just feel free to do that. The second thing is, please, those of you who are active on Twitter, now's your time. We're putting some of the Twitter messages behind us. We're trying to build a larger community.

Nicole gets the prize. Yeah?

PROFESSOR GONZALEZ VAN CLEVE: Maybe. How long is it?

MR. TRAVIS: Very -- you know, everybody who -- we had a breakfast this morning where we were saying, oh -- I don't think of people this way -- well, how many followers does she have? How many followers does that
person have? But that's a serious observation. We're
trying to move beyond this room to connect with lots of
people and institutions and the retweet is at minimum just
getting things out there.

If you want to tweet with a comment, that's
even better, and what you saw yesterday that was so
wonderful was people -- and people in our virtual
community who are listening and watching, picking up
quotes from what people said, and that makes it very real.

Like, you know, Khalil just said this, and
there's a quote that goes out there. This is what Sasha
just said. There's a quote. So it is taking your voice
and projecting it. Hopefully, we're getting it
accurately.

And just please, not while you're sitting here,
but during the break, and for those who are observers, if
you're into live-tweeting, please just build the
community, because we've got something big in mind here,
and that will take a lot of us.

So please continue to do that. So are we
ready?

PROFESSOR GONZALEZ VAN CLEVE: Sure.

MR. TRAVIS: Okay. So talk to us about courts.

PROFESSOR GONZALEZ VAN CLEVE: Hey, good
morning. So on the surface, this seems like I should be a
law professor, kind of talking about the gap between maybe
the law on the books and the law in practice. I'm a
sociologist, and I do empirical work on the criminal court
system.

In particular, I am part of a long tradition of
studying the Chicago/Cook County system, which is the
largest unified court system in America. And I started as
an undergraduate. I had this amazing assignment where I
got to be a law clerk in the DA's office, and my ambition
was to be a prosecutor.

And so to me this was the perfect opportunity
to kind of, you know, pad the resume, if you will, gain
access to how the law was practiced. And as I mentioned
yesterday, what I didn't understand was the racial
disparity of the defendants, and kind of the whiteness of
prosecutors and judges.

One of the most interesting dynamics is that my
own identity as a Chicana, a light-skinned Chicana, made
it such that I had almost a racial cloak. I -- in that
environment I was assumed to be white, and so I had an
interesting vantage point in order to see, how do white
prosecutors, judges and public defenders talk about people
of color, including victims, when they don't think a
person of color is in the room?

I was dissuaded numerous times from going into
the criminal court system, and one of the reasons is that Malcolm Feeley wrote an amazing book called *The Processes of Punishment* 40 years ago. It was so groundbreaking that apparently some people thought, well, we shouldn't revisit this, you know.

He broke the mold. And to a certain extent, he did an amazing job. He talked a lot about pretrial punishment. And for those non-legal scholars, pretrial punishment is the idea that once you're accused of a crime, it starts a cascading effect of punishment that reaches beyond, you know, conviction.

Right? You don't need to be convicted to experience the punishment that the criminal justice system can inflict on you. You could not be able to pay your bond. You could be held in jail, all based on an accusation.

And even if your charge is dropped and you're found to be innocent, you still have paid a significant price. What didn't feel relevant, though, anymore, is while all that pretrial punishment was true, there was some level of racial punishment that was enacted within the everyday practices as part of the court culture of criminal justice in America.

Now, I felt it almost fortunate that I didn't understand law. Right? I didn't understand law on the
books. I had no expectations really of how these courts should work, other than reading social science research. And so my intention originally was to focus on courts as organizations, thinking about efficiency, thinking about case management, thinking about how prosecutors and judges viewed their identify within the court system. What I did not expect is to see overt racism, that was dismissed largely as gallows humor, and overt racial violence that was normalized and even seen as righteous within the criminal courts, within the daily practice of law.

All of it occurred just under the radar of the court record, and it was in a felony court where most legal scholars, I believe, incorrectly assume that the level of due process protections saves us from that level of indecency.

As part of my study, I collected 104 interviews with judges, prosecutors, public defenders, private attorneys. I also did ethnography, so that was part of the being embedded, if you will, into the courthouse, and kind of practicing law as a law clerk alongside these professionals.

And the other part of it was, I used court watching. So I trained 130 court watchers to go into the court. And many people said that some of the abuse that I
was witnessing was based on class. Right? Class stigma.

And this was in the era of Obama. So people did have a post-racial narrative about any type of abuse you saw -- well, it had nothing to do with race, and it can't be.

One prosecutor in my interview said, I see a case. I don't see race. The court watchers saw a decidedly different picture, and they dressed in plain clothes. They blended in with the same type of cloak that I used so I could isolate how their racial identity minus or isolating their educational identity or their class identity affected how they were treated.

And it's no surprise that most of the black and Latina and Latino researchers were mistaken for defendants. White researchers were given special privileges. They were told to go to amazing cases where a whole family was hacked up.

Right? And it was almost like there was a sense of racial spectacle even in the coaching of these white court watchers. But that is where the true power started to expose itself, which I realized was -- I wasn't studying just criminal law.

I was studying race, racism, and racial abuse under the guise of due process. And so in this paper, I start out by taking you into court. It's 2016. It's
about a year after my book has been released, and the
court watching protocols have been, you know, disseminated
through the city of Chicago into other jurisdictions.

And the Chief -- one of the -- excuse me -- the
Justice of Illinois, one of the Supreme Court Justices of
Illinois, decides to do her own court watching. She
ventures from the high court into bond court, same
courthouse that I studied for over a decade, and she
watches what she sees as a parade of bond hearings.

Most of them are no more than four minutes
long, and what she sees is a woman paraded in front of the
court. She has mental illness and the police have
arrested her in her underwear. To solve the problem of
dignity, the officers have clothed her in a garbage bag.

Justice Burke lamented that she was appalled
that anybody could do this to somebody in such a public
spectacle. Right? The interesting thing about the case
is not just that they clothed her in the garbage bag, but
the series of professionals that saw her and did not
intervene.

They had normalized it to the extent where it
was just ordinary. It was just an everyday in court.
Think of all the police officers, the sheriffs, the social
workers, and even her own public defender who are part of
what I call criminal justice adjacencies, meaning
interdependent, cultural and structural systems that share
resources and cultural understandings about defendants and
victims, such that she can travel across the jail and the
precinct and the court, back to the jail and no one ever
questions the garbage bag.

What I started to realize and what I tried to
document within Crook County was, what role did these
ceremonious encounters -- right -- this kind of public
spectacle of racial degradation -- what role did it play
within the court system, and how the professionals and the
judges saw their work?

In what way did they incorporate ideologies and
culture within to their own practice law that allowed that
normalization, not just to feel just normal, everyday
practice of the law, but also in some ways to feel
righteous?

I interrogate two distinct types of concepts
within Crook County. I talk about the criminal courts as
being the perfect tinderbox, if you will, for racism to
collide with criminality -- right -- is that we've tasked
mostly white professionals to in some ways think about the
criminality and the immorality of a whole set of people.

And yet we have this enormous race and class
divide between who is getting to make those distinctions.
And so it really becomes easy for attorneys to code out
racial difference, and say, well, I don't hate -- you
know, it's not that I don't like that defendant.

I'm not prejudiced against that defendant. I
just don't like drug dealers. Right? I just don't
like -- and then you can insert a criminal charge. So in
this environment, the criminal charge and the racial
distinction was almost distilled to the same concept.

They had two different concepts called a "mope"
on the one side. That was a repurposing of the N-word
when they realized they couldn't say the N-word. A mope
was seen as a lazy, degenerate offender who, because of
their own social and moral failings, had fallen into the
realm of the criminal courts.

Now, on the surface, such a nonviolent offender
shouldn't be a threat, but to these attorneys who viewed
themselves as protecting victims -- right -- through
litigation, the presence of a mope was like trash in a
system. And so they literally used the words, "trash,"
not just clothing a woman in absolute trash, a trash bag,
but a probation officer, when I asked what a mope is, he
flipped into Ebonics -- right -- a bastardized version of
black English vernacular, and he pointed to a defendant
who was right in front of him, and he was, like, "See that
kid?"

"He's like aww, man. That ain't right. The
sh*t ain't right. Why the judge be like that, man? If all I had to do was report to probation and pay $25 in fee, just to stay out of lockup, I would. Putting some of these guys on probation is like throwing trash in the ocean.

"It just comes back to you. This guy's a piece of shit. Look, he'll be back." So how they understand criminological concepts is through this kind of racialized lens, such that the mope signifies something larger. The other side of it is the monster, which is the more violent archetype.

And as I talk through in the paper, what you noticed is that in the Crime Commission report at this kind of seminal moment in which Elizabeth Hinton's work examines the political motivations for mass incarceration, what you see is that they had these types of distinctions. They said -- they called it marginal criminal and a hardened criminal.

But mass incarceration accelerated a type of collision such that the marginal criminal and the hardened criminal become racialized. My friend and colleague, we've done a co-authored paper looking at how these racialized tropes become manifested within other parts of the criminal justice system and in other jurisdictions.

And so to me that is -- the biggest challenge
for qualitative research is, is it generalize-able? And what you see is in the jail in this large, West Coast jail, it was coded as lazy criminals and real criminals. So the tropes transcend. Right? We can't think of judges and prosecutors and public defenders as living in isolation from the racialized narratives, the racism that we all are exposed to on a daily basis. So how do we get to these ceremonies?

The ceremonies become in some ways the public articulation, the dramatization of these cultural values. Right? And so there's a famous sociologist that wrote a classic article called, "A Degradation Ceremony: On the Conditions of the Successful Degradation Ceremony."

And he describes this as kind of the sociology of moral indignation. So I talked about the collision of morality -- right -- and expressing this moral outrage, if you will. And so we can think about these degradation ceremonies as being communicative. Right? There has to be someone that names it. There has to be someone that dramatizes it. There has to be a public to see it and agree upon it. Right? And so we saw Justice Burke acting as a counter. Right? She was not buying the degradation of this woman's mental health status as being a person of trash.
So I want to -- and how am I doing on time?

MR. TRAVIS: Just a couple more minutes. Yeah.

PROFESSOR GONZALEZ VAN CLEVE: Okay.

MR. TRAVIS: Great. Yeah.

PROFESSOR GONZALEZ VAN CLEVE: I have to stay on the straight and narrow. I'm sitting right next to the man and the law. I want to end with a couple of these ceremonies and how they were enacted in open court. The first is a man that is HIV-positive, and he contracts tuberculosis in the jail.

Public defender pleads and says, this is -- it was a low-grade charge, and he pleads to the judge, this man will die in prison. And for all practical purposes, it -- you know, if -- it's a drug charge. It doesn't seem like this man should get a "death sentence."

Sheriffs bring out the man, and when they hear that he is HIV-positive and has tuberculosis, the sheriffs stepped back in unison. And as though the man is absolutely contaminated, they pantomime to the prosecutor and pretend like they're reaching, and he goes, help me, and pantomimes like he's being tortured by the contamination.

Now, the interesting part of this ceremony is that the man that's the target, this defendant, this is -- his humiliation is happening in front of him. There is no
wall that divides the humiliation to -- in front of him, and so many of the things that sociologists talk about, front-stage and backstage behavior, are completely destroyed.

In another incidence where three court watchers witnessed this racial degradation ceremony, the target was a black mother sitting in a public gallery. She sat in the public gallery of the court, and her status in the court was kind of unknown.

We didn't know if she was a victim. We didn't know if she was a witness or a defendant. We knew that she had her daughter next to her. Her daughter began playing silently with a cell phone. The prosecutor pointed through bulletproof glass like this, and waved over the sheriffs.

You could almost see it in slow motion, because there is no sound. The sheriff comes through, takes the child, confiscates the phone without talking to the mother, brings the child into custody. The mother, you could hear from the notes from these three court watchers -- here's the child wailing in the lockup. The mother wails in the open gallery as the prosecutors laugh at the spectacle.

To me, the success of that racial degradation ceremony is it negates the black mother's status as a
competent parent, and it shows that the degradation does not have to be targeted at an actual defendant, that the logics of this mope or monster that is decoded from race, but absolutely is infiltrated with racial meaning, allows the abuse to transcend institution, to transcend category, to even be unleashed on a victim, because the color-coding and the segregation of the courts is that absolute.

So as -- and I just want to say, you know, how can we exert accountability? For me, court watching was essential to that component. How do we create a sense of decorum that is required by law? How do we make our courts accessible, transparent, dignified?

Right? How do we, as the Supreme Court says -- you know, how do we satisfy the appearance of justice? And I welcome your comments. Thank you so much.

MR. TRAVIS: Thank you.

(Applause.)

MR. TRAVIS: [inaudible] much, and just to -- wonderful paper, very deeply disturbing. The floor is open for clarifying questions. If anybody has something they didn't quite get from Nicole's paper or presentation?

John?

MR. CHISHOLM: Great presentation, great paper. Just real quick question. What has been the response primarily from the judicial system based on --
PROFESSOR GONZALEZ VAN CLEVE: Book or the --

or just --

MR. CHISHOLM: Your comment, it reminds me --

PROFESSOR GONZALEZ VAN CLEVE: Yeah.

MR. CHISHOLM: -- a great deal of the work that Amy Bach did, but she did it in more of a structural sense. You've done it in a deep dive and sort of the behavioral system in just one jurisdiction. But yeah. The response from the judicial system.

PROFESSOR GONZALEZ VAN CLEVE: Yeah. So I was frightened for many years that they would rebut the claims that I made in the book, and it was interesting. It was the absolute opposite, which encourages me in some ways, and also demoralizes me, in the sense they were saying everything I was saying was "true."

They couldn't dispute it. They saw it. They did it. They didn't know how to fix it. And so I feel like they were waiting for somebody to make sense of these practices sociologically, and a lot of attorneys felt imprisoned by these rituals.

The unfortunate thing is a lot has not completely changed. And so there is only prosecutor that wrote kind of a scathing commentary piece about this work, and used many of the tropes that I talk about in the book.

The difference between my work and Amy Bach's
work is that I'd really try to think about, you know, how does this -- these racial tropes allow prosecutors to efficiently sort cases? Meaning it has a utility. You have too many cases, not enough time.

A trial is a very scarce resource. Public defenders are already overburdened. And so one of the things I interrogate is, how does racism become organizational useful to be efficient?

And I think that's why it's so difficult to break up, if you will. Thank you.

MR. TRAVIS: Other clarifying questions for Nicole? Going once, going twice. So let's open it up, and just a special note to Elizabeth and Khalil. I can't see the corners well, so if you just find your way to get my attention if I miss you. Jonathan?

PROFESSOR MUHAMMAD: It's called structural discrimination. The corner on purpose.

MR. TRAVIS: No. Jonathan?

PROFESSOR SIMON: Thank you, Nicole. As you know, I loved your book. And I want to lift up and maybe flip around. I hadn't gone back to look at Garfinkel's notion of moral indignation or the sociology of moral indignation.

But I'd like to actually flip it around and suggest that we need more moral indignation against the
system of mass incarceration. I mean, I think your book is an example of the sociology of the right kind of moral indignation.

It's like when I read it and when my students read it, it's different than a lot of other sociology books because some students have said to me, like, she's angry. And I said, no, she's not angry. She's indignant, and indignant has dignity at its core.

Right? Indignant is a sense that we should be outraged. It just came to me a few years ago when I was reading a column that Judith Butler wrote on Hannah Arendt's notion of the banality of evil, that she said that Eichmann, you know, the Nazi planner was guilty of the banality of evil.

And Butler described it as -- it's a way in which crime had become for the criminals accepted, routinized, implemented without moral revulsion and political indignation and resistance. I think we have to be indignant about the things she described in the book, and which we see.

I send my students to court, you know, after reading your book, and they go, well, it's better in, you know, the East Bay than it is in Chicago, but it's still bad, is kind of what they tell me about it. The other thing is just, you know, thinking about something
outside -- by tomorrow, which is a condition of dignity
and every place that you are should be something that you
have a right to.

You would think that courts would be the
epitome of a dignified place. Right? I mean, in fact,
before dignity applied to the notions of human rights, it
was used by our Supreme Court mainly to refer to the
dignity of courts, often.

In fact, if you look at the Supreme Court's use
of the term, dignity, it's -- they're often talking about
the dignity of courts. Well, these are courts that
completely lack dignity, and is that too much to ask, you
know, that they just be dignified places where even an
observer would say, this is a place of dignity?

And there are -- there's a court in Santa Clara
that's been experimenting with mindfulness, like beginning
with a minute of meditation before court sessions and
whatnot, and just trying to change the dynamic by -- well,
what you described should appall and outrage and create
indignant feelings in all of us.

MR. TRAVIS: Yeah.

PROFESSOR MUHAMMAD: Thank you, Nicole. That's
a tremendous paper and your book as well -- related themes
there. Jonathan, I was just thinking, I wish you'd
brought your gong. I was just -- remembered your -- to
set the stage, a dignified moment.

Anyway, let me get back to my point. The -- I think these degradation rituals that you're describing are -- and I'm really interested in how they work as mechanisms of the racialized injustice that's sort of, you know, what Jason so poignantly described as the dehumanization that works -- that's at work in our society.

I think in some ways, the degradation rituals are representations of a racist logic that has -- already exists, but I also think that they are generative of -- and I think you make the generative argument, somewhat subtly, but maybe you could make more explicit -- they are essentially -- you know, they're mechanisms, I think, of what Monica Bell describes as a legal estrangement.

They are mechanisms by which people are defined as sort of not party to the moral and political considerations of our society, and you know, to use Charles Mills' work, who I just am a great fan of, there's this sort of discursive rituals by which people are excluded from the recognition under the terms of the social contract, morally and politically.

We have a paper about this coming out in American Behavioral Scientist, called "The Violence of Racist Police Jokes," where we -- Oakland and San
Francisco police cases figure prominently, and in a piece, we're trying to, you know, make clear that this isn't -- that we should not understand this as simply misconduct that's sort of unprofessional, but that it is a means by which the -- essentially, we're trying to argue that the cultural and structural and direct violence of racist police seeing -- passes through these discursive exchanges.

It's kind of -- so anyway, I think it's a really important contribution. And in terms of a policy implication, you know, towards the end of your paper, you stress the importance of court watchers, and I think that's right, but I also think we should put more pressure on institutions to essentially police these issues themselves.

On the ride over here, someone brought up broken windows policing, and I was talking with Jeremy about this. I'm kind of hesitant about it. I think it's in our paper. I can't remember, but you know, there's a case to kind of put broken windows policing back on police themselves and courts.

I mean, these are examples of low-level "offending" that contribute to a culture of disorder, of deviance, and ultimately more egregious offenses like excessive uses of force, lethal force in some cases,
miscarriages of justice and so forth.

So I think there is a very important through-line here to a kind of policy intervention. I don't know that I want to reify broken windows, but certainly, the argument applies.

MR. TRAVIS: We have an active queue. Eric is next. Katharine, Marlon and Jason. Yeah.

MR. GONZALEZ: So I want to thank Nicole. Listening to her recount these public spectacles of degradation really hurt me because I've seen them over my career many, many times. It's one of the reasons why I think a lot of prosecutors of color, and particularly African-American and Latinos, drop out of the criminal justice system fairly early on in their careers. Because they see the lack of humanity that's being paraded around them, and they're part of a system that is not working for the community, but I think that these sort of -- as you describe them, these ceremonies, what they're meant -- and especially in places probably like Cook County, and you know, New York City, places where they are a volume-oriented business.

The court system is really just a volume-oriented -- you know, a factory line is -- that is what is meant to be the punishment. The process is the punishment. Most of these cases are, you know -- there is
no other outcome of the case, other than the humiliation
and degradation that people who are arrested have to go
through.

And the courts and the district -- you know, the DAs and the public defenders are rightfully called out
by you in being part of that problem. You know, for
myself and my career, you know, I often thought that that
was not, you know, my responsibility.

And my responsibility as assistant DA was to be
fair in the case, and that that was the court's
responsibility. The way the court officers are, you
know -- often spoke to people in the galley where I
thought was often unnecessary.

But you know, I take this from what your -- you
know, what I've heard today with a commitment to change
the practice in my courthouse and to do the things that I
know need to be done, but making sure that the prosecutors
who work for me, at least, understand that the process
shouldn't be the punishment.

And so I thank you. But you know, I can
recount many of the episodes you said very clearly in --
you know, in my career, and I'm embarrassed that I didn't
do anything about it.

So we -- you've got quite a conversation going here,
Nicole. This is really wonderful and rich. Here's the queue that we have, just to talk about how to get through this, and we'll continue, because it's clearly generated interest.

Katharine, Marlon -- it starts with a J. Who was -- was it -- no, no. Let me see if I can do this.

FEMALE VOICE: Greisa, maybe?

MR. TRAVIS: Greisa? There we go. Jason, thank you. Jason, Greisa. I wish my handwriting was better. Keith, where are you? Somewhere. Right? Okay. Khalil, Jessica, Sirine, Nneka and Pastor Mike, who's going to end with a benediction after we do all this.

Right? So that's why you raised your hand. Right? Okay. So --

PASTOR MCBRIDE: I have my instructions.

MR. TRAVIS: Katharine, go ahead. Did I get everybody that's on -- so put your tents down. If I missed any -- yes.

PROFESSOR CHACÓN: Jennifer.


MS. HUFFMAN: This is -- Nicole, thank you for all of this and for this conversation that's coming out. I was struck in listening to you and something that you alluded to a little bit, when we think about these degradation rituals and the ways in which this overt
and -- and/or subtle racism comes through in these
degradation rituals that -- something that I think is
really notable is that for the system itself and for many
the players in the system, it's actually virtuous.

There is a sense that, you know, because we
check the box of having had a four-minute bond hearing for
everyone that we are protecting due process, that we are
playing a role that is not just justified, but critical to
the functioning of our virtuous democracy, and that it
kind of gives a sense of importance to this in a way that
keeps anyone from having to think about their individual
role and keeps anyone from having to think about the
accountability that should be coming to them through that.

That's one way that it's justified and just
dismisses an entire conversation, and/or you mentioned,
you know, some of it is gallows humor. We think of it as
this is the way that people in the system cope with the
system and that that's understandable and excusable
because it's so hard and because it's so damaging.

You know, there's probably a conversation to be
had about the fact that it is damaging and harmful for
people who are the players in the system, the young black
and brown prosecutors, as well as the young white
prosecutors and everyone else who would be in the system,
and judges and defense attorneys and all.
But we take it off the table because we feel that that's something that they need to get through the day. So just putting out there that, you know, it's not only a degradation ritual that is inflicted on people who are coming before the court, but it is justified and is sort of given a place of importance because of the systemic roles it plays as a virtuous system of justice and because of the personal coping mechanisms that it brings to the people who are the players in the system.

MR. TRAVIS: One of the most powerful observations in your paper, in your presentation, was countering the number of people who had seen and thereby were complicit in the placement of the trash bag on the woman who was mentally ill and arrested in her underwear.

And Hannah Arendt was just the right way to start this. There's a normalization of that, that -- I think it places obligations to think about how could that happen? How could that be stopped? So --

MS. HUFFMAN: Right. Just to follow on that. Yeah. And that it’s justified because it is in service to this critical due process.

MR. TRAVIS: So it’s rationalized. Right.

Exactly. Marlon, and then Jason. Yeah.

MR. PETERSON: Good morning. It's kind of -- well, first, once again, Nicole, thanks for the paper. I
want to think that I really appreciated you using Garland, using the term, presentist, to describe the way in which policy analysts and criminal -- chronology of academics who fail to interrogate the culture and historical links that of course sustain present-day practices.

And makes me think about -- I think, Jonathan -- I question the idea of the courts losing its dignity. I think of dignity in that sense -- you know, the courts were the places where they sold people, historically. So I think that the idea of dignity that it's in the court system is much more over-subjective, a notion then more so than objective on -- so that's one thing.

The other observation that I have is the woman that was put in the trash bag was treated like a trash -- was treated like trash first, and I think -- I mean, I gave a TED talk where I speak about, like, fearing, like, you know, I was treated like trash, justifiably so, because within this space and this system, it's sort of -- we can justify people being treated a certain way when we attach the term, crime or -- crime to them, which makes me think about when Bruce -- ended yesterday, and he had left -- one of the questions he had was, are there just notions of criminalization?

I don't -- and I've really been thinking about.
Like, is that -- because criminalization isn't synonymous with humanization. Can it be just a question -- right -- to sort of think about?

And the last thing, I just want to sort of leave with a question, which is a little bit different from any of the points I just mentioned is, particularly thinking about where we're at now contemporarily in social media -- is social media, like, the social media canceling a newer form of pretrial punishment, understanding that in pretrial punishment also there is -- it can have -- it can -- it affects earning power in terms of bail or what have you.

And I sort of think about now we're in the cyber age, pretrial canceling can have -- pretrial -- yeah -- pretrial canceling -- did I just make up that term? Pretrial Canceling? It can have an impact on earning power. And I just wonder now, as we are thinking about -- we keep using this term at Square One.

Square One -- I can't wait till Geoff comes up later, because he -- even trouble with that term in and of itself. But are we literally building off of the same imagination that Mike spoke about yesterday in terms of -- well, as you move into this technology age and bringing in the conversation about pretrial punishment, are we using social media as a new way for pretrial punishment?
MS. HUFFMAN: I don’t know how -- how does social media do -

MR. PETERSON: Well, I -- you can be accused on social media now for anything right now --

MS. HUFFMAN: Okay.

MR. PETERSON: Right. So I'm just saying that. And you don't have to go to court necessarily --

MS. HUFFMAN: Yeah.

MR. PETERSON: -- to lose any sort of dignity, to learn -- to lose any sort of status. I mean, understand that there is -- it's in some cases justified. It's justified. I agree that in some cases it's justified. But just sort of trouble ourselves in the present moment. Are we sort of now creating or recreating another form of pretrial punishment before somebody's been convicted of something?

PROFESSOR GONZALEZ VAN CLEVE: So I was just going to -- I don't know if this is also what you were thinking, but my second book, called The Waiting Room, I waited outside the Cook County Jail to see release. I met a man whose charges were dropped, but his mugshot stayed online, and it would not go away.

And it was, like, the state had sold it to some archive. So even through his record was clean, you kept typing in his name, and an old article of him in the
school marching band came up, and then a mugshot. And the
man was -- I mean, he was just -- he couldn't figure
out -- you have to spend an enormous amount of money,
prettrial money -- right -- to get rid of that identity
that had already been constructed. So --

MR. TRAVIS: Jason?

PROFESSOR SEALS: Thank you. I just really
want to give thanks for your work --

PROFESSOR GONZALEZ VAN CLEVE: Thank you.

PROFESSOR SEALS: -- but also for giving a
voice for those that are disregarded.

PROFESSOR GONZALEZ VAN CLEVE: Thank you.

PROFESSOR SEALS: It makes me think of, like,
the white racial frame and how narratives are created
about people, and where those narratives are cultivated in
homes, and how those rituals you talk about, they reflect
for me whiteness. The whiteness being a culture that is
permeating in America.

And I think it's interesting to talk about the
courts, but those individuals that's in the courtrooms,
they come from families, and so when we talk about
systemic racism, I think we have to be aware of the
toxicity that it's creating in society.

Right? It's creating a sickness, and all of us
are being exposed to it. Like -- it's like rain clouds.
And I think when we're exposed to it, it just -- it creates this toxicity that we share in our day-to-day lives, and so then it creates sickness within our communities and then sickness in institutions.

So I think we've got to go backwards. Like, we can talk about institution, but let's go backwards and talk about how the community was impacted, and then what's happening in the families. And I think the struggle for me is that nothing that you said unfortunately surprises me.

Bruce Wright talks about this in his book, *Black Robes, White Justice*. He was a white -- he was a black man, biracial, appeared phenotypically as a white man, so he was hearing all of the discussions. And I just think at this time, as I brought up healing earlier, we have to begin to explore value sets.

So everyone at this table should be thoughtful about what are your top 10 values? And I think when you are clear on your values, then you have to examine whether your values inclusive? Because most people can write down their values, and their values on paper will look positive.

There will be nothing negative about one's values. But then are they inclusive? Do you include other people? Does it inform language that say I see you?
If you look around this table, it's diversity. It's diversity here.

But if we want to get to equity, that's a practice, and I just think that we have to deal with the sickness that's permeating amongst us, and I think it starts at home, because those judges, those prosecutors, they didn't even see the humanity in that young girl when they took her from her mom.

They didn't even acknowledge her mom. When you put someone in a garbage bag that's used -- eloquently said, like, they see them as trash, how do you see someone as trash? Like, I think we really have to sit with that. Like, how do you see someone as trash, a human life?

We have to examine our values.

MR. TRAVIS: You're up. We've added two more names to the queue, Marc and Robert Rooks, and next is Greisa.

MS. MARTINEZ ROSAS: Jason, for that last -- because I'm sitting with that. Nicole, thank you for the paper.

MR. TRAVIS: She keeps doing this to us. It's just [inaudible].

MS. MARTINEZ ROSAS: Oh, [inaudible]. Nicole, as you were talking about the degradation ceremonies, it reminded me of how sometimes we think that those things
are byproducts of the system or people do those things --
like, the system does those things unconsciously.

I think what I appreciate about your paper and
what I want to be able to underline is that these are
actually political signals for the rest of us, that are
about, at the core of it, power and control. And who has
the power and who has the control, and that like, the
system which is, like, grounded on white supremacy -- is
sending that signal to people about, like -- you do this,
and this is what will happen to you, and we have the power
to be able to take away your dignity or give it to you.

And it reminds me of when we see the images of
the children in the cages with the foil blankets that
resemble trash bags every single day, and the fact that we
are able to see those images is not because they were
leaked or because -- it was, like -- the state released
them so that the rest of the world could see, one, what
America thought about these people.

Two, like, what will happen to those people if
they decided to come and seek asylum here. And then
three -- and this is where we've been engendered to be
able to shame the mothers of those children for bringing
them here.

And when we talk about what happens in
immigration court systems, there's often this conversation
about the shaming of the women, saying, like, oh, those --
how dare you bring your children here and risk their
lives? Like you should be ashamed of doing that.

And so for me, like, this is -- it's not an
accident. It's like a political action about control and
power. And then the last thing I will say is, like, these
court systems, some of them are visible, and then a lot of
them, like, are open to the public where you can have,
like, public observers or court observers, and then
there's a lot of them that have been in secrecy.

It reminds me of -- about 10 years ago, my
father was detained because -- and accused of a felony for
collecting these, like, wooden pallets that you see at
Costco or wherever else. And he would repair them. He
would get them from, like, the big trash bins, repair them
and then sell them back to the company.

And he was stopped and accused for, like -- of
stealing from one of these companies, labeled as a felon,
and our family was not able to even know when the court
date was happening, what -- who was his legal counsel, not
even able to witness, him able -- as seeing, like, the
judge that would then later convict him and then put him
into the deportation proceedings, and then later deport
him.

And I think that that is also a -- like, a
strategic choice by the system to be able to send a signal
both to people like my father to say, no one will know
that you exist. No one cares about you, and ejecting him
and others, and millions of others.

And the message to people like us and my family
that are undocumented left in this country to the point
that Khalil was bringing yesterday, where, like, it was a
question for us about what -- like, do we want that same
fate? Like, should we just self-deport, and say, like, I
don't want to feel like that?

And so for me, it's -- then the question
comes -- where is the accountability? Like this isn't
something new that we're just discovering, and this
process is being done on our dimes.

Like, I pay every day taxes for these people
that are public servants to then treat my people this way,
and then there is no change in how the budgets are
created. We continue to pour billions of dollars into ICE
agents and CBP agents and the police force.

And the police force is put up by Trump, by
Democrats, as these heroes that should be lauded and are,
like, infallible. And so for me, there is a question
about -- at what point do we become responsible for
allowing this to happen?

And at what point are we going to say, enough?
MR. TRAVIS: My hope, Greisa, is that that's a question -- the question you just posed is one that we continue to ask ourselves here while we're together, and nominate some possible answers, and even the court watcher intervention in a public place is an intervention of sorts, and we're fortunate enough to have, you know -- and sociologists write it up and publish a book and draw attention to it.

But we also have, you know, Eric's observation about -- sort of thinking about his own practice in essence and his own career as a question of accountability. And I think this is what Katharine was getting at, which is -- where does accountability start and what can be done about it, without a total reinvention of everything?

Accountability should be a sort of democratic value, and we elect folks who run those systems -- right -- so there's a political question here that I think we're going to keep bumping up against, and want to name and elevate.

So I thank you for putting it so clearly.

Kevin is up.

MR. WATTLEY: Keith.

MR. TRAVIS: Unless you want a name change at the moment. Sorry.
MR. WATTLEY: I do get that a lot.

MR. TRAVIS: And I did the same thing with Jennifer and Jessica. Sorry.

MR. WATTLEY: I have been called --

MR. TRAVIS: I try.

MR. WATTLEY: -- much worse than that, so it's all right.

MR. TRAVIS: Okay.

MR. WATTLEY: Thank you. Thank you for this paper, Nicole. It was -- the discussion of degradation rituals, as a lot of people observed, is really important for me. It's really helpful in understanding things I've been seeing.

Just earlier this week, I was in Riverside County Superior Court, Criminal Court. Saw this playing out, and you know, one of the things that -- the main thing that struck me about the scene was -- one, was that even though I'm an attorney, a lot of the language was foreign to me.

Like, I couldn't even understand what the attorneys were talking about. Defense attorneys, prosecutors, judges, the way they were communicating was so fast. Clearly, efficiency was the goal, and they had -- you know, there were people who were in custody who were in their orange jumpsuits and chains, sitting in --
basically in the jury box.

And when they called their case, they didn't even bother to have them stand up. There's a -- we're on Mr. Jones' case. He's third from the right over there. Not even looking at Mr. Jones. And the whole proceeding would take just a couple minutes, and in a matter of those minutes, Mr. Jones has just entered a guilty plea, accepting jail or prison time, and nobody even looked at him.

So it's -- what you wrote about makes that all make perfect sense to me. There's also -- you know, your paper focuses on this -- obviously, on pretrial, pre-conviction, pre-sentence, and as terrible as that is, I want to take us into the prison.

Because, you know, if you think it's bad before somebody is convicted, where there's the presumption of innocence, then when you get to the prison where correctional officers are emboldened, are justified, because you did it, and everybody's declared that you did it.

So they don't make any pretense about how they feel about you, what they think about you, what they concluded, and what they want to do to you. And the rituals there are really -- you have to see it to believe it.
Having seen it, I don't even believe it sometimes, the things they do to people to make a spectacle of people who are there, to continue to dehumanize them in ways that you wouldn't think you would ever want to do to a person.

So thank you for, sort of, helping to provide some framework for how that shows up. I do want to use this opportunity to talk about -- I guess, what we -- we kind of have the -- I want us to get past the convenience and comfort of this false dichotomy between violent and nonviolent cases and people.

And that's not what you did, but I think it's important. Because we're talking about people who are in prison, and especially at the highest security levels, often people who've been convicted of violent crimes, and for us to have controlled the narrative about who they are, what they are, we do all kind of stuff to them in the name of justice and sometimes in the name of rehabilitation, whatever that is, whatever we think that is.

But I think that what we see is -- we deprive them of their complexity, their humanity, and I think it's just an easy way out. And what I see is people who are convicted of a drug crime, let's say, you know, people who are in a drug deal.
Somebody gets busted. They go to jail. They go to prison. We've had reforms in the last few years that have provided new pathways for those people to not go to jail or prison or to get out sooner, and I'm glad that we've done that.

But we've done that at the expense of people who are in prison for serious or violent crimes. But what I've seen is that that drug deal was just one worst-case scenario from being a violent crime.

Somebody does something wrong. Somebody gets hurt. That person's convicted of violence. The thing that brought them to the drug sale is the same thing, and we pretend that they're different people, and that one is deserving of some mitigation, some leniency, some compassion, and the other one isn't.

And in California, we have seen too often people convicted of serious and violent crimes be scapegoated, be discounted and skipped over for some of the reforms. Even some of the best changes we've had in our laws continue to marginalize these folks, so much so that, right now, 76 percent of the people in California prisons are convicted of serious and violent crimes, 76 percent.

And these are the folks who -- you know, we sort of talked at the beginning of this about how these --
this unresolved trauma is real for them, contributed to
their actions, and they are the least likely to have
access to any help to deal with that while they are in
prison.

Healing is not a thing in prison, unless
there's a therapeutic community that gets created for the
safe space to do that work, and we're not intentional
about that. So I appreciate this paper. I appreciate the
opportunity to look at these issues.

And this degradation ritual is a mother.

MR. TRAVIS: Thank you very much.

MR. WATTLEY: Thank you.

MR. TRAVIS: Thank you, Keith, for drawing the
thread through the prison system and for coming back to
the issue that you identified, between nonviolent and
violent crime policy. Next up is Khalil, and then
Jennifer, then Sirine, then seven more other people.

Marc, you're on the list, you're on the list, you're on the list. But yeah. I could read the whole
list, so everyone who put their tent up knows that they're
there. Sirine, Nneka, Pastor Mike, Marc, Robert, Maria,
DeAnna, and Elizabeth. And we're going to end there, and
come back to you, and then ask Bruce to make sense out of
all of this.

Okay?
PROFESSOR MUHAMMAD: Is the court reporter here?

MR. TRAVIS: No. [inaudible].

PROFESSOR MUHAMMAD: Good. All right.

MR. TRAVIS: But there 1,000 eyes watching in virtual space.

PROFESSOR MUHAMMAD: Sure. So Nicole, I just want to say, just a stunning presentation today, on top of a stunning paper, and I am feeling very indignant right now. So okay. I just listed a few things, and these are observations, and I don't know that they'll all connect, but I just need to say them.

So William Stuntz, a former Harvard law professor, wrote a book, *Collapse of the American Criminal Justice System*, and one of the important insights of that work, I think, is relevant to what has come up here, but maybe not named explicitly is that this -- the courts, our legal system, is not accountable to black people.

And so in just the reverse, the major clients of the "system," whether they be black or brown, they have the least political say in how justice is defined and achieved, and the rituals you describe, I think, speak directly to that.

And one way that I think the legal fictions that play out every day in courts are right in front of
us, and that I think Square One has an opportunity to name
and take on, because like a kind of reparations problem or
13th Amendment problem, the voir dire process is an
absolute abomination on the basic terms that people have
to answer the question, can the criminal justice system
deliver fair? Is it a fair system to black and brown
people every day?

In that is itself the daily ritual of erasing
the actual history. And so if you're in a county like
Newark, New Jersey, in Essex County, where it is a system
dominated mostly by black people and brown people running
through that system, the fact that a suburbanite like me
has to show up, and then with all that I have to bring to
a conversation, you have to answer this question, and then
either lie or tell the truth. And to tell the truth means
to ensure that I don't get to stand in judgment of the
people in that community, is exactly the lawlessness of
this nation and its court system.

I want to name the fact the justice system has
gotten blacker and browner, and people in this room like
Eric and Nneka here are a representation of that. And I
want them to talk also more -- I mean, we're heard a
little bit about it, but I think part of what we have to
think about in the 21st century is the degree to which the
browning of America also means that black and brown people
will increasingly will be called upon to uphold the
legitimacy of the system.

And if our legal structure -- if our law school
training -- if our law schools -- if the
professionalization process itself as we have begun to
acknowledge here is a reification of every kind of form of
racialized violence and punishment is not even in the
curriculum, is not even discussed, can't be addressed, is
a sideshow, is an elective, is something that happens in
those crazy conversations, like, in Oakland, California,
in the Newton-Seale Conference Room, then we're not even
giving people the tools, who will become the major
stakeholders of this system, the capacity to dismantle it
or to make it better or to achieve justice on the very
political terms of which our system was meant to be
defined by and accountable to.

I also just want to praise you for the
efficiency argument, because I think the efficiency
argument of what our courts is, is right in front of us.
But it's exactly the justification for the kind of police
efficiency that simply defines entire categories of people
and communities, be they black or brown or Asian Pacific-
Islander, as simply criminal classes, and therefore, we
can simply move through their system with greater ease.

The Blue Lives moment. It hasn't even come up.
I don't think anyone's mentioned it. But something like 30 states at some point considered legislation about Blue Lives protections. And so this notion of a categorical claim of decency, which is what Blue Lives is about for an occupational category, against category claims of indecency for a group of people, Black Lives Matter activists, as actual terrorists, again puts right in front of us that our politics -- that the majority will of the American people, not defined by our political parties, but by our politics.

The majority of the will of the American people are willing to accept at some level that a Blue Lives versus Black Lives Matter debate is legitimate on its own terms, that it's not illegitimate. And I just want to name that we have consistent polling data that shows us, across many different kinds of polls, but that about 30 percent of black America is about as punitive as 80 percent of white America.

And it's the 30 percent of black America that stands in as the democratic accountability for these court systems doing the work that black people in the community have demanded that those courts do. And so that's not acknowledged as clearly as it should be, and I want to hear you talk about the representation of black people's punitive appetite in these [inaudible] degradation
rituals, that then a black prosecutor is either privy to or partner to.

And I am actually almost done. I want to name that lynching, the work of lynching, was initially a repudiation of the court system, an unwillingness to take the chance that the courts might actually give due process to the newly empowered, formerly enslaved.

And so the lynch mob simply said, no, we're going to literally wrest justice from the hands of the court, from the sheriff, and do this ourselves. And so when lynching begins to decline by the 1930s and '40s, and we have tremendous empirical evidence and a lot of legal scholarship around this, the courts begin to do that work.

They absorb the political appetite of the people to do in the courts what they had done once themselves, which of course re-enshrined the fact that black people couldn't testify in their own defense, re-enshrined that they couldn't serve on juries.

This was the case through the Jim Crow period, but this is exactly - to come from where I began - what voir dire is still doing. It is still allowing for the courts to participate in a fiction, that black people really don't get to testify in their own defense, unless they think just like white people do.

And then finally, to -- and I've missed one
thing about a future apartheid America, which is also
playing out on the border with an overwhelming or
increasingly brown Border Patrol, who are doing the work
of protecting the borders of American citizenship.

This is the fear, the existential fear, that I
have about a demographic shift in America that will not
solve this problem. Okay. The last one is -- let's just
imagine. Let's take black and brown people out of the
equation.

To America the most homogenous, white nation,
like it's not too recently -- the embodiment of European
countries until quite recently, in the late 20th century.
And let's imagine what punitiveness looks like in this
America without black and brown people.

And I would argue what you would see is not
that punitiveness would disappear or that punitive excess
would disappear. What you would see would be politics and
the adversarial process being regulated by various forms
of democratic accountability and governance, which is to
say that white people would be fighting over the legal
fictions of various forms of class degradation, of which
would then get expressed in what prosecutors would say,
no, we're not going to behave like that in this court
today, or judges standing up for the rights of
individuals.
In other words, that is -- it is precisely the absence of the racialized roots of this country -- it would be the absence of the racialized roots of this country that would create a 60/40 split between a very punitive America and a more democratically accountable America, which is what you get in other parts of European countries.

It's not that there are not conservative, fascist-type leaders in other parts of the world who want to destroy lives on just the mere presumption of guilt. It is that it is mitigated by a political process, by where other people say, no, that's not how we treat people in this country.

And yet the 80 percent of Americans in this country seem to have a tremendous willingness to accept, either explicitly or implicitly, that you do get to treat black and brown people that way in this country. Okay. My indignancy, I'm done. I will not talk [inaudible].

MR. TRAVIS: Khalil, you asked at the outset whether the stenographer is present, and I said that she's not here today. But I want you to know that we've recorded every word of what you just said.

PROFESSOR MUHAMMAD: That wasn't about not wanting to say it. It was about whether she could keep up.
MR. TRAVIS: Whether she could -- and I now realize that it was -- that you were -- had a lot to say and you did it. But I just want to put a pin in the fact that everything you said, we'll find out how to get that out. That was really just comprehensive and eloquent and deep.

So -- yeah. So we do keep a transcript for reasons like that. So Jennifer.

PROFESSOR CHACÓN: Once again, I have the worst speaking position. I just want to point that out. I had just a few thoughts. So the first was kind of -- hearing the conversation and listening to what people have said and reflecting on Bruce's question to us, are there just forms of criminalization. I think the conclusion that I am coming to is that the answer is no, that there are no just forms of criminalization.

There are probably just measures, just means of redressing social harm, and I assume we'll hear about some of that this afternoon. There are just ways of redressing social harms, but there's not a just means of criminalization, and I think that's some of what we're struggling with today.

The other thing I wanted to do is pick up on something that Khalil just mentioned, which is the role of law schools in producing the "justice system," and I --
and you know, the one thing that your judges and your
prosecutors all have in common is they've all been through
a system of legal education.

And so Jason talked about white racial frames
within families, and I think we also need to acknowledge
that those white racial frames are operative in the law
school spaces, and this manifests both in terms of content
and in terms of teaching method.

So when we think about content, we teach
criminal law, criminal procedure -- you know, a lot of
evidence, the cases that all of these people have read,
and they have, you know, grappled with and that they then
use as tools in these processes. And they are often
taught in completely deracinated ways. Right?

Race is extracted from the cases, and students
are taught to focus on the technocratic aspects of the
case, the legal doctrine they're supposed to extract from
it, which is purportedly race-neutral, and those who
inject race into these conversations are deemed to be
speaking about something that is not actually relevant to
the case itself or to the legal process and outcome.

And so cases like *Florence v. Board of Freeholders*, a case which, you know, in which the Supreme
Court upheld the practice of strip-searching anybody who's
being introduced into a jail population, should be taught
and is taught in my class as a case about racialized, sexual violence, but that's not usually taught in law school.

It is a case about racialized, sexual violence. When – racial profiling -- right. These cases are – they're centrally about race. Terry, about racial degradation. Right? These cases are race cases. But they are not taught as race cases in many law schools, and efforts to frame them as race cases are marginalized.

So students internalize that, and then it becomes okay, acceptable to -- when you're in a setting where practically race is on the table, to again ignore that -- right -- because you now have the neutral frame, and that's what your job as a lawyer is.

Your job is to focus on the non-race part of what's happening in front of you, because that's what you did for three years in law school. Second, the methods that we use to teach law students, I think, reproduced some of the dynamics that you are seeing in these spaces.

So we use rituals of humiliation. We -- I don't anymore, but I think I was trained in that way, and certainly began my teaching career in that way, using Socratic method, using it in ways that are supposedly about, sort of, getting students to improve their oral advocacy and be able to, sort of, joust in situations like
courtrooms, but in fact they are rituals of humiliation that routinely drive students of color to the margins of the conversations.

And so it's the people who sort of survive these tournaments of humiliation who have the -- reap the greatest rewards from law school. Right? If they've survived this tournament of humiliation, they get to be judges and prosecutors -- right -- and law professors.

And so we then reproduce that system. We have humiliated one another, and the survivors of that humiliating process are the ones who are able to sort of access these spaces of power. And then of course, it's natural that law is a space where those who can survive the humiliation will be rewarded, and humiliation is normalized in those spaces.

So I think both in terms of our kind of content -- approach to content, in terms of case law, and in terms of method, we should not be at all surprised to see lawyers and prosecutors engaging in this form of behavior in that space, because that is what we teach and reward. And until we stop teaching that way and rewarding those things, we shouldn't really expect to see change.

And I can't speak to sort of the bailiffs and the police officers, but I think, you know, if it's not happening -- if there's nobody to sort of call
accountability who are coming out of law school spaces, you know, why would we expect to have anybody else sort of respond to those messages either?

So I just wanted to put that on the table to make sure that we -- and you've talked about training, and you've talked about the way we study and think about these things, but I wanted to sort of put law schools -- call law schools to account for a lot of what we see as coming out and going right into the spaces that you're studying and producing the effects that you're seeing.

MR. TRAVIS: I just want to -- we're at the point now where we're -- I hope we can start to connect some observations into themes. Two statements that you made that connect to those of others -- one, I'm not asking him to respond now, but Bruce yesterday asked the question about criminalization without harm, basically.

And non-racialized criminalization, is that possible? You said you wanted to reframe it as a matter of sort of -- can we have accountability for sort of harm, and the answer was --

PROFESSOR CHACÓN: We -- can we --

MR. TRAVIS: -- no.

PROFESSOR CHACÓN: -- redress it? Can we redress it? Can we fix it? Can we heal it? Right? Not so much, you know, can we call somebody a criminal or can
we call some sort --

MR. TRAVIS: It's really --

PROFESSOR CHACÓN: -- of conduct criminal?

MR. TRAVIS: -- what is criminalization, that we use this word, you know --

PROFESSOR CHACÓN: Right.

MR. TRAVIS: Jonathan picked up on this yesterday. Bruce raised it this morning. Bruce raised it. So I just want to say that that is very much a theme that I think we want to encourage people to come back to.

The other theme that you've raised that we've named a number of times, which is fascinating, is the role of educational institutions in perpetuating the system of injustice that we are naming.

And Geoff Ward yesterday went back to sort of early childhood education. So what is the role of educational -- you name law schools as being particularly instrumental in legal doctrine. I hadn't thought about voir dire in quite the way that Khalil asked us to.

Legal doctrine and training in the way that Eric raised is sort of -- what is it that people do when they, you know, suit up in the morning and go into a courtroom and carry out professional responsibilities? And do they think they're doing their job well?

And they might very well think they're doing
their job as trained. So that's an accountability obligation for both those who run those agencies, which Eric is taking on, and John Chisholm was, I think, the first DA in the country to look at race within his [inaudible] of the -- a version of this is what Katharine raised.

So I think we have this -- what does that do for those who are responsible for those institutions, teach in those institutions -- how to call out the ways in which those institutions are perpetuating the era of punitive excess and -- that we're talking about.

So just to say that we have some things underway. And the other one that Khalil raised, that I hope that we can come back to, is this notion of democratic accountability. Greisa said, who do we hold responsible for what we're seeing?

And she said, if it's not us, then who? Right? There's that age-old question. And this idea that the democratic accountability, particularly through DA's races, which I'm fascinated by around the country, and a number of people have written about, and Eric is the beneficiary of -- the progressive DA.

What is a progressive DA supposed to do? And I'm part of another executive session run by the Institute for Innovation in Prosecution at John Jay, a lot of newly-
elected DAs and others, and these DAs, without disclosing
sort of what they're saying in that session, but are
really struggling with -- how do I change the culture in
my office?

And who's on board? Who's on my team? I ran
for office to do things differently. And Marc has written
about this. And I don't know how many DAs were thrown out
in Texas. It was a big number, by progressive -- so what
does this -- in terms of accountability, does this hold
promise or is this, as Khalil would suggest, really
putting newly-elected DAs who are more likely to be black
and brown in charge of the system that we are concerned
about, that is continuing to do harm, and what does that
mean for the dissonance within that sense of personal
accountability that Eric alluded to, which is making it
difficult for people to actually stay working in your
office?

So we have some real near-term issues that I'd
like for people to continue to focus on. So next up here
is Sirine, then Nneka, Pastor Mike, Marc, Robert, Maria,
DeAnna, Elizabeth, and then Nicole, and we might not make
it all the way through that list, but we'll do the best we
can.

So Sirine?

MS. SHEBAYA: Thank you. So I'm coming after
very eloquent remarks by Jennifer and then kind of round up, so what I'm going to say might fall a little bit flat, but I'll say it anyway.

I think one of the things that I was really appreciating about your paper, Nicole, and just the way that you have been presenting it is also the degree to which it highlights the fact that these degradation ceremonies are like the way that this kind of happens as intended, to transform a situation where people theoretically should be enforcing their own rights, into a situation where they're being kind of forced to accept a narrative about themselves as being, you know, other and cast aside and not supposed to be taking advantage of their own rights, not in a position of power where they can enforce their own rights.

And I think that that's really, really kind of a fundamental question about how do you change that dynamic -- is how do you change the narrative about what this place is for? And you know, theoretically, if you think about maybe some kind of idealized origin story about what a bond hearing is for.

Like, it's actually something that has been really -- like, it's kind of a revolutionary thing.

Right? Within at most 48 hours, you're supposed to be before a neutral magistrate where you can actually make
your case for why you're not supposed to be detained if
you're picked up incorrectly, or whatever, you know?

Like, in some sense it's like that is a forum
where you're supposed to be able to go in, no matter who
you are, and assert your rights, and say, like, I
shouldn't be here. I shouldn't be detained. But instead,
the advice that you find, time and time again, both in
criminal court and also kind of transposing the sort of
criminal context to the immigration court context, where
by the way, people are shackled for the duration of their
hearing.

So just add that into the pile of ways in which
they're being completely kind of dehumanized and degraded,
where they're coming in for no crime at all sometimes, so
it's not even that there's any attempt to justify why
they're being shackled, but that's a whole different
conversation.

Like, in that context, the situation where
you're supposed to be, kind of, standing up and saying,
this -- I am being wronged -- is a situation where every
lawyer you've ever seen is going to advise you to say, I'm
sorry.

And that's actually how you, like, may win some
favor. Like, one of the ways that you might be able to
beat the system is if you show contrition and say that
you're sorry and accept the degrading treatment that you're being given and internalize it and say, I accept it and I deeply repent for what I just did, and so therefore, show me mercy and let me go.

And I actually think that that is a very, very destructive part of these spectacles. I think it plays out in criminal court. I think it plays out in immigration court, where people who should be being told, like, stand up and assert your rights.

This is a ceremony for you, not ceremony, like, you know -- procedure for you -- are instead being told to internalize that you are other, you are bad, you are awful. In fact, one of the ways that you can get out of the system is if you accept that and let, you know, the mercy of white men who runs this kind of be showered upon you.

MR. TRAVIS: Yeah. I'm not going to speak for him, but I'm sure Keith would add, the part of parole hearings where the parole board looks for an expression of remorse.

MS. SHEBAYA: Really --

MR. TRAVIS: Right?

MS. SHEBAYA: -- yeah, yeah.

MR. TRAVIS: For something that may have happened however many years ago, and just remember the
Central Park Five never said they did it, and for -- were held longer. So the ceremony has instrumental value, as we were saying before.

So Sirine, you said you would not add much.

You lied. That was fabulous. So Nneka, what do you want to add to the conversation? Then Pastor Mike.

MS. TAPIA: Quite a bit. So one, Nicole, thank you for your paper. I think, you know, it highlighted the reality for me of the great justlessness in our justice system, particularly in Cook County, but I think we would all agree, all around this nation.

And at several points in reading this, I had to put it down. I had to put the paper down because it reminded me of so many different experiences that I've tried to forget.

And Khalil, this will get at your question of what it means to -- you know, for an African-American person to be called upon to lead such organizations, because I was the warden of Cook County Jail during this time, and so that's why it brought to mind so many real experiences for me, but I thank you for that, because this is forcing me to walk in a truth that should be told.

And so I reflected a little bit on when I was appointed as the warden of Cook County Jail, and there was this heightened media frenzy around that, because for the
first time, they said, oh, a clinical psychologist is going to run a correctional institution.

And so many people were celebrating. But I remember when I was called in the office and asked to take this role, I was not celebrating. I wasn't celebrating because I knew that I was going to be the face of the system of enslavement, but I couldn't walk away from it.

I had a conversation with my father as I was debating whether or not I was going to take on this role, and my father, who had spent much of my early childhood incarcerated himself -- and he made me reflect on why I wanted to go into correctional mental health.

So I had been at Cook County Jail at this point for nine years, quietly doing my work. My work, my personal challenge to myself was to re-instill hope in people at one of the most degrading, demoralizing and isolative times in their life, and I was able to do that, again, quietly.

But when I knew the announcement would be made that I had become the warden, I knew that work would no longer be quiet, and I knew that was going to bring all of the naysayers and all of the dart-throwing and everything that comes with that challenge.

My father reminded me of why I got into this, and he said, continue to do your work, but elevate it.
You know, see this as a blessing because you no longer have to do it quietly. It was a challenge that I grappled with every day in that role, and there would be moments where we could celebrate.

We saw a father reunited with his daughter after not having had physical contact for three years. We graduated people for the first time from college classes in a correctional institution. So many different wins, but I would walk away from those wins, and go down into our reception center and see so many black, young, African-American men and women in chains, and I thought, my God.

Like, just the psychological slavery alone and what that means to people. And then I said, okay, well, I'm doing what I'm supposed to do because during the time I was there, we were able to reduce the population by 20 percent.

I don't know if we would have been able to do that with someone else at the helm, but I was still grappling. And so my comment that I raised earlier today about trauma in law enforcement, I raised that because of the personal experiences of being a black woman with this daily challenge, despite all of the successes.

And then I thought, okay. What would be our call to action? You know, I'm thinking about these
degradation ceremonies, and we have a degradation ceremony going on right now in Cook County, and it's playing out on the national level, and some of us talked about it a little last night.

We have a black woman that's responsible for the State's Attorney's Office there, and they are publicly humiliating her for doing the work that criminal justice reformers have been pushing her to do, and so many other states' attorneys.

Yeah. Where is the rallying cry behind us to say, hold on, we stand behind her? There was no rallying cry behind me when I was appointed executive director of the jail.

It was -- oh, this is so great. You're a psychologist. You're doing this. But there was no support. So Khalil, not only did we not equip leaders with the tools that they need, but also didn't equip them with support.

And we have a real call to action right now, I think, as the Executive Session and the Square One justice, to rally behind not just black and brown leaders charged with running these institutions, but also the men and women working within them. There are quiet workers within these institutions that are trying to make formidable changes and make lives better, yet we're not
supporting those individuals.

So a call to action from me is to say, Executive Session, criminal justice reformers, what are we doing in the real time to support the men and women that are doing this work? And understanding that they are dealing with their own daily battles and daily struggles of what their position means, and trying to do the very best that they can to make a tough situation better for so many families and men and women?

So we have to respect the work that they're doing, but also support them in that effort, and I challenge us all to do that now, with what's happening on the local level in Cook County and on a national level.

MR. TRAVIS: So I want to encourage this call to action, encourage people who would like to be in touch with you about that, observers as well as people here, as well people that are listening in, to find you, if you'd be willing to sort of play that role of activating that response.

It's very much on the minds of many people here. So what is going on? And when you look at the forces arrayed against not only Kim Foxx but others, from the President on down, it's just a breathtaking -- you know, I don't mean in that in a positive way -- gut-wrenching moment.
So I thank you for raising that, and rather than sort of decide exactly how we want to respond to your call to action, just encourage people to be in touch with Nneka, if you're willing to engage in that? Good. Okay. So here's where we are.

It's 11:10. We've covered an enormous amount of ground, and I have a queue of folks who would like to speak. I'd like to ask them to be really brief, because I don't want to -- so I'm thinking, what's the option? The option is to take a break and just take a deep breath and come back and ask all those people to talk.

But I do want to get on to Geoff's paper afterwards. So with a request for brevity, if people are willing to do that, I'd like to keep the conversation going, and also ask you, Nicole, to be brief in your comments, and Bruce to be brief.

I might even ask Bruce to not say anything right now, and come back at the end of our next session, and just to wrap up a little bit of -- Nicole, I think, should have an opportunity to respond. People that are ready play that sort of role here, just -- you have things to say.

I want to get it into the mix. Because during the break and afterwards, a lot of mental processes will be activated. So that's a request to Pastor Mike, knowing
that's hard, and Marc, also loquacious. Robert, who can
get us going in his organizing voice. Maria, DeAnna,
Elizabeth, really brief comments, if you could.

Just what is the main point that you wanted to
make now? Get it into the mix as soon as we can, and then
ask you if you could do the same. Is that all right?
Everyone agreeable to that? Mike?

PASTOR MCBRIDE: Yes. So two quick, brief
points that I'd like to lift up that I don't know that
have been lifted yet. You know, I'm certainly struck by
this degradation point. Then I'm also struck by Khalil's
kind of reference about the 30 percent of black folks who
actually, you know, support this kind of punitiveness
within the system.

And certainly as a faith leader I want to just
throw into the mix this idea of what then is the role of
faith leaders and religious institutions in shaping the
imagination of citizens who participate in the system and
attend these religious institutions, of voters who attend
these religious institutions, and continue to produce
systems that actually reify this?

Right? And so certainly within theological
conversations, we are wrestling with, you know, some of
our own theological concepts and forcing clergy and others
to reimagine our own theological assumptions as a way to
help form people to be less punitive.

And so I do think, even as we're talking about reimagination, we ought to never forget still the vast role that religion and faith and moral language and theological frameworks play in people's formation. Real quick, the second thing, just throwing out some very radical ideas -- you know, I remember me and Michelle at dinner, we were talking one time, and I don't know if she got this from someone or if she made this up herself, but this idea that if we encouraged every defendant to not take a plea, how that would literally shut the whole system down.

Right? So you know, what does it look like to actually be imagining radical kinds of recommendations to help force the system have to rethink itself? In the spirit of radical imagination, what does it mean to not only think about abolishing police, as some of my, you know, more radical abolitionist comrades would say, but also abolishing courts.

Right? And so I threw out some work of David Muhammad, who is here locally, who has been writing about neighborhood opportunity and accountability boards. This idea that we actually take accountability of those who fall into crimes or abusing the norms of our communities, and seed some of that to people in neighborhoods and not
bump that all the way up to court.

So those are two things I just wanted to throw
[inaudible].

MR. TRAVIS: [inaudible] Square One ideas.

Marc, as briefly as you can, and then Robert.

MR. LEVIN: So how do we get more dignity in
these court practices? And so some -- just ideas.
Obviously, training, places where you can rotate
prosecutors and public defenders, which they do in Europe.
And then how do we measure, you know, whether someone
feels like they were treated with dignity, whether they
got procedural justice?

And of course, just giving a survey form to the
defendant, to victims, to families of defendants and
victims. And I think that one of the things is,
obviously, not everyone's going to be easily sold on this
dignity for dignity's sake.

So we can also point out, basically, research
showing obviously that when people feel like they were
treated with procedural justice, they are less likely to
be rearrested, and then also the fact that you look at
risk assessments, a lot of the questions on some of them
deal with anti-authority attitudes.

But we're reinforcing those anti-authority
attitudes with the way we treat folks. And then I think
we have to look at, like -- you mentioned prisons themselves. Well, in North Dakota, they've stopped calling people by numbers and started calling them by their first name.

There's a whole handbook for residents now in North Dakota prisons. It's completely changed how they're treated. And then I would just say, finally, we'll probably need to reexamine our whole language about -- you'll often hear courts dispensing justice.

It's something we do to someone, when it really ought to be a collaborative, and this gets to what you were saying. Things like mediation, you know, sentencing circles, other ways of -- but we can infuse some of those practices -- obviously, we're still going to have courts for some time for a lot of things.

But we can infuse those notions into our courts and stop talking about justice as just something we do to someone.

MR. TRAVIS: And the verb, dispensing, is -- I always found odd. A dispensary. Right? We put money in, and you get something out. Right? Dispensing justice? Robert?

MR. ROOKS: I'll try to be brief. Nicole, thank you so much for your work. I really appreciate it. You know, I spent some time yesterday talking about how I
really enjoy coming to these conversations, because as a practitioner and an organizer, I get to take a step back.

But every once in a while, there is some work that comes up that creates real tension -- right -- within kind of me or what I see is in a room, and your work does that in a great way. It does that because the truth of the matter is people have been doing court watch for a long time.

Right? Like, people have been asking to do court watch, asking for investments to do court watch, and actually doing it themselves for decades. Right? And so, you know, what hit me when I was listening to you talk was -- the truth of the matter is we're only here in this moment, in this political moment, because young people in Ferguson -- right -- decided that they were not going to accept what was going on.

Right? Like, they put their lives on the line in order to organize and that helped [inaudible] the political moment. And so my question to you is, how can we connect -- and like, your paper -- right -- to the political opportunity to call for increased investment organizing on the ground that can help continue to build on this moment, elevate the stories, but then start to hold these courts accountable?

And I see that from a practical organizing
perspective, because it's really important, I think, nationally to be able to have groups on the ground connect to things that are hyper-local, but also have a national narrative connected to it.

So I was just curious. Have you thought about that? Could we partner and figure that out? You know, it could be funders, like listening -- funders need to invest in organizing on the ground, like we invest in everything else.

MR. TRAVIS: Some of them are not just listening.

MR. ROOKS: Right. They're here.

MR. TRAVIS: They might be here.

MR. ROOKS: Yeah. So I mean -- but you know, they invest in everything else, but not real people, being able to organize [inaudible] free them. And so I'd love to figure out how you can use your work to help be a catalyst for that type of investment.

MR. TRAVIS: [inaudible] Robert. Maria?

MS. MCFARLAND: Thanks. So I'm really taken with this issue of our complicity in maintaining the system and its injustice, but I'm also thinking about how we generate indignation in society, and I just wanted to share a quick anecdote, which is that I was on a grand jury in Eric's jurisdiction, in fact, three years ago.
Very diverse grand jury, lots of black and brown people there.

And almost everyone initially had the opinion that, you know, these prosecutors are doing their jobs. They're probably right. Every case that they're presenting, we should probably indict. And I was kind of the rabble-rouser there, with one other person, who was asking questions.

And we started asking a lot of questions. And suddenly, people started shifting. And we ended up, like, not indicting many people at all. But that would not have been the case, you know, if we hadn't been pushing. And it just suggests to me that, you know, even though for most people it's easier to turn a blind eye usually to social injustice, and that's how it works and it perpetuates itself.

It's also pretty fluid and it doesn't take that much necessarily to flip that. So --

MR. TRAVIS: DeAnna?

MS. HOSKINS: So really quick, sometimes I take for granted the unique position that I bring to the table, having been a formerly incarcerated individual, who has worked inside a department of corrections, who has ran county-led reentry programs, working with prosecutor judges who had not only -- in the legal system, but the
judges who I was convicted up under, the prosecutor who
prosecuted me.

And as you were talking about the before --
Keith mentioned the during -- and the perception from
everyone watching from the inside out, I started getting
emotional, because I know how it feels to be the person of
that ceremony in front of the judge.

And when Keith said, being in court, and the
person is called upon and the process goes so fast, and no
one ever looked at them, I said -- and I can -- I was Mr.
Jones to say, what just happened? Not knowing even what
just happened to my life at that moment.

So I want to bring to this conversation the
importance of having directly-impacted people at the
table, because we can assume from the outside, and say,
that's wrong, and that's not right. But not to understand
the feelings and the emotions that go along with that
ceremony, with that ritual that happens inside the
department of corrections, and then at release, there's no
ceremony to restore me to human dignity at all.

I'm left to my own accord, and says, reentry is
a process of reintegrating into society, but my last
acknowledgment of society was stripped. Everything I knew
was stripped. And I'm saying this not only from a
personal experience.
I'm saying it from an experience of a mother who's going through it right now with a son who's been released for four months. All of his dreams, all human dignity, and all ambition has been stripped. And I have to switch to my social work hat and do clinical services to my own child to restore him to a sense of, you are worthy.

You are worthy and not to get caught up in a survival mode. And Khalil brought up something that took it another step with me -- was even as people who have been directly impacted by the system, sometimes we are called up to legitimize the harms that are actually legalized, legitimized, what is being done in the name of reform.

That it continues to entrench that harm on the individual's most marginalized and the most divested communities, that even in the name of that, we're still -- we'll fix this, but we won't fix that. And not understanding the trauma.

Because I'm sitting here, 20 years clean, 20 years away from my last arrest, 20 years away from my last incarceration, but when you spoke of court, I went straight to PTSD. I felt it. So I'm still reliving it, and I'm not away from the collateral consequences that society still bestows upon me, even in my success as the
individual who has regained a life.

I'm still, in my success -- every time I'm offered a job at the highest level, and I leave -- I own property. I'm a landlord. I still can't rent an apartment. Twenty years later, my criminal record still comes up to remind me of this scarlet letter and the harms that the criminal justice system has imposed upon me.

And Mike, I want to bring this, because this is a conversation, when people say, what if everybody stopped taking plea deals? That sounds good, but it goes back to the lynching. Am I not willing to take the plea deal of the harm of the lynching, that if I'm found guilty -- when you offer me three years, but if I'm found guilty, I'm going to get 33 years?

That's the reality we live in. When you're talking about making a decision on my life, it's easy to say what I should do from the outside, but when you're sitting in that seat and you know how the coin flips, that's a whole 'nother perspective.

So when we reimagine justice, we're doing an injustice by not having those closest to the problem being closest to the solution sitting at this table to have input on what impacts their lives and the lives of their family.

MR. TRAVIS: DeAnna --
(Applause.)

MR. TRAVIS: [inaudible]

MS. TREJOS-CASTILLO: I'm going to be very brief, yes. I will try. I appreciate very much the conversation about dignity and healing, because those are two things that keep me awake at night. I work with foster youth that are involved in the juvenile justice system, but also vulnerable youth across the board, and you know, minorities as well, and even international youth.

And this is a daily challenge, you know, because they go from many different systems. From the school to the child welfare system to the mental services systems, into the juvenile justice system, and they're stripped from their dignity on a daily basis.

And some of the descriptions that you were making about the ceremonies, Nicole, it really hit home to me, with some of the examples. I mean, I'm not very familiar with the courthouse because I -- my work as a clinical psychologist in human development, is just with the youth directly.

But through their stories that they share all the time, you know, it's really hard to even understand how can we heal from something like that? How can we empower these youth, if we are treating them as damaged
goods across all these different systems?

So I just, very -- you know, very quickly, I
just want to make a couple of points. I think that, as a
society, we have become extremely comfortable with the
idea that social responsibility lies in somebody else.
And I think that -- I want to be optimistic and think that
there are so many different organizations and groups in
the country that are actually doing -- helping us heal,
but I think that a social responsibility has to come with
a shift in our culture in the way that we think.

Social responsibility is in every single role
that we play. It's not just the community services
that -- serve as advocates, for example, for the foster
youth when they go to court. It's not just for
[inaudible] women that they get together and give
teenagers as they are aging out of the foster care system
bags or suitcases that they gather in the communities.

They don't give them a trash bag to put all
their stuff. I think the social responsibility is on all
of us, and we need to also look at the economy of the
country. You know, if we -- I don't believe that we are
lacking services.

I think we are not connecting the services
properly. One of the main issues that I see is that we
are very hypocritical in a way. And I'm going to be very
strong about this, because I think that a lot of the money that we inject in some of the community services, some of the community organizations, is for them to pick up the mess we have created in other systems.

So I think that healing and dignified services for youth and for adults and for everybody that has been maltreated by the justice system in the country cannot come without accountability, and it cannot come without social responsibility.

That has to be placed in each one of us.

MR. TRAVIS: Nicole, some thoughts?

PROFESSOR GONZALEZ VAN CLEVE: Wow. This has been an amazing discussion, and I want to thank everybody for their comments. It's almost hard to summarize, because I felt like I could have addressed so many different things.

I think one of the things that was most powerful to me was a gentleman that had asked for a jury trial. And to punish him for expressing this right, his due process right, the sheriffs took an extension cord. They wrapped it around his chair, and they pretended to plug him into the wall, and so he would be executed.

And at the time that I was doing that fieldwork, Abu Ghraib had -- the pictures from Abu Ghraib had surfaced. And you saw how powerful torture could
look, even when it wasn't "real." Right?

Then I remember sitting at a criminology conference right after Eric Garner died, and I remember his body laying there as the officers walked around for minutes, including a black female officer, as though there was no body there. Right? He was literally rendered invisible, and no one was giving him medical care.

And then finally I went into the Cook County Jail. I was actually in the bond -- in the -- where they -- the families wait for bond hearings, and I didn't see this degradation ceremony happen firsthand, but I questioned an officer about bond release procedures.

He knew I was doing research. He knew that, you know -- he could have Googled my name. I -- you know, people ask me, well, can you go back into Chicago? Surprisingly, yes. I mean -- and as soon as he started talking, he started to reminisce about a lawnmower technique, where they had chained people's hands and feet together, and if they -- and they hosed them in the showers, and if the person made a move, they'd pull like a lawnmower, the chain.

And it's almost like the degradation -- I didn't have to be there to see it, and neither did anyone else in this room, but he had reproduced the degradation for us and all us witnesses could feel that sense of
terror.

I think that when we think about human rights, I think we're in the realm of human rights, and I think as a researcher, maybe as a lawyer, you're not -- we're not as trained in thinking about principles like justice, redemption, morality, humanity.

Maybe that's something you might think about in theology school or something, but I certainly, as an objective researcher, was never told to think about those principles. And I think we're getting to be at that point -- right -- where these ceremonies manifest themselves and start to get at the heart -- right -- of human rights and human rights conditions.

And so maybe some people might think it's hyperbole to be in that area, but I think to this point -- right -- the trauma lives on. And as a person of color that witnessed it, here's what I will admit, and I give so much respect, Eric, for your commitment to say, this is not going to happen on my watch.

I laughed at black-sounding names. I did that, because to not do that meant that the judge would kick me out of her court. Okay? I made a mockery of the court. The judge asked me to sing. I'm not kidding. Sing. I said to my prosecutor, like, that's crazy. She's, like, the judge asked you to sing. You sing.
Made a mockery. Right? Made a mockery. I pretended I couldn't speak Spanish. I could speak Spanish. I could help an elderly woman who literally was walking like this, like she could be shot, into a courtroom.

I did that. Right? It is so easy to be complicit because of fear. Right? And it -- I think the one thing that we didn't address is how these degradation ceremonies intimidated us all into saying no, and that includes white advocates and allies, to say, no, I won't do it.

When Permit Patty picks up her phone to call the police and denigrate, degrade a person barbecuing, we all should stand up and say no. And so maybe as we think in the next sessions, how do we empower people to translate dignity so that we are unified and say, not on my watch?

I'm not going to do it today. Thank you.

(Applause.)

MR. TRAVIS: The choice is yours, whether you'd like to say something now or -- and/or at the end of the next session?

PROFESSOR WESTERN: Giving me the eye.

MR. TRAVIS: The next session?

PROFESSOR WESTERN: Let's have a break.
MR. TRAVIS: What a spectacularly rich, complicated, challenging discussion. Thank you, Nicole, for getting us where we are today. It's going very, very deep, which is what we hoped for. So we'll have a 15-minute break, come back, and we'll hear from Geoff, and in many ways continue this discussion after the break.

Thank you.

(Whereupon, there was a short recess.)

MR. TRAVIS: Okay, folks. So our commitment to the observers is that we would take a moment at the beginning of this session to ask those who have been listening and reacting and having thoughts of their own, if they would like to nominate a topic, a conversation, make an observation, something that we've missed while they've been listening to our very rich morning discussion.

So let's start now, and the request is that if you would like to be recognized, just stand up where you are and tell us your name and affiliation, so that we can build community here, and let us know what we're missing, what you'd like to throw into the conversation.

And please know, this is not a chance for long speeches, not even short speeches, just something that we're not paying attention to.

MS. HARRISON: I was just -- I'm sorry.
MR. TRAVIS: I thought -- I knew that I --

MS. HARRISON: [inaudible].

MR. TRAVIS: -- okay. We talked about this.

Right? Here you are.

MS. HARRISON: My name is [inaudible] Harrison. This is [inaudible] in the School of Social Welfare at Berkeley. What else are we doing?

MR. TRAVIS: Anything you want us to talk about that we haven't talked about?

MS. HARRISON: I would just -- no.

MR. TRAVIS: Okay.

MS. HARRISON: I'm good for now. Thank you.

MR. TRAVIS: Okay. Great. Anyone else? Yes, there we go. Nancy?

MS. LA VIGNE: I'm sorry. Good afternoon. I'm Nancy La Vigne. I'm with Urban Institute, and I had the honor of participating in the first Square One Roundtable in Durham, and it was so powerful and meaningful that I chose to come as an observer, and I've very much enjoyed this.

My thought or contribution is really based on yesterday's conversation, and this notion of punitive -- excessive punitiveness or punitive excess, and it made me think -- and those of you who know me know I get fixated on language -- about the whole notion of punitiveness or
punishment and why we even need it, and what purpose punishment serves in the justice system.

And so like, rather than talk about what's excessive, maybe, like, if you could talk about whether it's necessary at all, and certainly, restorative justice [inaudible] is not the answer. So in a Square One tradition, I'd like you to kind of mull over whether punishment is necessary.

MR. TRAVIS: Great. Excellent. Other observers who'd like to make a contribution before we turn to Geoff? Okay. Seeing none, and that invitation will be open again after lunch, Geoff Ward. Hard timing. Right? Took a bite of [inaudible].

PROFESSOR WARD: So it's really wonderful to be a part in this room for this conversation, and I appreciate all of the contributions people are making from their various points of, sort of, positions in the world and points of observation. I -- when I first got here, I saw Katharine and I apologized for my paper, because I said I think I've colored a little bit outside of the lines here.

But you know, the reason is because I couldn't -- given the work that I'm going to describe that I've been involved in, I couldn't get past the idea of Square One, that there is this opportunity to do -- to
start anew, because in my work, I am very engaged with,
attentive to the problem of the presence of the past.

And by past, I mean, the distant past as well
as the recent past. I really appreciate DeAnna's remarks
about the very recent past that lives with us, the way we
embody traumas that are very recent in the making, but
that are also themselves rooted in very distant pasts,
pasts that go back to the very founding of this nation.

So that was something I couldn't look past, and
I sort of wrote around that in my piece for today. And it
really asks a question, really a couple of questions, and
makes a couple of key claims. Basic question is, how do
you build a new system of justice in what remains an
unjust society?

And within that question lies a question of
whether this project in reimagining justice can itself be
a mechanism or an engine through which we achieve some
kind of transformative racial justice? And I'm hopeful
about the second.

I'm not sure we can, but I'm hopeful that we
can. The basic premise of the piece is that if we don't
transform our political culture, freeing it from the
trappings of the past, it is doubtful that we can even
fully imagine a new way of pursuing justice, let alone
achieving.
So I want to unpack that a bit in my time today, and to start, I want to situate this in the body of work I've been doing. So this isn't -- these aren't really abstract, philosophical ideas. For me, they're rooted in a body of social science research that I've been a part of developing, at the center of which is an archive of race-related political violence that we've been building over the last decade, where we've essentially sought to document histories of lynching, of bombings, of assaults, of civil rights movement activists, of all kinds of terroristic activities historically.

And the reason we've been doing that is because my colleagues and I are struck by this growing body of work that shows very clearly that we remain haunted by these histories, that all -- that various patterns of conflict and violence and inequality today are related to area histories of race-related political violence.

Black-victim homicide rates today are higher in communities with more pronounced histories of lynching, net of other factors. All of these are multi-varied analyses that ask of the history of lynching or the history, area history of enslavement, typically the area referred to as the county.

Does the county history of racial violence relate to the outcome in question? Black-victim homicide
rates are predicted by histories of lynching, net of other factors, net of factors like poverty rates, urbanization, et cetera. The other things you would expect to relate to homicide.

   Levels of hate crime law enforcement are suppressed in communities with more pronounced histories of lynching. The police are engaged in a version of white supremacist policing I've written about recently which involves the withholding of police protection in the face of white supremacists' threats in counties with more pronounced histories of lynching.

   A recent paper by Eric Stewart and some of his colleagues finds that punitive criminal justice policy support today is elevated in communities with more pronounced histories of lynching, net of other factors. Whites, specifically, are more likely to support more draconian crime control policies in counties with more pronounced histories of lynching than their white counterparts in neighboring areas.

   Our most recent study, which should be coming out soon in the *Journal of Social Problems*, finds that corporal punishment in public schools is more likely to be experienced by black youth if they attend a public school in a county with a more extensive history of lynching.

   Corporal punishment remains legal in 19 states.
It's very rarely practiced, except in a few states, Alabama, Mississippi and Arkansas. Counties in those states practice corporal punishment relatively routinely, and we found that for every increase in the historic rate of lynching, the odds that a black child in one of those schools would experience corporal punishment increased significantly.

And just sit with that for a moment, and think about this intergenerational story of trauma that this tells. You know, places where -- that I'm talking about where there are histories of lynching are also places with pronounced area histories of enslavement.

They are also places where there were all manner of other racial terror and repression, that lynching is really just a proxy for. It's -- we use it -- that measure because it's the best data we have on histories of racial violence.

And so part of the story that's being told in this corporal punishment outcome is that -- is a story about the intergenerational recycling of terror and punitive excess, and if you think about the aftermath of the corporal punishment experiences, we know from research on corporal punishment that there are adverse mental health implications.

There are greater likelihood of -- you know,
this is a factor in school push-out. This is a factor in increasing likelihood of criminal justice system involvement. So it is a story really about a cascade of racialized violence at the community level over time that we're challenged with addressing as a problem of Square One.

Just say one more thing about the corporal punishment paper. You know, what we expect that's happening in these communities is not that you have, you know, white supremacist school officials who are terrorizing black children.

We think it's probably a more complex story whereby something -- whereby, for example, black parents in these communities, mindful of the dangers of these communities related in part to their histories of racial terror, the alien nation, the marginalization that they experience, are more inclined to give schools permission to use corporal punishment with their children because we know from other research that black parents are more inclined to see corporal punishment as protective, as a way of sparing their children the graver threats of things like police violence or street violence.

So they -- we suspect they are thinking that they are protecting their children from the threat of, say, a racist criminal justice system or a potential
violent encounter with a police officer, by allowing schools to beat them.

So it's a complicated story, and I won't go into all the ideas about the mechanisms of these legacies. And there are many others I haven't mentioned -- residential segregation, for example. We're beginning to look at opioids as it relates to histories of racial violence.

I won't go into all the academic sort of debate about the mechanisms. I just want to stress that this is a story really about the way we embody the trauma of our past. And by embody, I mean, as a society, in multiple ways, we carry with us forward over generations the imprint of this history.

We carry it in forms like collective memory. I mentioned legal cynicism, legal estrangement. We carry that memory of the sense that we cannot trust the state to resolve our disputes justly, and this is part of why, I think, parents are inclined to say, you know -- resort to -- you know, permit schools to use violence in disciplining their children.

They're distrustful of the state to respond justly to their kids, when -- as they come of age as adults. We -- so we carry it forward in collective memory. We carry it forward in attitudes and behaviors,
explicit and implicit attitudes about race, behaviors like political behavior, very clearly evident today in our political culture.

We carry it forward in our built environment. The very infrastructure of our society carries the traces of these histories. I'll give you one example of that, in -- where I live in St. Louis, outside of the St. Louis County Police Headquarters, there's a historical marker that begins with the line -- this is sort of marking the establishment of St. Louis County -- it says, "The area was first visited by white settlers in such-and-such, in such-and-such year."

The marker very literally defines this as a white space, defines St. Louis County as a white settler community. The sign is outside of the headquarters of the St. Louis County Police Department. That Department was established in 1955, the same year the sign was erected, and when the Department was established, they required their trainees to take an oath of political neutrality, 1955.

So you've got officers in the building who've taken this oath of political neutrality, who every day go past this sign that says, you are policing a white space. So this is one example of the built environment. There's a lot of discussion about Confederate monuments and
markers and so forth.

You know, all of this is bound up with what Nicole so powerfully describes as degradation ceremonies. We have degradation signage in our communities that has to be addressed as an embodiment of the trauma and a source of the recycling of the trauma of the past.

It's built into things like data. You know, crime data, for example, is an archive of racialized violence and distortions of it. I mean, imagine for a moment if all of the perpetrators and accessories to lynching were suddenly added to the roles historically of lethal violence.

How would America's crime story over time look? There's this discourse that, you know, violent crime increased dramatically in the 1970s and '80s, and it's attributable to -- and I have no doubt that it did, and it's attributable to guns.

But imagine if all of the thousands and thousands of accessories to murder -- and I just mentioned lynching. I haven't mentioned police killings, unjust killings of civilians. I haven't mentioned people who've been beaten to death -- weren't counted as lynchings because it didn't fit the definition.

But if all of that information was added to the record of violence in this society, it would create a
dramatically different picture. We might even have occasion to be celebrating a decline in violence today.

But this is part of our built environment, the data. It's built into technology. It's the biases of artificial intelligence, for example -- is another site where this embodiment of historical racial violence and repetition continues.

Of course, it's built into material conditions of dispossession that we inherit over generations. I write in the paper about my own family's impact, being impacted by the 1898 racial massacre and coup in Wilmington, North Carolina, where my family was dispossessed of property, dispossessed of political positions of power in that community.

And that didn't just go up into thin air. It was assumed by others, absorbed by others, and inherited intergenerationally by others, and so one of the material conditions that we -- this embodiment manifests as is the hoarding of opportunity today, the accumulation among whites, for example, that is rooted directly in the dis-accumulation of non-whites over generations, through things like black land loss and so on.

So these embodiments are clearly part of the story of the legacies I've described for contemporary patterns. And because I've been working on this, you
know, thinking about Square One, I couldn't get past the idea -- and I thought it was important for us to really wrestle with this problem -- that Square One is what some describe as a palimpsest.

It is a space where the traces of the past are not absent, where the traces of the past remain ever present. That's why I titled the paper, "Recognition, Reparation, and Reconstruction of Square One." I think of the Square One project, in a sense, as a challenge of reconstruction.

And I write in the paper a bit about the fact that we've been here before. You know, we've been at this moment before where there's a sense that perhaps we can, as a nation or as a -- I'm sensitive to Jennifer's intervention yesterday -- as a community, turn in a new direction, in a direction of equal justice, of recognizing human dignity and so forth, departing from the, sort of, you know -- abolishing the white supremacist political system.

Of course, we have over and over and over again failed to make that turn, and I think one of the main reasons we have failed over and over and over again is because we have not succeeded in freeing our political culture from the trappings of the past.

You know, Jason's introductory welcome today
was very powerful, and he spoke, I think, so importantly about the core problems of dehumanization, and that dehumanization is a problem of collective violence. It is not simply a problem of violence for those most aggrieved, but it is also a problem for the aggressors.

It is a problem -- you know, [inaudible] Thayer wrote powerfully about this as the boomerang. He said, you know, white supremacist violence, cultural in form, structural in form, direct in form, ultimately degrades all of us.

The brutalization that white supremacism introduces into the civilization will come back upon whites themselves and brutalize them. And I think we see a lot of evidence of that. I'm going to give a couple of examples.

But I think -- you know, the thing I'm trying to get at in the paper is that this is a fundamental Square One problem. How do we heal this, this problem of the presence of the past, and its effect on all of us? There's a recent book by John Metzl named -- who's a physician at Vanderbilt -- the book is called *Dying of Whiteness*.

The subtitle is something like "How Racial Animus Is Contributing to Premature Death among Whites." And what he shows in this study is that policy positions
rooted significantly in racial animus, policy positions in
particularly, he emphasizes, in the area of health, health
care, and gun law are contributing to premature death
among whites.

We could certainly add to that list,
environmental policies. We could add to that list,
criminal justice policies. And in this vein, I want to
come back to something that was kind of raised a couple of
times yesterday, and I've sort of participated in myself
over the time in thinking about -- that you know, this
idea that the justice system works for some people.

You know, I -- in my classes sometimes, I bring
out Martha Stewart. I say, why can't we all -- you know,
why don't we all get the Martha Stewart experience? But
you know, the more I think about that, I don't believe it.
I don't think the justice system works for some of us.

It works in kind of a self-interested perhaps
way. It works perhaps for a certain class of people in
terms of their class interests. But insofar as the system
of justice does not work for all of us, it doesn't really
work in an ethical sense for any of us.

And the things like -- so for example, HSBC
Bank, involved in laundering money for drug cartels,
complicit in the violence, you know, in the maintenance of
those organizations, of their violence -- the justice
system worked for those executives insofar as it spared
them severe punishment, but it did not -- does not work
for those -- for the vast majority of us who suffer the
consequences of that impunity.

Same is true for, you know, the financial
institutions behind the housing crisis, behind the
pharmaceutical industry and so forth, behind some of the
current epidemic around opioids. And to come down to a
level of more everyday folks, I want to -- I'm going to
wrap up.

I will just tell this story, and then I'm going
to wrap up with some kind of concrete implications. But I
want us all to go to the town of Monticello, Indiana,
where you might have read the story recently of the school
shooter drill where the sheriffs showed up and actually
shot the teachers with rubber pellets.

And this was kind of in the news, and I kind of
resisted clicking on it, because I was, like -- you know,
this is like the silliness in my stream, but I clicked on
the story, and I was struck by one piece of information,
which is -- I don't know if you -- for those of you who
didn't hear about the story, basically, they were doing an
active shooter drill.

The sheriffs actually shot many of the -- some
of the teachers with rubber pellets. It's kind of a
scene, kind of like -- you know, it reminds me of the Algiers Motel incident in Detroit, where they took them in an adjacent room.

You've got teachers screaming, and you know, in pain. But when I was reading the article, it struck me that this happened in the place called White County, Indiana. And you know, given the work I do, I had to look into that.

And it turns out that White County, Indiana is a sundown town. Sundown towns are places where non-white populations have been purged, often through events of racial terror like lynchings or threatened lynchings. White County, Indiana had at one point a 10-percent black population.

Now, that population is under one percent. So this is a violently established and likely sustained white space, where in the state of Indiana, which, you know, I should just mention, was a Ku Klux Klan stronghold for -- in the early 20th century. It is estimated that a third of voting-age white men in Indiana were card-carrying members of the Ku Klux Klan.

So this is a sundown town where this happens. And what is the -- so the question I raise is, what is the toxic stress of white supremacism? You know, how do -- someone was raising this earlier. I can't remember who
was talking about this. But how do folks who are hyper-
vigilant about maintaining their racial dominance, you
know, about keeping White County white, how do they
experience that as a kind of stress, as a kind of toxic
stress?

And -- because, you know, when I read the
article, I thought, what kind of culture gives rise to
this kind of incident, where police show up in a school
for a public safety drill where they shoot the teachers?
And the teacher said, "They thought we'd need the
experience of being shot to take the threat seriously."

And then they said --

FEMALE VOICE: Oh, my goodness.

PROFESSOR WARD: -- this is, you know --
relates to Nicole and what others have talked about. They
said, "It was painful and degrading." So what does the
Square One project look like in White County, Indiana?
You know, where is Square One in White County? What was
that place called before it became White County, I wonder?

Let me close with a few observations about what
we are, I think, to do. And I think the short answer is
to think about, you know, pragmatic ways that we can work
to disembody these haunting legacies of historical racial
violence.

And I've only mentioned some of them. I should
acknowledge -- you know, fundamentally, we're talking about a history of white settler colonialism, the dispossession of Native-American people, all kinds of histories of racial violence that I've not mentioned that need to be reckoned with.

But how do we do this disembodiment? I think there are a number of ways to do it. And I was pleased yesterday, Bruce, when you really grabbed onto the idea that -- the thing Marlon raised about the importance of bearing witness and truth-telling as a kind of cultural project for Square One.

I think that is absolutely right, and there are a number of ways to do that. I mean, one is to remove signage like that I described outside of the St. Louis County Headquarters, and be very deliberate about why that's happening, in a kind of communicative way, to attempt to impact the political culture.

I'm excited. In the fall, I'll be curating an exhibit at my university museum on the art of transformative racial justice, where I'm particularly interested in how art works and art institutions engage in truth-telling and reconciliation processes, and wanting to push against this idea that you need a formal commission, you need a state-dominated process to -- I think we engage routinely in truth-telling and reconciliation, and we
could be more intentional about that.

I've talked a bit about educational interventions. You know, I think the basic idea there is that we really need a new common school plan, you know, like the common school plan redux, if you think back to when the common school plan was developed in this country, and who it was imagined to serve in terms of a participatory democracy.

How would we reimagine a common school plan? I mean, I'd really like your intervention, Jennifer, about thinking about beyond the boundaries of the nation-state. How do we create global citizens, people who are invested in the -- in justice locally, nationally, globally, through educational interventions?

And then finally I think that we should think about, you know, building what the sociologist Klinenberg calls a social infrastructure of equal justice. So the policy aspect of it, but beyond that. How do we create spaces that are likely to disrupt legacies of racial violence, that will bring people into contact and conversation with each other, into mutual identification with each other, using social infrastructure, things like markers and monuments in parks and public libraries.

In South Africa, they've been attempting this, working with design people and design, you know, to build
what they've described as corridors of freedom. What
would those look like in our communities? And how can we
incorporate them in the project of Square One?

MR. TRAVIS: [inaudible] much, Geoff. We will
open the floor up for clarifying questions about something
that Geoff said or something in his paper that requires
clarification. Seeing none, we'll jump in and see who
would like to join the conversation.

Marlon is first in. Marlon?

MR. PETERSON: Hey, Geoff, thank you for that.
I think you really -- I extremely appreciate your paper.
I think you went into a place that I think sometimes is
difficult to go, so I appreciate that, particularly
around -- there's a part where you bring in that this is a
trans-national conversation that we need to be thinking
about, as well as an honest one.

So my observations are -- over the last year
and a half, I've had the opportunity to travel back and
forth to South Africa and engage with people, you know,
similar people who would be around this table, just in a
continental Africa perspective.

And one of the people that I'm sort of bringing
up is a professor at a university, a law professor at
University of Pretoria. His name is Joel Modiri. And one
of the things that he would always bring up was the
presence of whiteness -- that whiteness is omnipresent at all points.

So even in this conversation with Square One, the question I'm sort of thinking about it is -- is it possible to even have -- to reimagine where we would -- what Square One would look like, if that is always present?

So what I mean by present is not only that -- like, whiteness doesn't -- whiteness or white supremacy doesn't need white people. Right? But you don't have whiteness or white supremacy without white people. Right? And just obviously, it's been provocatively -- but is it possible to reimagine what justice would look like within the confines of that omnipresent force?

That machination, even in the conversation around policing or reforming police, and just sort of -- you know, we understand in an American context that, you know, you're thinking about slave patrols, et cetera, in terms of their origination.

But policing in and itself, at least a modern form, when we think about bobbies are sent as a response to a local problem in London, as described by Robert Peel as a response to vagabonds and drunken women. Right? That was a local issue. That was a local response to an issue in a particular locale that is now the international
wing, which we deal with social inequities and social
problems.

And that is a response that is not sort of --
that does not take in consideration the various cultural
vicissitudes of people from different parts of the world,
but we're still trying to reform something that did not
have us in mind.

I'll close off with this, though, because it is
really just much more of a contemplation, more than just
necessarily that I want folks to actually answer right
now. Can we literally reimagine what Square One looked
like for justice without -- within the confines of the
omnipresence of whiteness, understanding that the various
notions of justice, what we understand of it, is a progeny
of a white supremacist project?

MR. TRAVIS: Thank you for that. Keith is
next, and then Maria.

MR. WATTLEY: Thank you very much for this
paper, Geoff. I really appreciate it. This day has been
for me great in so many ways, but the issues I didn't
think anybody wrote about, that I felt like I just lived
this stuff, and I never read papers like this.

I need to do more of that. You asked a
question in your paper, and the question was, can American
policing be reformed when explicitly and implicitly
understood to prioritize services to and protection of white society?

And it immediately brought to me this issue that keeps coming up for me. I live here in the Bay Area. I've been here for a long time, but I'm originally from Indiana. I know where Monticello is. And we don't call it "Monticello."

It's Monticello in Indiana. We have a lot of those sundown communities in Indiana. But I notice nowadays, just going through my everyday life, and where I live, where I travel, I often find myself in places where I feel like I'm not supposed to be here.

Like, there is all kind of visible evidence that I'm not really welcome here, and this is before I see the police. But when I see the police, I know I'm not doing anything wrong, and I know that doesn't matter, because I have a very real expectation that there's going to be a confrontation, and it's not going to go well.

And it doesn't matter what I'm doing or what they're doing, and what has become really clear to me -- and this touches on the point that Marlon made, is -- it's designed that way. I'm supposed to be reminded I'm not supposed to be in these spaces, especially when the police show up.

Their job is to make sure that people who look
like me know we're in the wrong place, and that we get out of the way, that we allow others to do -- to go about their lives. So it makes a lot of sense. It -- I had a recent incident.

I fly a lot to go to prisons throughout the state. In the airport, a lot of people take these 6:00 a.m. flights, same people, morning. You see them in the afternoon. They are sort of these commuter flights. And we're in line, and it was moving more slowly than we wanted it to.

There were about probably -- you know, the first five people are all in our suits. And I made some comment about, you know, they're taking their time this morning, or something like that about the TSA agents doing their thing.

And this white guy in his suit next to me said -- he said, yeah. You should say that a little louder, so while they're wrestling with you, I can go on my way. Now, we all know how that actually plays out. Like, that's really what would happen.

But I mean -- but for me, I could be killed in a scenario like that. Like, that's how quickly stuff escalates. So I guess -- I mean, since we are raising questions and sort of posing new challenges to this group, I guess the question is, how do we help him understand the
brutality he just casually wished upon me?

And how do we reframe that so that never
becomes something he considers as okay, or as a joke even?
So that's all I want to -- thank you. Thank you, Geoff.

MS. MCFARLAND: I wanted to dig into the
concept of transitional justice, since you're talking
about transnational issues, and in my past life, I was the
human rights activist, and worked in Colombia in
particular, and they've had a number of transitional
justice processes.

It seems their transitions never end. And just
a flag, that the way that transitional justice is normally
conceived of in international human rights frameworks is
as something that happens after the end of conflict or
mass atrocity, and that's different from what we're
dealing with here.

Right? Because the atrocity is ongoing and all
around us. So how do you start moving in that direction,
or is it even possible to move in that direction while
it's ongoing? And like I said, Colombia has tried to do
this many times, but the mass atrocity is ongoing and so
it doesn't work.

But the other piece of it is around the concept
of punishment, because the way, at least, international
human rights law frames it -- what you should have -- the
key ingredients for transitional justice processes are: truth, justice or accountability, interpreted as punishment usually, and reparations.

And in number of processes, truth and reconciliation commissions, the punishment piece has dropped out, but that has often meant that there are substantial sectors of society that are angry, that feel that it hasn't worked, that there hasn't been accountability for what was done to them, and that the perpetrators got away with it.

And so you know you were talking about impunity for the people who carried out the lynchings, and all of the accessories to that. How do we grapple with that, really? And how do we provide not only truth but also start to address with all these -- address all these other pieces?

Or do we think it's okay to let it drop off?

MR. TRAVIS: [inaudible].

MALE VOICE: Geoff, thank you for this. And I guess I want to pull out just the -- your insistence that we kind of think about history and geography, kind of together. That spaces actually have histories and that trying to reimagine justice without very directly confronting that space-time force field is a really futile -- potentially futile thing.
So just a couple of thoughts in that direction.  
One is sort of how do we get from under this white space thing?  
Because I do think that trying to reimagine justice or security without revisiting our sense of white safety or whiteness as safety is going to be very, very difficult.

And so I have two quick thoughts about it.  One is, even though it has a long history, going back to the very beginning of white settlement, this sort of white space experience, I think, underwent an important transformation and -- that we're still living with in the '50s and '60s when American became suburbanized.

The story that The Color of Law tells about how an already segregated society was made hyper-segregated by a new kind of class-specific space for people to live in. I say that because I think, you know, it's not an accident that that whole suburbanization project and the corollary project of declaring our cities dysfunctional and dead and dying all happened as the prelude to what we call mass incarceration. I think a lot of those justice policies were a response to that sense of lost white space and lost security.

And so how do we overcome that?  One way is to -- you know, I've been to -- some of you have been to Australia, and you -- in a meeting like this here, it
would have begun with somebody representing the tribes who
once owned the land on which the university sits.

   And first couple times I saw that, I kind of
thought, that's kind of superficial. It must strike
Indigenous people as maybe even offensive, because they're
not giving the land back. They're just saying, you know,
thank you.

   But I do think part of -- you know, what if we
had begun by saying, you know, this is actually Aolani
land that, like -- it may be Aolani. I'm not sure. Would
that begin to change our thinking? And the other thing
is -- you know, Oakland is a good example of the moment
we're at right now of re-urbanization.

   And it's clearly lots of dangerous things
happening in terms of dispossession, that -- more
dispossession. Communities of color who have always been
placed in racially unjust locations now, being pushed
further or into more toxic areas, out of the these cities
that are undergoing some kind of economic revival.

   But I think there's an opportunity here,
actually, to struggle around the terrain of
gentrification, of economic diversity in these cities to
maybe come out the other end. Because I think when people
are living in genuine urban spaces, it's a lot harder to
just call out the cavalry and sort of mass-incarcerate
your imagined enemies on the other side of the line.

Now, you can still be Barbeque Betty and call the police on the shores of Lake Merritt, but I think there's a lot more pushback in that setting. Thank you, Geoff.

MR. TRAVIS: Geoff, one favor you've done us is to ask us to focus on these, you know, very big, complicated discussion on the Square One Project, and I want to make sure that I ask people to take your invitation to continue that struggle that you started us with, and in that sense, I think, you know, what Maria just offered is, and I want to ask you, or I'll just sort of think about this more -- is there a -- if you don't want to call it transitional justice, because that might assume that we've gone through a cataclysmic event and we have -- and we're just living in one -- but is there a process?

This has -- it has come through the Executive Session on Square One, and we have people who are writing papers on what reckoning might look like. Danielle Sered, who is a member of our Executive Session, just published a book, title of Reckoning.

So I just want to encourage us to think creatively while we're here together for these three days. What might be our version of a transitional process that
starts with truth, and then -- and somewhere, and it
might -- and you know, Geoff nominated something as
powerful and simple as sort of the built environment and
signage.

And this is what Bryan Stevenson is doing.
It's just -- and maybe there are things like that, but I'm
just leaving that as a topic for us to come back to
[inaudible] want Square One to be [inaudible] enterprise
to activate ideas that are actionable, that are consistent
with some of the themes that we're developing.

So I just encourage people to continue what
Geoff has asked us to do. Pastor Mike?

PASTOR MCBRIDE: And even in the spirit of
that, I was thinking about the harm that is done to
particularly both officers and those who they police in
this whole process, and it took me back to some studies
that I did in seminary around the Rwanda genocide and how
those who were Hutus felt pressured to the point of their
own death to butcher Tutsis.

And that at the end of the genocide, part of
the reconciliation process was actually to help the Hutus
heal from their participation in that act of genocide, as
well as heal, you know, that -- and rebuild the
relationships with the Tutsis and others who had, of
course, been decimated.
And so I do believe one particular possibility, which is being talked about by many in some of our spaces, is to -- what is it like to actualize the truth in reconciliation framework or even a conversation around, as some would say, truth and conciliation, to not assume that we were ever together.

Right? But this idea that that could be an actualization of some of, you know, what you said, which would then give people some forum for a cathartic release, or at least a retelling of history. Because I do find it quite provocative, this idea that if we did include all of the kinds of violent crimes that were racialized before the '70s and told a different story about violence in this country, it reminds me of a conversation I had with some young people who work with gun violence.

And I told them. I said, you know, the idea that you would be more scared of a person who looks like you versus some of the white folks coming in to gentrify the neighborhood is not a historical reality for dark-skinned people in this country. And he was not even aware of this.

Right? Now, of course, that was not his experience, but this idea -- the way we tell history definitely, I think, creates certain kinds of normalizations around violence. And so I do think that
this truth and reconciliation or truth and conciliation, framework could invite all of us into a new recovery of history that can actually help us imagine a way forward that is grounded in shared story and creating belonging among us all.

MR. TRAVIS: I'd ask you to go back to your seminary days and tell a little bit more of the story, because Maria pointed out that there -- that the accountability step in the three-step process you laid out was not treated in ways that people felt was appropriate for the wrongs that had been committed.

So here we come back to a different type of -- an accountability/punishment/whatever question, and I don't know whether the -- you gave the example, the illustration, of a recognition of the harm experienced by those who had committed the harm in the Rwanda example.

PASTOR MCBRIDE: They also had to, of course, do things to try and repair --

MR. TRAVIS: Yeah.

PASTOR MCBRIDE: -- the harm. It wasn't just this kind of like -- they were the victims doing the violence. But it was -- I think I was trying to raise that. Often, we only see violence as -- and actuated on the perpetrator.

Right? And so in the way in which we would
need to figure out ways to rebuild our communities or at
least do mutual healing, I do think it may require just a
different kind of thinking around the way violence
actually harms the person doing the violence as well.

MR. TRAVIS: Yes, and I focus on this. We've
had this discussion that's been fascinating this
morning -- excuse me -- about -- and it's been raised by a
number of you. Those who are, sort of, state actors who
are involved in the system that we have described as
causing enormous harm, whether it's the line prosecutors
or the police officers or the judges or the folks who
observe the woman who was clothed -- if that's the
wrong -- that's not quite the right word -- in a trash
bag.

So how -- if there's a process for engaging in
that honestly as part of a truth/leading-to-reconciliation
process, what is that -- what could that look that? How
do we engage that? So just want to name that as being
somebody that we've started to wrestle with.

And Nneka, most powerfully, I think, of all of
us, said, this is something that you think about. And I
think all of us, including myself, who have been involved
in this system, these conversations are personal. Right?
They're very tough.

So Darrel?
MR. STEPHENS: I want to speak to the issue of the police reform Keith and Geoff brought up in the paper, and others have talked about it from time to time, and I started in -- on the streets of Kansas City as a police officer in 1968 a little over 50 years ago now.

And during that 50 years that I've been involved in policing, I've actually seen, observed, been a part of changes that make that institution light years better than it was in 1968, even though we still have enormous challenges.

And I -- part of that change -- I don't know whether it's Khalil or -- one of the papers talked about the law enforcement assistance administration as being part of the problem. I've always felt like that was part of the solution, and part of helping police reexamine and go to research and begin to change the way that they think about their jobs and responsibilities.

So I have seen a lot of things happen that have been for the good, but I also acknowledge that there's a lot that continues to need to be done. A couple of those things, I think, that would help a great deal from a policing perspective is a political structure that stops seeing the solution to all of our social problems as being a criminal justice solution.

The -- you know, we talk about the mentally
ill. I started my career in policing when the
dee-institutionalization of our mentally -- our mental
health facilities that were centralized and supposed to go
to the neighborhoods.

That was in full force during the late '60s and
early '70s, and continued. The idea was something that
would replace it at the community level, which is a good
idea. I think it would still be good if we had that, but
that never transpired.

So you find the police in the position of
dealing with -- and the criminal justice system dealing
with a problem that just begs for an entirely different
answer than what we have now. Substance abuse. The drug
war.

And I've been one of those people that hate
that term. It's an inappropriate term, because you're
basically talking about police being at war with people,
and that's not my idea of what the police ought to be.
They need more options.

Even the vagrant or the folks that are on the
street corner, that somebody complains about and calls the
police and asks them to do something about that problem,
because they're afraid. So there's -- the only option
that you have is jail. It should be no surprise that
that's the option that gets used more than any of the
other choices.

So Square One to me involves being -- having a better understanding of what those problems are about and a better way than the criminal justice system. We're pushing them in there. And I -- there's a lot of police officers that understand that, a lot that recognize that, and a lot that would like to be a part of making that happen.

So just --

MR. TRAVIS: Thank you. And Darrel. So we're going to end the queue with Nicole, Nneka and Greisa, and then give Geoff an opportunity to respond to some of these comments, and Bruce an opportunity to summarize half a day, when there is, you know, nothing of import that was discussed.

And let's see what we can -- back from lunch.

I've got to -- sorry. Nicole?

FEMALE VOICE: [inaudible] observer [inaudible]?

MR. TRAVIS: I'm going to ask for your -- just -- I'd like to -- I have -- I hope this doesn't feel exclusive.

FEMALE VOICE: Okay.

MR. TRAVIS: I'll give you another chance. I'd just like -- I have to keep the conversation --
FEMALE VOICE: Yeah.

MR. TRAVIS: -- if you understand that. Thank you. Nicole?

PROFESSOR GONZALEZ VAN CLEVE: Well, I was thinking, you know, in the Chicago context, maybe some of you have heard of a police officer, John Burge? He and his crew tortured over 130 black men in the city of Chicago, and their torture reads like more crimes, you know, putting bags over people's head, calling them the N-word, and extracting confessions in this way.

So it resulted in not just the trauma of what happened to them, but also wrongful conviction, you know, 15, 20 years in jail. Burge was never, you know, convicted for these acts of violence, and you know, he ended up living in Florida, you know, and the city paid millions of dollars and his legal bills.

And I mean, there's so much injustice on every level. The 130 men received kind of reparations. And it was seen as monumental, on the one hand. Right? It wasn't enough money to make the right the wrong. But one of the things that they asked for was that the story be told in the Chicago public schools, and that it had to be taught as part of the city's history.

And I just thought, to me, that was such a powerful request, and one in which the police families
actually resisted. So they -- you know, a lot of police officers live in particular white areas in the city of Chicago.

They have to live within the boundaries, so they make enclaves. And so in those schools, they were protesting the -- having to tell the story, and I -- but you know, in some ways, to me, this kind of -- [inaudible] over that power of who gets to control the narrative?

I mean, to me, that seemed to be the perfect remedy, although you saw an enormous amount of resistance. And so I just -- in terms of -- you know, I think about trauma therapy and I know the psych folks in the room know more about it, but when I think about even interviewing defendants, when people talk to me, they just want their story told, and they want me to almost be a counselor, even though that's not the role I play.

But they see me as someone who will listen and see them, their pain. And then defendants -- oh, just please write my story. They don't want anything else sometimes. That's it. They just want their story to be told.

And I think about, I mean, things like Steven Spielberg. He used to try to archive all the people that were harmed in the Holocaust before they were dying -- right -- in their old age. I think sometimes we minimize
the power of having your story told.

And from my own research, I decided -- I call it, setting up, meaning I could have done my whole study from the perspective of defendants who were the targets of those degradation ceremonies. I just didn't think anyone would listen.

They want to believe -- well, they just understand the law, or they -- so I studied this way, all the way up the power structure, to gaze down to show -- right -- but that is the logic. If we're talking about Square One, it's to be able to study those who were marginalized and harmed, and elevate those stories as truth -- I believe -- was it Keith maybe who said truth?

Or somebody yesterday. We -- I don't remember, but we talked about the importance and who gets to tell it. But to me, that seems like a key piece. And I think the bearing witness, meaning having at least one person see your trauma, and say, I saw that.

And just to say, that should not have happened to you. I apologize. I didn't do it, maybe, but I apologize because your dignity was worth more. That to me stays powerful.

MR. TRAVIS: Many of us know and respect Heather Ann Thompson, and I saw her recently and asked what she was in Michigan? And she is doing a version of
this, which is, with her students -- is collecting the --
sort of creating the historical record of the experience
of mass incarceration in Michigan by collecting the
memories and the correspondence and the -- from the
families of those who are now or have been incarcerated,
in part, to honor their struggle, but also to raise to
public consciousness through the archive that she is
creating.

This is what Geoff does with his students also.
And it's something -- there's something that can happen
right now, without cloaking it in some bigger
reconciliation process. It's a form of truth-telling.
It's just what you do in your work.

Sorry. Appreciate your saying that. Nneka?

MS. TAPIA: We're talking about tangible action
items, and Geoff, thank you for your paper, and
highlighting the need to have action items around, again,
not just the individuals that are becoming -- we -- as
[inaudible] before -- consumers of the criminal justice
system.

But the workers in there -- and I just want to
double back on something that I raised as we were talking
about Nicole's paper, and what transpired in that
discussion. So here we have, you know, someone that is
speaking out and saying, you know, how traumatizing the
system was, and how we have the ability right now to support someone going through something very similar, and we put it back on the individual.

And I think us as Square One and us as an Executive Session, there's a power in that, that I don't think can be individualized. And I think if we're talking about tangible action items, that one thing that we can do is collectively come up with a way to rally behind defense attorneys and those main actors and things like -- and prosecutors that are trying to push this system forward in a positive way and have that come from this as a group, and not one person as an individual.

So I think we should think about what those tangible items look like, and bring those forward in a real way from Square One and the Executive Session.

MR. TRAVIS: Let me offer an apology for leaving that on your shoulders when you and I had the exchange before. The intention was not to say that it's up to you to fix the problem. The intention was to honor your call-out for action and see if we could figure out collectively, as some way to support you in that.

I'm open to suggestions about how to do that. We are open to suggestions how to do that. And an apology for making it sound like -- there it is. Now, it's yours because you raised it. The opposite was
intended, and I apologize for that interpretation.

Yeah. So Greisa?

MS. MARTINEZ ROSAS: [inaudible].

MR. TRAVIS: Okay.

MS. MARTINEZ ROSAS: I appreciate that so much. Thank you. Responding to the -- Geoff's invitation [inaudible]. And I'm sorry if you missed it. I was here yesterday. There was already a [inaudible] conversation.

But I think it is very well cited and established that the criminal justice system is animated by a massively [inaudible] from house arrest, surveillance, [inaudible] cameras, et cetera, et cetera.

But I was thinking about the trail that you've cited in Monticello, and how not only is there a massive economy and market for criminal justice intervention and processes, but also there's a market for fear, and there's a market for terror.

And then we see, increasingly, very interesting [inaudible] between tech and start-ups and AI and all this stuff [inaudible] here in the Bay, and new sorts of criminal justice reform initiatives. And I'm thinking specifically about -- it's a start-up called Gabriel, who [inaudible] they're making these, like, ADT alarm kind of things, where you can push a button to alert local police that there's a mass shooter on campus.
Right? So instead of doing something to decrease, you know, the prevalence of mass shooters who of course occupy a similar profile across sites, they're making money off the fact that people are terrified.

Right? And [inaudible].

What PTA group wouldn't support that kind of infrastructural development? All these sorts of things. So I'm thinking about -- if we're going to have a solution, particularly with the emergence of these partnerships between tech and CJ and private stakeholders, what if there was a political will, a collective political will, to make it so that folks who are making money off of fear and terror have to also render themselves obsolete.

Right? So what are you doing in this process to help things such that we don't need you anymore, so that we don't need sirens? And it's the same thing -- this isn't, like, radical.

You know, if I think about what are the metrics that make me a successful instructor? It's when my students graduate. Like, the point is, they don't need me anymore, you know.

So if we can bring back a kind of rubric to this sort of space, where folks are benefitting from the fear, you know, and the terror that's nationwide, I think that would be a way for us to bring in a new
accountability and to render these forces and this, like, ridiculously large economic engine ultimately obsolete.

And I think we have a responsibility to do so. So I think that would be a good place to start as far as Square One is concerned. And thank you again.

MR. TRAVIS: Thank you. Let's turn back to Geoff for your observation about what you've heard, and then to Bruce.

PROFESSOR WARD: Thank you all for your embracing these ideas and thinking through them more. You know, Marlon asked a provocative, important question at the outset. I wrote about this in the piece. I didn't really elaborate on it here, but you know, I think the answer is really, no, that we cannot realistically -- I mean, this is part of what I was referring to as a change in political culture.

We cannot reestablish a new justice system within the rubric of a white democracy, you know, a society where full standing, morally, politically, is understood in terms of race and privileges, whiteness. I think, you know, the "Dying of Whiteness" piece, part of what it points to, though -- part of what it points to is that -- it's not particularly sustainable for whites, the majority of whites, either, at least in terms of, say, the realization of their full human potential.
And so this, you know -- Ben [sic] Olson, I think his name is, wrote a book called, The Abolition of White Democracy, where he talks about the cross-class alliance that white democracy depends upon. We see it alive and well right now, where poor, working-class whites have thrown in their lots with elites.

And they're going to lose as a result of many of those resulting policy choices, and is where -- it powerfully illustrates that. But it's a big problem that you raise. Because we know from work on policy support that many whites view, you know, justice, equal justice, as a zero sum proposition, that their advantages are merited.

And to the extent that non-whites gain opportunities in the society, whites have to lose illegitimately their opportunity. And so that is a significant burden, I think, for the Square One Project.

A final couple points.

One is, you know, in the White County case, you know, in the work I've described more generally, I've been thinking about this sort of story as a story about really micro-climates of racial meaning. I can't remember who emphasized -- I think it was you, Jonathan, who talked about the geographic emphasis here.

Part of the point of that is to say that we
can -- you know, this is a massive country with a very complex, layered history, and I think there's some pragmatic use in breaking it into smaller pieces. And we know from this empirical work that these relationships are observable in more discrete units like counties, which isn't to say that they're confined to those places, but I think that this creates an opportunity for an intervention that is more bound with a specific set of stakeholders in relation to a specific set of historical and social dynamics related to these atrocities.

You know, in White County, I think, you know, this is a story about -- I'm glad you brought this up -- about the -- you made this plain, that the kind of commodification of fear and resentment. You know, Khalil brought up Blue Lives, the whole Blue Lives Matter movement which I write about as a sort of site where this kind of white anxiety is played out quite dramatically.

But what I think you see in White County is that this -- you know, I would assume that this a place where the kind of Blue Lives Matter narrative has a lot of traction, and people have deferred extensively to police, so much so that police feel empowered to come into the school and shoot the teachers.

The teachers, and the lesson they need to know about how dangerous the world is. And now, you've got the
people that are thinking, well, how did this happen? It
happened when you said all police and soldiers are heroes,
and we shouldn't ask any questions about the legitimacy of
policing or war, you know.

And so I think it's -- it is a microclimate
that we can -- you know we can get into the point of
process. We could potentially identify particular sites
of atrocity, historic and ongoing, and attempt to
intervene in them.

I think one of those, you know, interventions,
you know -- I'm very interested thinking about
valorization rituals as antidotes. I mean, the --
Jonathan, you were talking about -- you know, my
university has begun to do this -- acknowledging the
atrocities that made the university itself possible in the
space we inhabit.

And I think those are valorization rituals.
I -- like you, initially, I was kind of, like -- oh, that
seems that kind of strange. But I think it -- I think
those are important valorization rituals that we can
generate in, in various ways.

The last thing I'll say is -- I mean, I
really -- you know, the point about atrocity not ending --
I just -- I sort of end with a question really, which is,
given that we're talking about a problem of systemic
violence and that is ongoing, what is it -- what would an end look like?

I mean, you know, DeAnna, your point about, you know, the term -- like, a term of incarceration could end. We could end -- we could empty prisons today. We could abolish police and courts and -- but the atrocities would not have ended because of the ways in which we continue to embody the harms of those injustice, in the forms of, like, collateral consequences and diminished life chances, and the like.

So I think it's an important question, and I'm not at all saying that we shouldn't think about it and what it looks like. But I think we should -- we have to -- if we were to identify, say, places where we would target interventions, particularly sites of atrocity, one of our challenges would be to define what would we work with those places to do in the name of ending the atrocity?

And is it the case -- and I think it might be -- that the Square One Project can bring atrocity to an end in particular places, if not the nation writ large?

MR. TRAVIS: Bruce, thoughts at the end of the morning?

PROFESSOR WESTERN: Yeah. This was a strong discussion, I thought. It -- I think the -- for me, the
two morning sessions bookend a really challenging paradox, actually, which I'll come to in a second. I want to start with the discussion around Nicole's paper.

And so she gives us this idea of racial degradation rituals, which I think was a very helpful contribution to the larger conversation we've been having. So what are these racial degradation rituals? They consist of a number of elements.

They're woven into the everyday practice of the criminal justice system. They happen continuously in the normal functioning of the system. The racism that they demonstrate is not particularly subtle. It's overt, and it involves dehumanization.

I think that is a very confronting idea -- right -- that it's an observation that she made through years of court watching, that our criminal justice system, in its everyday functioning, is shot through with overt racial discrimination. For me, that's very powerful. It's not below the surface. It's not the product of implicit bias. We don't need deep tools to uncover it. It's right there in front of us.

Second, for the people who are passing through the system, for criminal defendants, for people who are incarcerated, for people who are arrested, it's humiliating. It's harmful. It's another dimension of the
violence of the system. It's traumatizing, as DeAnna says, and talking about it can be re-traumatizing.

It affirms the righteousness -- third element -- it affirms the righteousness of line staff who are not acting righteously. They have to engage in these rituals of degradation to sustain their own righteous place in the world, and it runs through all parts of the system. It runs through policing. Geoff made that observation -- runs through the courts.

That was Nicole's analysis. And as Keith observed, we see it in prisons too. And Nneka also made that observation. The system at all these stages handles massive volume. So in part, this overt racism, these rituals of degradation, become very casual.

They're treated very lightly by the people that staff the system. I think it was Greisa that said, you know, it's in the way that we talked about it -- it's not a byproduct of the system. It's not a symptom, but it's part and parcel of the violence that the system dispenses.

It is harmful in and of itself. This is the description. Each of these elements is the description of a very powerful, self-sustaining logic that is very difficult to change. There are very significant impediments to change, and Eric spoke about that in his direct experience of the system.
Sirine made the point -- it's self-legitimating. And it -- thinking about yesterday's discussion, it's in these rituals of racial degradation where I think politics and culture come together. We think -- that's how I was sort of thinking about two lines of yesterday's discussion.

I think a lot of times we're talking about politics, and by politics, I mean really the hard power of the state to arrest and incarcerate, and by culture, this is sort of the soft power of classifying different groups in society as inferior. It's in these rituals of degradation that politics and culture come together.

We spoke a little bit about Robert's question. What do we do? It's interesting, I think -- if this had been a policing meeting, we would have had a different conversation. We would have talked a lot more about procedural justice.

Procedural justice in policing has been one answer to the ritual mistreatment -- ritual and routine mistreatment of the people who are subject to authority. But in the discussion that we were having, I think the implication was that procedural justice, actually by itself, is unlikely to be successful, because system reform from within is unlikely to be successful. There are very powerful dynamics, internal to the system, that
tend to sustain it, and reform from within is very challenging.

Nicole offered a different idea, one that we don't hear so much in the context of procedural justice, and she proposed as an alternative democratic accountability, court watchers. Right? Let's put these court actors under the scrutiny of the public.

And in court, we can do that. With police interactions, in prisons, it's much, much more difficult. They're much more closed spaces, and Robert raised in the break -- this is an opportunity for organizing. There's an organizing opportunity here.

So that was the first part of our morning. And we didn't talk so much about history in that first part of the morning, though in Nicole's other work, certainly history is very much a frame. But history was the subject of Geoff's discussion.

And you know, the one really key idea that I took from the discussion of Geoff's paper -- and we talked about in a lot of different ways, is -- and Jonathan, I thought, put his finger on this too, that history organizes space, and so the injustice that the criminal justice system often dispenses happens locally, and it happens very -- in different ways, in different communities and it happens unevenly to varying extents in
different communities.

   It suggests to me that processes of repair are themselves -- will be local. That will be a very important part of how the harms, historic harms, and historic and collective injuries, are healed. Geoff said there is healing in truth-telling.

   And in part, there's healing in truth-telling because historic harms are denied. Right? Historic and collective harms, everywhere denied. History is erased. That's been a theme of the larger discussion. So here, I think, is the paradox that I sort of arrive at, listening to the first panel, and then the second.

   So from the first panel, we've seen a picture of a punitive system that fundamentally undermines human dignity and an alternative has to respect human dignity, even for people who have harmed others -- right -- even for people who are in our felony courts accused of very serious crimes.

   An alternative system has to respect the dignity of those people, because it is shot through with indignity. The second part of our discussion that Geoff led dug into historic harms, harms that have been denied over decades and over centuries.

   And we feel the need for accountability for those harms, very, very keenly. So what does that process
look like? What does accountability for those historic harms look like? Can it, should it preserve the dignity of the people that have perpetrated those harms against black and brown communities over decades and other centuries?

And it seems to me that it must respect the dignity of people that have perpetrated those harms over decades and centuries through acts of collective violence, because the key implication of the early morning’s discussion is -- unless we find ways of healing from harm, unless we find ways of making accountability the preserved dignity, we ourselves become degraded by the process.

And I'm feeling slightly overwhelmed by that challenge, but I think this is the resolution of the paradox that is presented by first Nicole's paper and the remarkable discussion that it stimulated, and the deep historical challenges that Geoff presented as well.

MR. TRAVIS: Thank you, Bruce. We end where we began with Jason's call for attention to healing, and what an interesting journey we've traveled over this half-day. We also must eat. It's good for the soul, but we also have to take care of what's good for [inaudible].

So lunch is to be served. I'm trying to get -- make eye contact with members of the team. Sukyi, how should we think -- we have to be back here -- right -- for
Justice in Oakland. Yes?

MS. MCMAHON: [inaudible] special discussion about -- we're talking in the landscape of Oakland, and they will have a semi-private discussion amongst themselves for around 90 minutes. We will open it up to the rest of the participants to engage.

Right? Reactions, whatever Pastor Mike would like. He's also [inaudible].

PASTOR MCBRIDE: Can't silence me.

MS. MCMAHON: [inaudible].

MR. TRAVIS: So we should be back here at what time?

MS. MCMAHON: 1:50.

MR. TRAVIS: 1:00? 1:15?

MS. MCMAHON: Five zero.

MR. TRAVIS: Five zero. Okay.

PROFESSOR WESTERN: Do we clear the tables? Should we take our stuff?

MS. MCMAHON: We'll take care of all of that.

PROFESSOR WESTERN: Okay.

MS. MCMAHON: Yeah. Please leave everything.

MR. TRAVIS: Oh, okay. Thank you. So we'll see you back here at 1:50.

(Whereupon, there was a lunch recess.)

PASTOR MCBRIDE: A wonderful collection of
folks here from the city of Oakland that have gifted us their time and would love to afford them as much opportunity to inject their voices into this important conversation.

You know, I am so honored to be serving as a poor replica moderator of the great Jeremy Travis, but I will certainly do my best over these next 90 minutes to help move this conversation along. It has been, I think, our intent as we imagine what kind of particular conversation we could have here in Oakland related to the Square One Project and reimagining justice, to bring together a cross-section of stakeholders and individuals who have some longstanding history, and even a bit of historical purview of the journey Oakland has been taking, and kind of existing within the challenges of our journey, and also hoping to have a renewed imagination of what to follow.

As I stated yesterday, and I often say it here in Oakland with some of the loved ones sitting around the table, that you know, our worst conditions here are not because of the Tea Party or conservative forces. It is particularly very fascinating to know that we have folks who, at least, would verbally claim to be progressive, but we have not yet figured out ways to govern in ways here in Oakland and even in this larger region in ways that
accelerate criminalization and the systemic structural
closest that so many of us have some interest in being
able to dismantle.

And so a part of what we hope to do is give an
opportunity for us to look at both some of the challenges,
the successes, the growing edges. Inasmuch as we can have
a conversation about family business, the family business
of Oakland with so many eyes peeking in, we hope it can
indeed be instructive.

All of us who are from this area, not to
suggest this does not happen elsewhere across the
country -- we have all been forged in the crucible of very
honest conversations in the public space, and we still, at
least, act like we're friends when we leave the table.

And in some cases, we are still friends. And
so I do expect that some of what we talk about will expose
some of these not only contradictions but challenges in
intentions that we all hold. And so in the interest of
just attempting to try to bring some folks into the room,
we have at least, I'd say, 15 or so new additions to the
table, and I would love to perhaps just have folks just do
a quick introduction of who you are and how you're coming
to the work.

Just to give you a bit of guidance on how we
have bringing folks into the conversation, all of our new
additions to the table, I'm going to try and weave you into some of the conversation as it happens, but if you have something that you would like to contribute, you have a placard, and if you'd just kind of put it up like so, it will at least give me a signal that you want to jump in and try to kind of chime in on some of these conversations that we're having.

I'll do my best to try to help facilitate that. So I would love to perhaps just start -- why don't we start with David, and just kind of go around? If you are new to the table, if you don't mind just again saying your name and kind of what brings you to this work, and we'll just kind of quickly go around.

And then we'll try to start with some quick, kind of, thoughts about the work we're trying to get done here.

MR. MUHAMMAD: I heard the introductions yesterday went long, so I'm going to try to be shorter. My name is David Muhammad. I'm the Executive Director of the National Institute for Criminal Justice Reform based here in Oakland that does a lot of work around the criminalization around criminal justice reform and violence reduction, and then also includes a local, direct-service organization, Community Youth Outreach, in Oakland.
And I have had -- I've been on the dark side of
the force, as I say it, as a correctional administrator in
Washington, D.C., New York, and here, and I have worked in
nonprofits and in the community, all of the above, for the
issue of criminal justice reform, violence reduction.

And I think Oakland is leading in many, many,
many ways, and look forward to the discussion today.

PASTOR MCBRIDE: Thank you. Nicole?

MS. LEE: Hi, everyone. I'm Nicole Lee. I'm
the Executive Director of Urban Peace Movement. We do
youth organizing, youth leadership development here in
Oakland. We have a couple programs. We work with high-
school-aged young people, and we also have a black men's
group, called The Determination, black -- young black
men's group.

We do criminal justice and anti-mass
incarceration work here, mostly focused on Alameda County,
but some interaction around statewide juvenile and
criminal justice policy. And I've been doing community
organizing.

I was born and raised in Oakland. I'm a
fourth-generation Oakland resident, actually. And I've
been doing community organizing here in this community for
the past 20 years.

PASTOR MCBRIDE: Next?
PROFESSOR TAYLOR: I'm James Taylor, professor of politics at the University of San Francisco. I'm a 20-year resident of Oakland, raising three children in Oakland Unified School District System. My wife is a former employee of Mr. Muhammad in Alameda County Probation.

I currently am on two different committees with SFPD, overseeing the Obama Justice Department reforms when they found 282 issues with SFPD. I'm also with OPD around panels like this. I think in April with John Burris and several members of the OPD, we were here on this campus having conversations around youth and law enforcement.

Let's see. And that's about it. I'm born and raised in New York, so if you can't hear that accent, my whole approach towards law enforcement comes from a perspective of somebody who survived the crack era, and that's how I see law enforcement, from that lens.

And so my reference to this whole conversation comes from somebody who sees himself as a survivor, and as I address different law enforcement entities, like NOBLE, here in the Bay Area, and SFPD/OPD differently -- I've told them that I've won.

If I die tomorrow, I won, because I survived. And that's how I approach this whole conversation.

PASTOR MCBRIDE: Thank you. Thank you.
MR. WOODS: Good afternoon. My name is Brendon Woods. I am the public defender of Alameda County. I guess what brings me to this work is I am also from New York, but it's --

MR. MUHAMMAD: The rope.

MR. WOODS: Yeah.

PASTOR MCBRIDE: What was that?

MR. MUHAMMAD: Get a rope. I mean, I remember that commercial. [inaudible].

MR. WOODS: Right. So what brings me to this work is probably what brings many to this work -- is seeing the system of incarceration that just plagues our communities and ends up putting black and brown people in cages. So I've had multiple people in my family who have been impacted by the criminal justice system, people who raised me, people who I shared meals with, people who I'm close to, served a significant amount of time in prison.

So that's kind of shaped me and got me to law school and got me to be a public defender. And I always say this when I speak. It's kind of shocking, talking about Alameda County and Oakland, I am the first black chief public defender in Alameda County.

I was appointed 2012. It's kind of shocking and embarrassing, considering where we are at, Oakland.
Now, that took until 2012 to happen, and currently, right now, I am the only chief black public defender in the state of California.

So when we talk about California being left, and you know, progressive and home of the resistance, I think we have a lot of work to be done, and I feel honored to be at this table today. So --

PASTOR MCBRIDE: Thank you. Fig?

CAPTAIN FIGUEROA: You called me, Fig.

PASTOR MCBRIDE: I'm sorry.

CAPTAIN FIGUEROA: I'm just kidding.

PASTOR MCBRIDE: What's your official title?

Captain of police, Oakland Police Department, Paul Figueroa. Everybody --

CAPTAIN FIGUEROA: Thank you.

PASTOR MCBRIDE: -- Paul Figueroa.

CAPTAIN FIGUEROA: Appreciate it.

MALE VOICE: Dr. Figueroa.

PASTOR MCBRIDE: Doctor. My bad. Don't want to cheat you.

CAPTAIN FIGUEROA: Had to explain it. I -- Paul Figueroa. I go by Fig for obvious reasons.

PASTOR MCBRIDE: Friends and enemies call him Fig.

CAPTAIN FIGUEROA: Born and raised in Oakland,
and just never left. Started in OPD in 1991 as a police cadet, did a few years of that, and in '94 -- I went to the Academy in 1995, became an officer, and shortly thereafter, got into being a new face, buying drugs for the police, and did it in large amounts.

So -- and others at the table here are from OPD did the same thing back then. And that was a focus for us. And I'm just so glad, as time has passed, from arresting close to 49,800 people in the mid-'90s, in a city of 400,000, 48,000 or so per years, when we ran our own jail -- I know Mr. Burris is well aware of these numbers.

But when we ran our own jail, it just was easy to do that. Right? And buying narcotics in very small amounts on the street was not hard to do. And it turned out to be a terrible strategy, and we've been working to find ways to get out of that.

One of the things that happened -- we closed our jail and just changed a lot of strategies that you'll hear about the assistant chief and the deputy chiefs that are here, to really focus on just trying to arrest folks in a targeted way.

And so I've been involved in that work for a while. A lot of it is to kind of undo what we participated in early on, and it's not hard. It's -- I
mean, it's not easy, I should say. It's been hard, and it continues to be hard, especially when, kind of, that's how we grew up in law enforcement.

And I think, you know, in 2010, we arrested about 10,000 people. The numbers have been as low as 8,000 sometimes. So when you look at just a change in posture, that as much has gone on at Oakland PD that I've been a part of, there's been a lot of good, a lot of challenges, some bad, for sure, but definitely been proud to be a part of it.

And I think that's why I'm sitting here at the table here today. So --

PASTOR MCBRIDE: And then you being a glutton for punishment, I think, as well. Sister Theresa?

MS. GONZALES: Hello, everyone. My name is Theresa Gonzales. I'm a genizaro descendent from the state of New Mexico. I -- most of my work and my organizing has actually been in New Mexico for the past 20 years. Recently migrated to the Bay Area where I have extended family out here.

I currently serve in the role as Executive Director of Centro Legal de La Raza, a 50-year-old organization. This is actually our anniversary year. Been fighting for the rights of low-income immigrant and Latino families and children.
We started off working on behalf of -- or really providing representation for individuals who were up against the system, police brutality, and then we did some work in consumer protections. But now we actually have a very robust and very deeply-rooted legal practice in the Fruitvale community, but we have a localized model that has really extended regionally and statewide.

And we're actually the -- in addition to the immigrants work, we have workers' rights as well as tenants' rights. So we are spearheading several collaborative initiatives, as principal administrator of anti-displacement efforts here in the Oakland community, and also the county, and also looking -- and also collaborating within northern California community-based organizations to provide everything from street outreach to comprehensive, full-scope representation in the system.

So we, all across the system, all across the spectrum, really, of justice system reform, including we have affirmative litigation in each of our practice areas, and we also have an education diversity legal pipeline and use the law academy for young legal professionals, because as we know, we don't have enough young people that are represented, especially from communities of color.

What brings me to this work -- I'll tell you a little bit about where I came from, but I am actually
formerly incarcerated. At the age of 14, I was
criminalized. In and out the system till I was 21. Was
only one of many family members who was actually in the
cycle of violence and incarceration. I actually -- when
I -- the last time I was incarcerated, I actually
transitioned into a community living facility, and thereby
started sort of my organizing work, working specifically
with women who were detained in prisons in New Mexico.

And so a lot of my work has been around trauma-

infomed, culturally-rooted healing and justice-centered
initiatives, a focus on reentry, and then also really
strengthening, I think, organizational capacities.
Because resource development is definitely a neglected
area for most nonprofits, and really being able to sustain
great work has been, I think, one of the greatest
challenges of most nonprofits I've worked with.

I'm grateful to be here today and share some of
the successes and partnerships that make our work a
reality for the families who are most impacted.

PASTOR MCBRIDE: Thank you.

MR. ALLISON: Good afternoon, everyone. Thank
you for the opportunity to be here. It truly is an honor.
My name is Darren Allison. I am the acting assistant
chief for the Oakland Police Department. As similar to
what Captain Figueroa mentioned, I started in '94 as a
young police cadet.

At 19, thought I knew what policing was all about, what law enforcement was about, and spent my entire career with the Oakland Police Department. And as I kind of matured through the profession, what I thought of arrests, enforcement of laws, go in and be a stickler for, you know, violations, was what was expected and what was -- what we were supposed to do.

And I learned very early on that that's not the goal that we're trying to achieve. The business is about relationships and building relationship, and fostering and nurturing those relationships. I think now what brings me here is I've always had, by nature, a philosophy of being better and always doing better.

And I think that we have come -- at least for the Oakland Police Department, I have come a long way from when I started, and we have a lot more work to do. But I want to be part of that leadership that looks at policing differently, that looks at policing in a way that supports those relationships and moves forward to be as focused as we can be, but be as much of a community support as we can be.

So I look forward to the discussion and the opportunity here. So thank you.

MR. BURRIS: I'm John Burris. I've been
involved in many aspects of the criminal justice system.

I was a prosecutor in Chicago. I was a prosecutor in Alameda County, Oakland, criminal defense lawyer for a number of years, but more recent, over the last number of years, I've been a plaintiff lawyer in police litigation.

And I find that what's important to me in terms of the work that's part of what we're doing here is that what we're really talking about, making sure the community feels safe in terms of their interaction with the police. And that has been a challenge.

You know, I've been involved in the Oakland case for a number of years, and I've seen a lot of progress that has been made. A number of the people, officers here, I've worked with a number of years now, and some who are not here, I've worked with longer, and so there's a desire to improve the relationship between the police and the community.

There's always questions of accountability and transparency, but those are problems that I think that we all should working toward in [inaudible] ways. And so from my point of view, it's good to see different perspectives on things.

I'm a firm believer in -- you have to work on these situations if you want to improve them. They don't just happen. And lot of it is strong cultures that exist
that are resistant, and so if people of good will can move those, move those cultures and move things into a more positive direction -- because at the end of the day, you want the average, ordinary person walking down the street, African-American youth, to feel safe, and that they -- safe, in the sense that they're not going to be falsely stopped.

They're not going to be searched. They're not going to wind up with a criminal record for nothing. And so the extent we can work in that direction, I think that we're moving in a very positive way, and I certainly have seen, in various members of the Oakland Police Department, that I've worked with them -- working positively in that direction.

So it's been a long haul, but positive in the sense that we're making progress.

PASTOR MCBRIDE: Thank you, Lee. We have about six or seven more folks, just to do an introduction, so I'm going to invite -- is that LeRonnie down there? You introduced yourself yesterday, didn't you?

DEPUTY CHIEF ARMSTRONG: Yes. [inaudible].


DEPUTY CHIEF ARMSTRONG: [inaudible].

PASTOR MCBRIDE: They know who you are, even though you weren't -- they do? Okay. I think Jennifer
and I broke the --

PROFESSOR CHACÓN: Yeah. We broke the

[inaudible].

PASTOR MCBRIDE: Okay.

PROFESSOR CHACÓN: [inaudible].

PASTOR MCBRIDE: We'll build out the

[inaudible]. Sister Lacy?

MS. LACY: Hi. I'm Shahidah Lacy. I work for Alameda County Board of Supervisors, Keith Carson's office. I currently handle all of his public safety policy. What brings me to this work is -- I grew up in east Oakland in foster care, and then I saw east Oakland being over-policed all the time.

Then in college I read The New Jim Crow, and then I went to law school and I worked on Prop 47 and 57, and then now I oversee the 700-and-something-million-dollar budget and advise him on, you know, decisions that we make in the county, due to public safety.

PASTOR MCBRIDE: Wonderful. Thank you. Is that -- oh, onward.

DEPUTY CHIEF HOLMGREN: Good afternoon, everyone. First of all, thank you for even allowing us to be part of this conversation, this much-needed conversation. My name is Roland Holmgren. I'm the acting deputy chief for the Oakland Police Department.
I'm in charge of our Bureau of Field Operations. I've been with the Department for about 20 years. I'm, like -- you know, some of my peers' comments -- came on in the Department in a very interesting time.

I came in in '99, and this was right at the onset of the rioters, and I could tell you, I have -- you know, in my 20 years in the Department, I have definitely seen how the Department has grown, and we have a lot of work to do.

But you know, when I reflect back when I was a young officer and some of the things that we put a value on, you know, it's not some of our best work. Right? When maybe we were giving, you know, accolades and props to, you know, the amount of arrests an officer made, you know, and not really taking into account the impact that that would have on a community.

So since about 2014, along with Deputy Chief Armstrong, I got into the lane of working with our Procedural Justice Program, work that was done with Tom Tyler and Tracey Meares, in making sure that was implemented within our Department.

We continue on with that process, and then also going up and down the state. Making sort of that type of training is not just on a local level, but it runs the
gamut statewide. I think what I hope to get from today and why I'm here today -- right -- is this is about reimagining what public safety really looks like -- right -- and having the tough conversation, and being able to, from a law enforcement perspective, is move the ball forward where it needs to go.

So --

PASTOR MCBRIDE: Wonderful, wonderful. And I think I'd like to at least acknowledge the presence of a wonderful, dear sister, Reygan, who's in the gallery. She has been -- please stand, Rey, and just so everybody -- they -- everybody don't know you.

Oh, oh, you moved. Sorry. She has been one of the most singular forces of helping to execute and implement our Oakland Ceasefire Violence Prevention efforts across multiple mayors, and even worked within the police department, and just wanted to make sure she got some shout-out.

She loves Oakland a whole lot. I've heard her say it a whole lot and acting that way. Captain Brooks is also not here, but I certainly want to bring her into the room. Before I invite some of our folks to speak, I think what I would like to do is just do this in a couple of waves.

If we were to have this initial round of
conversation around how would we reimagine the way in which justice has played itself out in Oakland, or would play itself out in the future, I'd love to start with some of our advocates.

And so I'm going to invite Nicole Lee and David Muhammad and Theresa to just kind of start us off, and you all can kind of just really chime in from where you sit. But certainly, Nicole, you have been one of the, you know, most longstanding organizers, particularly of youth and young people through the Urban Peace Movement and have led just amazing campaigns of young people to help really accelerate the transformation of the criminal justice system here and even reimagine what safety looks like.

And so can you kind of maybe start us off by just kind of giving some of your thoughts around what your folks have been working on? And Theresa, I'd love for you to then kind of jump in and bring in an undocumented perspective.

And then, David, you can kind of wrap it up around reimagination.

MS. LEE: Okay. Great. Well, the first thing that just jumps to mind, obviously, this is the second time I've been in this room. The first time I was in here, there was a debate between two DA candidates. It was sometime last year.
And I was really -- I'm always struck by this portrait of Huey Newton in the back, and obviously, him and Bobby Seale were students when Merritt College was in north Oakland, which is why that portrait's there. And you know, sometimes people -- often, we talk about the Panthers. And the legacy of the Panthers is one of the things that makes Oakland special, and I think it speaks to two things equally to me.

It speaks, one, to the fact that the people of Oakland are resilient, and that we are trendsetters, and that we are activists, and that we have a tradition of radical activism here in Oakland, and black radical activism specifically.

It also speaks to the fact, though, that Oakland, socially and economically, is a place where all of these forces, I think, the legacy of the kind of racism that founded this country, all came to a head in a place like Oakland, which is also the reason the Panthers were born here.

They were born here out of a certain set of conditions and necessity. So I think that that's the paradox and kind of the question that you're framing for us, which is how could you have a place that has such progressive leadership and yet such challenges in enacting the things we talk about?
And I think it's because we have this dual reality. We have progressive leadership, but we also have some of the -- I mean, I think -- you know, I read your paper, actually, before coming here, and I just think that there are -- you know, I think this initiative speaks to the fact that there are these deeply unacknowledged things that we don't talk about, and race being the main one of those things.

And you know, I think all of those forces come to a head in a place like Oakland. So I'll just say really quickly, I've been working for about 20 years doing youth organizing, so -- which means that some of the young people that I initially worked with are now -- you know, I was a youth.

I was five when I started [inaudible]. I was a youth back -- you know, 20 years ago, I was sort of fresh out of college or whatever, and got involved in youth activism, and at that time, we -- one of the first campaigns we worked on was the fight against Prop 21, which passed.

We won here in Oakland and Alameda County, but in southern California, it passed with flying colors, and it gave discretion to the DA's office to charge young people as adults, you know, as young as the age of 14, and took it out of the hands of judges.
And then recently we just saw that reversed. And so I think, you know, for those of us who have been doing this work for 20 years, it's a really interesting moment to have been doing the work, kind of similar to what you guys are described in OPD, of seeing this arc of, sort of, like, the birth of, you know, some of these things -- three strikes, mass incarceration, and now, a turning point here in the state of California, like it's coming full circle.

So we also worked on -- many of us at this -- advocates at this table worked on the California Youth Authority, which is now the Department of Juvenile Justice. At the time I started organizing around that issue was around 2005, and there were still about 5,000 young people throughout the state of California that were in the California Youth Authority.

And I think there's, like, 600. So we've seen, you know, a rapid decline in that as well. And then here locally, you know, we've been working on a lot of issues. Right now, some of the issues that I think advocates are working are looking -- trying to look at the budgets honestly and get transparency around how money is being spent here.

There's this idea that we have of justice reinvestment which is at the state level and locally.
There have been all of these criminal justice reforms enacted that are decreasing the number of people in detention and on supervision, and yet the criminal justice budgets keep increasing.

And so I think that's one of the challenges. So you know -- and you know, the Chronicle just did this report recently -- I guess last week or something -- that came out, and so because these criminal justice budgets are increasing, and the number of people on supervision and detention are decreasing, the cost per person is, like, you know -- for juvenile detention or something at the county level is, like, 200-, yeah, $400,000 per young person per year, because there are the same amount of staff and less young people.

And so that -- you know, some supervisors in San Francisco are now saying they're going to close the juvenile hall there, because of that. So we're still in this challenge -- is that the money -- the idea of justice reinvestment is you divert money out of that system into things that actually create public -- real public safety, and that's not yet happening.

And so I think that that's sort of one of the challenges for us. You know, looking really big picture, from a kind of stepping-back perspective, I think that one of the things actually in the paper that was really
compelling to me, that's actually right here on this page, is this idea that, in -- you know, in the history of the United States, whose safety were we protecting?

And who was viewed as having rights, full rights? And it's not people of color. It's certainly not African-American folks. It's not the young people I work with. So I think that if we go to square one, those are the kinds of questions we have to ask -- is, like -- you know, I think we talk about the work from a social justice perspective, as -- how do you take dollars out of mass incarceration and reinvest them in things that really make our community safe?

And I think what we're trying to argue is that the systems, the public safety systems in this country were not set up to protect everybody equally, and they certainly don't protect the young people I work with. And so you know, some of the young men that I've worked with -- many of them have had gun charges.

And I personally -- you know, we can have a debate here about, you know, guns or whatever, Second Amendment rights. I personally don't -- I'm not, like, a gun person. I don't believe people should have guns in their houses, you know, but I have to put myself in their shoes, right?

And so the systems are not set up to protect
them. They go -- I mean, literally, on the weekends, the young people and also peers of mine, I mean, to be -- to keep it, you know, 100 -- like, people that I grew up with who are, you know, on the older side, go out on the weekends, and people, like, pull guns on them.

They don't -- that doesn't happen to me on a regular basis, but if it did, I might imagine that maybe I need to have a gun. So I'm just saying, like, for me, it's easier to be, like, oh, I don't believe in guns. You know?

But I try to put myself in the shoes of the young people I work with, and you could see how you could come to the logical conclusion that if there is no system that is set up to protect me, that the systems are actually set up to protect other people from people who they imagine I am, and there are really real threats to my life, you know, what choices do people have?

And so I just think this whole notion of, like, whose safety is kind of, like, one of the, you know, fundamental questions I think we need to be asking. Sorry. I talked too long.

PASTOR MCBRIDE: Wonderful, wonderful. Come on, sister Theresa, particularly thinking about undocumented immigrant loved ones living in this area, maybe build off that. Whose safety are we trying to
protect?

What are some of the realities of some of our loved ones in this region?

MS. GONZALES: Well, I'll talk a little bit about our current reality, but I'll just say that there's nothing new under the sun. We've been here before, and a lot of what we see in terms of racial disparities has just been magnified, of course, via the new administration, and a lot of the things that we're seeing at the federal level.

But really, that structural violence has really impacted us pretty hard here in the Bay Area, and although we're doing the most significant amount of work in Oakland, we also work in the Central Valley. And so we're really looking at everything from detention, needs on the ground here, and the -- from a localized context, but also how we're providing services to folks that are actually inside of the facilities.

So we -- Centro Legal, we're the actual largest provider of detained and non-detained removal defense in the state of California, and we're the second one in the nation. We actually have the highest rates of representation of unaccompanied minors and migrant families fleeing violence from their homelands.

And so this is, you know, a pervasive --
right -- issue that we just can't even wrap our hands around. And although, you know, we have a level of expertise, and we're able to provide services, and most recently did see a shift in funding where we could work with our collaborative partners, such as through ACILEP, which is our Alameda County Immigrant Legal and Education Partnership, which is -- consists of eight community-based organizations, including the Public Defenders' Office, the City of Oakland, as well as San Francisco Foundation.

And that is one initiative that's helped us to sort of resource our legal services, because we're providing free clinics on a weekly basis, and we have lines of people outside of our doors, and just the amount of violence, and just, you know -- the violence is not just inside of the courtroom.

Right? We have folks who are coming to our doors that have experienced, you know, a tremendous amount of trauma, whether it's through being shot or being brutalized or dehumanized. So we -- so through our immigrant rights work, we're able to address them and provide advocacy for them through immigration court and the Board of Appeals, but we are also providing services to them to defend themselves against the really harsh realities of where they live at and where they work at.

So the workers' right issue is something that I
think we haven't talked enough about. Oakland, I think, is in a very unique position, and I think the strength of our organization, too, has been able to focus on income inequality and passing locals and ordinances.

Through the discretion of the local jurisdictions, we've been able to increase funding and support to be able to defend undocumented folks that are facing discrimination on the job, sexual harassment, wage theft, being denied their sick leave hours.

And so we've done that -- do thousands of individuals that we've represented, but we're also doing that through affirmative litigation, and we've also partnered with the city attorney to do that work as well. So it really requires everyone doing that.

In addition, the tenants' rights work, right, which I mentioned earlier, is really important because the unaffordable living, right, the cost of living in the Bay. You know, I think that's everyone's issue sitting at this table if you live here.

And however -- I mean, think about it through, you know, the lens of, you know, immigrant families and undocumented folks, you know, just a complete level of isolation, social isolation and fear, and not being able to even take their children to school or feeling that they might face separation or deportation in the most common
places that they need to go to access, you know, life and
other people and really experience their humanity.
Whether it's in their churches or whether it's in their
schools, or you know, community centers.

So that's one thing that we do is, we partner
with different community groups, even medical facilities,
the Oakland Unified School District, and other nonprofits
to do street outreach, and reach folks where they're at,
because they're not coming to us necessarily. And when we
do reach them, it's still not enough, right?

We need more comprehensive services and
linkages that can really help them in the long term. And
one example of that would be the post -- we have a post-
release project for undocumented women inside of the
detention facility in the Central -- one detention
facility inside the Central Valley.

We provide "know your rights" education, and we
actually provide legal defense for them inside of the
facility, which is a rare, sort of, you know, ability that
we have to be able to have access to them. But what
happens is, we represent them in court, but then they --
and they get released for the few that we're actually able
to support, and they come out to the community, and
there's nothing.

You know, they leave the system with literally
the clothes on their back. Most of them don't even have
an ID card and, you know, have any kind of means for
transportation and don't know where their families are at.

So you know, it really requires, you know, the
village or really everyone in partnership, public-private
partnerships, to think about the ways in which we can hold
our families and make sure that they are not criminalized
for minor offenses, especially for technical status
offenses. But also, you know, just really changing policy
and being held accountable to the local policy that we've
actually, I think, have done a pretty good job at, but we
have to hold one another accountable to continue to make
sure that we are upholding the -- those values that we saw
that we own, and we want to be -- have, you know, full
integrity with that.

PASTOR MCBRIDE: It's worth noting, part of why
we thought it would be important to, at least foreground
the conversation with, you know, black and brown and other
use of color. This is one of the most diverse -- as you
can imagine -- regions of the country, and yet, there
still is an over, kind of, criminalization still of
certain populations, even within the diversity of this
region.

And so some of these racial disparities still
very play out, and you can imagine the criminalization of
immigrants and if you've been here for the last couple
days seeing all these tent cities and homeless encampments
or houseless encampments, just the very new reality in
Oakland for sure in -- within the last, say, four or five
years.

And so for many of us, we continue to be very
stunned. David, I'm going to invite you to kind of come
in and perhaps start to wrap this --and then I'm going to
start to bringing in some of our police folks in, and
John, to kind of start giving us the sense of the police
department's work.

MR. MUHAMMAD: I want to make two points, two
detailed points, but two points. One --

PASTOR MCBRIDE: You are a recovering preacher
from another tradition, so --

MR. MUHAMMAD: I've got --

PASTOR MCBRIDE: -- just in the interest of
time, I'm going to treat you like Jeremy treats me and
just --

MR. MUHAMMAD: I'll talk --

PASTOR MCBRIDE: -- have some discretion, dear
brother.

MR. MUHAMMAD: Actually, three minutes goes
[inaudible]. But -- so you know, I think -- I have the
pleasure and the burden of working in many cities, and
also having worked in many cities across the country,

obviously, I have that bias.

I was born and raised in Oakland. But Oakland
really, I think, is further along than most, if not any,
place that I know, while also needing significant
improvement. Right?

But to just celebrate kind of the progress for
a moment, before I turn to the other side is -- you know,
so we -- Dr. and Captain Figueroa talked about at our
height, we were about -- arresting 40,000 people a year.
It's down to about 9,000 a year.

It's a pretty extraordinary reduction, while
violence is half what it was six years ago. The -- you
have in the county juvenile hall -- there was this big,
super-jail push. The county wanted to build the biggest
per-capita juvenile hall in the country, about 2003 or '04
or so, about 560 beds, a lot of advocacy, as well as some
NIMBY where they were building it, cut it down.

And they built a 360-bed facility instead.

There are 60 kids in it today. The -- after the state
realigned a bunch of criminal justice responsibility to
the counties, meaning you would have more people in county
jail, this county still has more than 1,000 empty beds in
the county jail.

Because of a ballot initiative in Oakland,
every year $9 million is invested in community services for people who are considered the very highest risk of violence. Right? So you have young adults who the police departments say, we think this person, without intervention, will be involved in a shooting.

And what that person gets is a full-time life coach, access to job opportunities, some housing services -- housing is another question -- and up to $350 a month in incentive stipend for up to 18 months. Right? And that's just one of the various services funding from this initiative.

And so there is a lot of progress in Oakland, yet we still are challenged. Right? There's still -- the disparities in arrests are still incredible, and [inaudible] Burris could talk about that, although I understand we did last year make quite a bit of progress.

But while we have all of this progress, we still have a lot of work to do, and so I just want to make -- the second point quickly is -- I was the deputy director of the juvenile justice system in Washington, D.C.

We did this dot matrix of where all the young people that we had in custody, and they were clustered in neighborhoods -- if folks know D.C. -- southeast -- right? And there was this one neighborhood where there were
20 dots in about a seven-block, 10-block radius.

It basically represented about $3 million every year we were spending to pluck this young person out of the community, go cure them isolation for a year, and put them back into their uninvested-in neighborhood. And then an idea sparked about how could we better spend $3 million every single year on this seven-block, square-block radius.

And that was just us. Child welfare was doing the same. Adult corrections was doing the same. Right? How much money is invested in systems of misery? Right?

And so that developed and it was congruent with an initiative that had been going on in Oakland for several years around a diversion program using restorative practices, and which has culminated in something called the Neighborhood Opportunity and Accountability Board.

And Captain Figueroa sits on this monthly stakeholder group with a bunch of community-based organizations. We have the police chief who has written an incredible letter of support, saying the police department will participate in a program where young people who are arrested, instead of going into the formal system, will be diverted into a series of community services.

We now have a place they can be dropped off, at
Youth Uprising, an iconic youth services agency in east Oakland, and they will go before a community council, pastor, business leader, community leader, formerly incarcerated individual, and this community council will determine with the family and the young person, what's the plan, which will not have incarceration as an option.

And we currently have six community-based organizations who are on board to provide a variety of services including mentoring, case management, family counseling, as well as a restorative justice option. And we are hoping to launch sometime very, very soon, and this is what we call the reimagining the justice part -- right -- that how can we go back to how justice used to be administered by a council of elders and village town councils, not -- you go to the sterile courtroom.

You don't understand the verbiage that's being said to you, and you get whisked away. Neither the person going through custody nor the victim have any satisfaction in the current process, and I understand there was some talk about how the courts run this morning. And so really taking it back to the neighborhoods, but saying, let's invest in the neighborhoods.

Last point, Mike, is that the San Francisco Chronicle -- incredible, the greatest paper recently -- but incredible series/expose revealed that in this county,
Alameda County, annually a single youth, $493,000 a year. How could we better spend $493,000 a year on a single youth who comes from, most often, an impoverished family in an impoverished neighborhood?

PASTOR MCBRIDE: Oh, what a question. Right? And I think it's one of -- many of us who are advocates, our biggest question is, if we do have these decreases, why is not the money and the restructuring of the capital, the tax base of our city, following it?

Why don't we have better advocates of folks in positions to make that happen? I'd love for us to make a pivot here to some of our systems leader or -- and others, public servants in the room, just to kind of start bringing their voice in.

And so I think I'll start with Darren Allison. You know, many of us know, of course, about the NSA and the longstanding reality of the NSA and the Oakland Police Department. So can you maybe perhaps share what this process of the Oakland Police Department and the NSA and both the challenges, and what you see as some successes around what you are learning as a leader in the Department, what you're learning.

And then I'm going to invite to John to kind of come back behind you and offer some more of his own reflection, and then I'd love to bring Brendon in, to kind
of start talking to us a little bit about the Public
Defenders' Office and their role in particularly the
courts.

MR. ALLISON: Thank you. So I'll start, you
know, with the negotiated settlement agreement and kind
of -- the timing of it, and then I'll also talk about --
kind of back up also off that, and talk a little bit about
some of the successes and work we're doing, not just
around the NSA, but really around the organization to try
and build trust, and again, from what I had mentioned
earlier, just be better.

So you know, we were at a time in the '90s and
even before that, and in the 2000s when the Riders case
came, that we were, for lack of a better term, running
fast and loose. We didn't have systems of accountability.
We had nothing to hold us, whether it was through policy,
whether it was through systems, whether it was through
leadership.

And it was something that -- it was needed.
Not only needed in the Department, but I think needed for
policing as a profession, because we weren't the only
police department that operated -- that needed a little
bit more structure, a little bit more accountability.

So I think coming from us, from what it did to
benefit us, is to put not only the systems in place, but
it's more just about systems. It helps us change the
culture of the organization, to try and drive us in a
direction that builds, kind of, longevity, sustainability,
to where we can now, not only police with respect in a
community, but able to police ourselves as well.

And I think that's important. I mean, we've
got to be able to hold ourselves accountable. We can't
just operate and wait for somebody else to hold us
accountable. And that's something that, I think, in any
business or profession, to look introspective and be able
to be a self-critic is always a challenge, and I think
that's something we're learning as an organization, is to
be that critic.

And you know, we've had some bumps and bruises
and staggers along the way, and we continue to make
progress. And then we've had some setbacks. We continue
to make progress.

But I think as a learning organization, it's
important that we maintain that. It's -- whether
through a process to make that as efficient as possible or
whether it's how we deploy our officers, and who we stop
and why we stop, I think, is another important layer that
we need to continue to make progress on.

We've come a long way, and I will dare say that
we will -- probably, in that regard, when it comes to stop
data, are one of the foremost leaders in policing. But I think we can continue to make more progress in that area, and we're going to definitely do so. And then how do we treat the public, from day-to-day interactions and communication, all the way to how we use force, and whether -- when we need to force versus de-escalation, and being aware of that.

And again, we've made progress. We've had our bumps and bruises, but we're constantly having the self-critique and assessment to always do better and be better. And so some of the things, you know, taking a step back from the negotiated settlement agreement, just as a Department as a whole, I mean, what we want to do and the work we're trying to achieve is, one, you know, it starts with the very basics of getting the people in the door, people that follow the values.

The values not only of the police department, but the values of the city of Oakland, to make that group a diverse group that care about people, that care about community, and don't just have a preconceived idea of what policing is. Whether they heard about it, saw it, read about it, saw it in the media, we want the people that come in, and then we want to shape them in the academy in a way that supports, again, our organizational and community values.
So that's -- the work we're doing is trying to reevaluate our hiring and recruiting. We made some modifications of where our recruiting unit sits, and where we're actually taking it apart, working with some other stakeholders to see how can we better to create that diversity?

PASTOR MCBRIDE: Real quick, so we can keep moving, because there's a few more cops that are going to get some words in.

MR. ALLISON: Okay. I'll -- sometimes I'm long-winded. And then I want to highlight a couple other things that I know it's probably been mentioned in the past couple days, but I think it's really important -- is how we police, as far as our Ceasefire approach.

I think that -- as I mentioned earlier, we came in on the philosophy of arrest everybody. That's not going to solve our problems. It's not sustainable. It's not a solution. We have to be able to help people along, so they are not caught up in the system over and over and over again.

So from being focused, intel-led, intel-driven, being able to offer up services as well de-prioritizing some of these minor violations or these equipment violations, are things that -- where some people just quite can't afford all the opportunities that other people
can afford when they're, again, caught up in this repetitive system.

I think we've done work and continue to do work in that review, and then the internal accountability piece is the way we hold these monthly sessions with our command, our supervisory elements, our risk management meetings, where we take a look at -- okay.

We tell you to be focused. Let's look at your stops. Let's look at the diversity of your stops and the breakdown of your stops. Why are you stopping these individuals versus those individuals? Let's look at the outcomes of those stops: searches, arrests, no arrest, citations.

And really, having that conversation so we can continue to not only hold ourselves accountable, but modify and change the culture in policing in our organization. So I know there's probably a lot more we can say about it.

I'll stop there and let my counterparts also talk.

PASTOR MCBRIDE: Wonderful. John, what would you say as work left to be undone, as someone from the outside of the Department?

MR. BURRIS: Well, I'm actually not so much outside as you might think. I have been --
PASTOR MCBRIDE: Would they say that or --

MR. BURRIS: Yeah. I was --

MR. ALLISON: Yes, we would say that.

PASTOR MCBRIDE: Oh, okay.

MALE VOICE: Hundred percent.

MR. BURRIS: I started this case before of your offices were here. So you know, or they were very new officers at the time. Been involved in OPD lawsuits since early '90s. Okay? And so I've seen all this -- the kind of cases that one could have and been involved in them, and let me just say, it's not just Oakland.

Okay? I've sued everybody around that -- but I will say that in terms of Oakland it has been a work in progress, but I'm very much encouraged. I think a lot of what Darren has said has come about through a lot of collective efforts on the part -- you know, you meet every -- I meet once a month with them.

I see a lot of documents. And so pretty pleased that we're in the right direction, going in the right direction. But I will say that we always have to be mindful, and I'm always mindful, of the collateral damage that occurs with the rest, and that's something that I don't know that officers ever really considered before.

And that is, when you make a bad arrest or you stop someone who should not be stopped, and you ultimately
search them, and that person protests, they wind up in custody. They have to fight their way out of it. They've got to pay money. They lose their car.

They may lose their job. And they get a criminal record, and that record will affect their lives. And so it's important to get officers to appreciate and understand that when you do stop and arrest someone, that you are having a dramatic impact on their lives.

And I don't know that that was a real consideration until we really got into the NSA.

PASTOR MCBRIDE: I just asked you nuance, maybe, just another part of this, because we do have the sheriffs, and we do have the BART Police, which all have their own kind of taste of reform happening, but perhaps, as someone who sits on the advocate side, you know, we rock with people who would, you know, use language like police terror very frequently, to the chagrin of some.

But knowing that there are multiple police departments operating in this region that may -- talk about collateral, you know impact -- bleed over, whether it's accountability or disappointment. Can you just maybe even nuance that a little bit more too?

MR. BURRIS: Every department is different, and they have different cultures and how they handle situations. When we did the Oscar Grant a number of
years -- that department was more than willing to take a
look at itself completely, and they brought in NOBLE.

Some of you may [inaudible] know NOBLE, and
they did a review of the department, you know, more
recently in San Francisco, and wrote letters and got
the -- got folks that come into that department -- the
Justice Department.

Some of the departments are more willing for
that than others, and so we're always looking to see,
because every -- all policing is not in Oakland, you know,
and this is a huge area. It's a huge country, and a lot
of the issues that we're concerned about may not be
happening here, but they did happen here.

So to the extent that -- and this has
happened -- say, in a case up in Sacramento where I've
been involved in, I took some of the principles that we'd
learned here in Oakland, and then -- and caused it to be
implemented in Sacramento.

I'm already looking to see how that is there,
because at the end of the day, we wanted people to be
treated right. And all I can say in terms of -- at the
end, a lot of progress has been made in Oakland. It's
always a question of sustainability, as I told them, and I
always said, look.

We're not -- I'm not here 10 years from now,
and what does this look like 10 years from now, when you
all guys are here and all you women who are in this
department now -- have you left a legacy that says that
the people 10 years from now can march along your way and
understand that you put a footprint in place to follow?

That's the important thing. So when I look at
OPD and the people that were involved then, what kind of
footprints are they setting? And I'm there to look, and
I'm helping, you know. Like it or not, I'm here. And so
good work can be done, if there's a good will to do it.
Now, some departments are not as willing.

But Oakland -- and now, it doesn't hurt to
bring our lawsuit, and our lawsuit helps.

MALE VOICE: Pastor Mike, can you ask for him
to briefly describe [inaudible]?

MR. BURRIS: And the lawsuit helps. So --
PASTOR MCBRIDE: Okay.

MR. BURRIS: Okay.
PASTOR MCBRIDE: And as brief as someone can,
who wants to just maybe describe the NSA? Are folks
familiar with the NSA around the table, or --

MR. BURRIS: Well, I -- obviously, I can
describe it --
PASTOR MCBRIDE: Okay.

MR. BURRIS: -- because I was involved in it.
This happened -- God -- and the case started really, like, in December 2000, and that's where there were a number of officers, maybe four officers. We know for sure there were four, but we know that there were more four, who really were engaged in improper policing.

They were falsely arresting people. They were assaulting people, perjuring people. People went to jail who should not, and out of a consequence of that, we represented -- meaning Jim Chanin and I, like almost 120 people. But the most important thing that came out of that is that we put together an agreement.

It's called a negotiated settlement agreement. Many of you have heard the term, consent degree. It's equivalent to that, which basically says that the Department has to revamp a lot of its practices. They have to put forth new policies in place, and then equally important they have to comply with those new policies.

And so part of the NSA was that they had an independent monitor that was going to be responsible for making sure that the Department implemented what we had agreed upon. Now, that was a five-year plan. Well, 19 years later, we're still in it, because there wasn't really much work, positive work was done in the early stages of it.

But it is an agreement that I think has a
blueprint for the Department to follow. It has -- most
the officers who are there now have been educated on the
NSA. It has really been good in terms of looking at how
you ought to engage in policing.

And so -- but at the end of the day, we still
have to hold people accountable for what the standards and
criteria that are. And I think that most, or one of the
most important thing -- which is most dear to me is the
whole question of racial profiling.

There was one aspect that was important,
because I don't like the stops that people -- and because
I represented a lot of people. So that was an
important -- but also internally how did the police
monitor itself? And we had new computerized systems that
they've been working on to get in place, so that
supervisors can better understand and know what options
they're doing in the street.

That's been extraordinarily important.

Citizens' complaints have been involved in it, and the --
and of course, looking at the use of force and the kind of
force that's been used. I believe that we don't have as
many deadly shootings as we used to have.

You know, you're going to always have some, but
not as many. I think there is better accountability on
the question of force. There's better accountability on
the use of stops and arrests, all of which has to be
continually monitored, but that's what the NSA allowed for
and gave us, me, myself, and Jim, as well as the court, an
opportunity to review these and make sure they are in
compliance.

Of course, there has to be a willingness to do
this, too. If not, it can't be done. You can beat
someone over the head to make them do it and they will
begrudgingly do it, but when you leave, they will stop.

PASTOR MCBRIDE: Yeah. And I think if we had
some of our advocates here, they would still home in on
this NSA as a huge blemish, right, on our inability to
have our policing department come under -- from that
consent decree.

I want to bring Brendon and Shahidah in,
perhaps, just to kind of start bringing a little bit of
the county narrative, a conversation, and we -- Brendon,
we have been talking about particularly courts, the
punitive excess in courts.

And so if you can, you know, help elevate some
of the work. Even most recently, as you may -- some
headlines around the ways in which sheriffs and others
are -- have been abusing some of their power. But how
your role in the office that you lead perhaps can actually
help us reimagine justice from the inside out.
MR. WOODS: So -- and I'm going to go back a little bit. This conversation is actually fascinating to me, because I started as a public defender with the office in ’96, so I was around when there was a different type of policing.

I was around when they were sending people who were possessing of crack and sales to prison at a clip, like rapidly. If you had one sales, and got a new sales, you were going to prison. There wasn't a second question. You were being sent to prison, and that's the way the courts ran.

And I just remember being around the narcotics and crack, and I remember Officer -- I'll say his name -- Officer Vasquez, the one who fled -- having won a case, and I was arguing emotion in front of a judge, and the judge had some great arguments with regards to why he may have been lying, and then the judge granted my motion.

I was, like, what? Because that -- I mean, that never happens, when the judge actually agrees with you, and you're right, counsel. And at that point in time, it was before they had come out and they had been arrested and the charges were filed.

So at that point, I thought, well, there has to be something more going on, because the judge would never have agreed with me with regards to my argument being
these officers are lying. And we have come a long way, but there is a context which I have to talk about, which you've mentioned, this historical pain that's still there.

I remember being a young PD after getting a case dismissed with an officer who was accused of lying on the stand. That officer, when I was walking into court, pulled his patrol car in front of me -- like, Woods, Woods!

I wasn't lying. We have an issue? I'm like, you know -- I'm, like, no, you -- and we had words. But on the inside, I was scared out of my mind. Okay. Yeah. I was confronted, but I was wondering what is going to happen to me?

And if he does this to me as an attorney, what does he do to my clients? And so I always frame this conversation about resources and priorities, and within that, there's this over-laying arch or system of racism that exists.

So David, you talked about [inaudible], and some of things that you talked about were amazing. We've gone from a juvenile hall that was 300 and something population, to 61 kids, but when you look at that, 60 percent of the kids are black.

Right? When you think about the amount of people on probation or parole, probation out of Oakland
juvenile is 42 percent. Forty-eight percent of those kids are black. Right? Probation population in Oakland is 40 percent.

Forty-seven percent are black. So we still have this racist system exists, and we -- if we don't talk about that and address that, then we're not going to go anywhere. So I always talk about re-envisioning and reimagining.

I have this pipe dream. It's a real dream that you were able to inverse things, for example, Santa Rita Jail is over 50 percent black. Right? And I mean, the county is 12 percent black. If you flip that around and made the jail 12 percent black, people would care a lot more about criminal justice reform.

If you started locking, for lack of a better word, white people up like that, it would change. And so with the work I am doing, I see -- unfortunately, my work has been like an ER doctor. You know, we get people when they are damaged and they're in trouble.

We are like ER doctors without an emergency room and without the tools. Okay? That's the way it feels. And we talk about resources and priorities.

Resources in Alameda County, even though we are a liberal county -- we are a liberal partner state -- our resources are heavily, heavily for law enforcement,
prosecution, policing, and incarceration. They are.

So -- and you've seen their articles recently
with regards to the sheriff's budget and Nancy Skinner
attacking that. You know, the budget's huge. It's 300
million. You know, OPD budget's over 200 million.

Right? We get probation budget, 100 million.
We've got the DA's budget in the 70 million. The public
defender budget -- I think we are the ones who are
actually fighting against mass incarceration -- is around
40 million.

So it's about priorities and resources, and how
do you spend them? Just to close it out, we've added a
lot of resources to my office in regards to doing things
differently. We've added social workers. We have the
first immigration removal defense team -- thank you -- in
the Public Defenders' Office in California.

We -- after going to immigration court and
defending our clients, we started with one. Now, we're up
to four attorneys doing that. We added social workers to
our practice. Imagine that, social workers in a criminal
defense practice.

But we only have four, and with regards to the
work they're doing -- they send mitigation packs to the
court and give them alternatives to incarceration. The
court accepts about 84 percent of our plans, and
84 percent of the people who go through that program don't recidivate.

Eighty-four percent. So I'll close it.

There's different ways to be doing the work we're doing, and it's all about our priorities, where we spend them, and really recognizing and calling out the racist structure that exists.

PASTOR MCBRIDE: Shahidah, I love to bring you in, because you have been serving out of Keith Carson, Supervisor Keith Carson's office, primarily as a public safety associate. We talked a little bit about SB 109 and how many of us around the table have been, for years, really trying to ensure that those dollars are actually getting out of the system, and onto the ground.

And I want to look at Prince White, Lay Prince White, who has been one of the key advocates of this to -- used to -- with Nicole Lee, the Urban Peace Movement. But would love to just hear from you around SB 109 and what the supervisor and other Board of Supervisor members are trying to do to help make sure these resources are going out of the system and into the community.

And what are some of the challenges, as you see it, of accelerating that process?

MS. LACY: I think you mean the AB 109.

PASTOR MCBRIDE: Oh, I'm sorry. AB 109.
MS. LACY: So historically, Alameda County gets about $48 million from the state every year, from realignment. We have, as a county, in 2015 decided that 50 percent of the base allocation would go directly to CBOs to provide services for programming for the probation population, as we've defined it.

So that's people on formal probation, court probation, in some instances pretrial diversion, and some court programs, and so that's about 22-, $23 million of money going to CBOs every year to fund education, housing, mental health, substance use.

What else? Clinic beds, whatever the formerly-incarcerated population tells us that they think they need. We have currently $8 million unspent of this year's allocation because we don't have any funding categories. So we've been bringing formerly incarcerated people in, saying, if you had this service or any service that would help you, what would it be?

And then we're trying to use evidence and evidence-based practices and anything to make an RFP, to get it out to the community, for them to apply for us to give them money. But we're running into a problem where a lot of the CBOs or community-based organizations don't want to take money from probation.

They have issues with taking $3 million from
probation for a program, and then going to, you know, Santa Rita and saying, hey, let me help you. And they're, like, you're getting money from law enforcement. Why would I trust you?

So that's our new run-in. And then we are trying to obviously get people self-sufficient, so not relying on the government structure once they're off probation, because the PRCS population is usually on probation for just one year.

So in a year, we're providing you housing, employment, all these things, but what happens when that year's up? Either you commit another crime to stay on probation or you are homeless, or there's a lot of other things.

So currently the county and my job is to find ways to get people to self-sufficiency without relying on government structures. So that's kind of where we're at in the county.

PASTOR MCBRIDE: Right. Thank you. I'm trying to get everybody else in the queue before we go around for maybe one more quick, rapid, rapid response of truth that you feel like has not been spoken, that give folks a sense of Oakland, before we start inviting others in.

So I'm going to come to you, Fig, and then I'm coming to Dr. Taylor, and invite Holmgren, I think, to
offer some quick thoughts. Fig, I want to ask you something a little more direct, because I know you can take it.

You have them broad shoulders there. But you know, as someone who has been at the Department a long time, you and LeRonne, I know for sure, because we've talked about this a little bit, from Oakland. Your career has been spent in a department that has had these significant challenges, and yet I know -- I've heard from both of you your desire to serve in the departments because you love Oakland.

Right? Can you talk a little bit about what it's felt like? We heard from sister Nneka earlier today about her role as a warden of Cook County, one of the Cook County incarceration systems, of just the struggle of having to serve in a system, knowing that it is still causing harm?

As an Oaklander, I'm just curious to hear a little bit from you, what your journey has been, and even as we have done this work of Ceasefire, myself, Reygan, and David and others, how have we tried to ensure that we are measuring safety beyond just crime data.

Like, what are the other ways that we're trying to help change the conversation of public safety beyond policing, beyond just these numbers? I don't know if you
can speak to any of those things.

CAPTAIN FIGUEROA: So that was a three-minute question, and I don't know if I can give a three-minute to you. So that's my pushback.

PASTOR MCBRIDE: All right.

CAPTAIN FIGUEROA: No. You know, it's -- I will say the tough part has been -- you know, I see the sacrifice that happens every day by these peace officers. Right? In the vast majority of calls, they're going to help people.

And scandals happen. Stuff has happened over the years. And I've neighbors knock on my door, and say, Fig, dude, what's -- did you see the paper? Like, yeah, that's my picture on it. And I'm, like -- and they're, like, well, you know -- and you know, obviously, I have a conversation with them.

But at the same time, it -- you know, it's hard, because you've got these things happening. And we worked hard on bringing procedural justice here. And I worked on it when it wasn't popular. So the early Tom Tyler, to early 2000 stuff, and now, to see where it's at is how I can do it.

Right? I mean, procedural justice is front and center. Two of the best instructors in the country, in my opinion, Chief Armstrong and Chief Holmgren, to see them
grab a hold of it -- and what -- kind of what I was interested in, in the early 2000s when it was coming out -- by the way, a lot of that research was done here in Oakland by Tom Tyler when he was teaching at Berkeley.

So that's how I can do it. Right? And the scandals are going to happen. They're never going to stop. I think I've come to that realization. Bad stuff's going to happen. And we just have to figure out how to keep the work going.

What gets me up in the morning is knowing that we're not sending five teams of cops across the city, of which I was one, to arrest as many people. I mean, right? Well, you're talking -- we used to go out and arrest sometimes -- you know, I can make 14 buys in a night on a busy night, at least five, and that wasn't hard.

And it was low-level stuff. And we don't do that anymore. And we shouldn't do that, and we shouldn't have done it back then, and we certainly don't do it now. So you know, at the end of the day, it's hard. But you know, just the other day I had a family from the neighborhood come ask for help.

And it needed the police involvement. And I was able to speak into that, and we had to get involved. But we did it in a way that was as unobtrusive as possible, and to put that stuff together. And I want
to -- if I can just dovetail into a comment -- I was
really struck when I came in here.

It says, how do you reimagine justice? I ran
out of space on the cards, so I'm going to need some more.
But you know, what it just has me struck as an Oaklander
right now, and David, I've been working with the NOAB
stuff -- we said we don't want to be the first entry for
somebody.

And what got us -- me interested in the NOAB
work is if a juvenile got stopped by the police, and just
had their name put in a criminal justice database, they
had a 30 percent chance of graduating school at that
point, just having their name in the system, not even
going into custody.

And that just struck me so much. If it's -- if
their name is twice in the system, it drops to, like,
8 percent chance of graduating high school. So my
motivation to get involved in NOAB was saying, how can we
not be the first one?

I don't want to -- I want to not be the first
one to put that kid's name in the system, and that's
really what is trying to happen. And so my -- what I
wrote is -- on this card is 911 24-hour call centers can't
just be staffed by the police only.

Otherwise, services will be too late and always
lag behind. So what -- I know what I want to do with that $495,000 you were saying. Because being a cop and being in Oakland, we get the calls from 5:00 p.m. to 7:00 a.m. when the businesses are closed and services are closed.

Our officers have to go there and make a decision about that. And when I was a rookie cop -- I promise I'll be short. You can tell I'm passionate about this, so I mean, I appreciate it. When I was a rookie cop, a couple of years on, I stopped a 13-year-old girl, open wounds.

I had never seen a boil in my life. I didn't -- I had never seen what that looked like. 2:00 in the morning, halter top, shortest skirt I've ever seen, 13 years old. Of course, we get -- I get medical attention, take her to Children's Hospital, and the doctor was, like, okay.

She's clear for incarceration. And the officers here know that you've got to get -- and she was a runaway and had a number of status violation kind of things. And I said, no, no, she's not fit. I've never seen that before, and I've spent my whole life here walking up and down East 14th, International Boulevard, for the newer ones to Oakland.

And I was just crushed. So the doctor -- we sat down. I called CPS and we worked it out, and she
actually got admitted. But it took me, like, five hours to do that. And that's not always going to happen. Now, fortunately, that's actually an area that we have grown in a lot throughout the county, is services or response in the field for victims of human trafficking.

Obviously, that's clearly what she was. But that same scenario has happened across all sectors of services, and so we have to reimagine -- we're a 911-based culture. We get 2,400 calls a day on a slow day at OPD.

So we have got to reimagine. Otherwise, the system of getting people into the system -- we're going to be the first ones to put their name in the system, if someone else isn't there to help us not be that first one to put their name in the system.

I could go on, but I'm going to ask for an amen and stop. All right.

PASTOR MCBRIDE: Oversight. Dr. Taylor, I'd love for you to perhaps just chime in a little bit on this question over oversight. I think again of some of our other advocates who are here, they would have a lot to say about the role of oversight in helping to reimagine justice, but I'll at least allow you an opportunity to kind of speak on that, particularly in San Francisco and beyond.

PROFESSOR TAYLOR: From my experience, I'm more
in the executive-level reform group around community
engagement with law enforcement in San Francisco. And
sort of trying to figure out how to engage community
partners.

The language you hear being discussed in terms
of partnerships and trying to maintain, as John Burris
said, oversight and sort of vigilance, as some others have
talked about. We see a lot of positive movement in
positive directions around the Bay Area, statewide, from
Jerry Brown making reforms related to solitary confinement
in concession to the Pelican Bay protests, to I think, his
concession to Black Lives Matter, around preventing DAs
from using grand juries around law enforcement of unarmed
people.

You see, we're talking about San Francisco
County. The juvenile justice system is shutting down.
There's talk here -- Alameda is sort of facing some of the
same things.

So there's a lot of positive direction. You
know, as a student of history, as a student of black
politics of the state of California and in general, what I
saw -- listened to Ms. Lee, as she's talking, in general,
sort of just painting this overview in all of these
systems, all of these networks, trying to maintain
oversight and keep them -- keep the integrity.
For example, in San Francisco, as we were addressing all of these issues, Jeff Sessions made a decision that just took the rug right out from under the entire process, as he, on the way out the door, made sure that he, you know, disallowed or just reneged on consent decrees, and sent a message to law enforcement nationally: go back to the status quo if you want to.

And so maintaining that kind of vigilance -- already in San Francisco -- I don't want to offend anybody there, but already, there was almost a welcoming of Jeff Sessions' attitude that -- sort of said, okay. We don't have to go through all of this reform stuff, and we can go back to our old systems.

And so that's the problem, I think, is sort of -- how to stay connected, how to maintain continuity, how to maintain connections with people, because as John Burris said, all of us will retire out or move on, one way or another, and there'll be new generations of young people coming in, and what kind of systems can you put in place that are transportable across time, that they can pick up and not have to keep reinventing the wheel?

And so that's what I would say. The one thing I want to get in before you do the round-robin about big issues -- so I'm finished with your question. I'm just getting mine in real quick. As I listened to Mr.
Muhammad, director Muhammad talk about, what would you do with $500,000 per young person?

And when I think about, as a student -- again, I'm reading Professor Muhammad's book. I've used his book, The Condemnation of Blackness, about four times at the University of San Francisco. I teach classes of race, equality and law, policy and punishment.

And when you read the book, there's a picture of two black men, one criminal, one a middle-class gentleman, a white criminal and a white middle-class gentleman, and underneath, it says, "The white man who's middle class is not responsible for what the white criminal does, but the black gentleman is responsible for what the black criminal does."

And if you look at the Berkeley Media Studies group that was done over in Berkeley in the 1990s -- they did, I think, three parts to it -- they were able to show that national media in the 1990s, as crime went down exponentially every year in the 1990s, drug-related offenses and media reportage was up 500 percent, presenting a picture of youth violence and black criminality that was absolutely, absolutely on a different trend.

And when you really begin to think about -- I think -- well, you talked about imagining a new reality.
For me, I'm listening to this reparations debate, and that's where I want to go. It's like a lot of policy heads here, a lot of law enforcement, lawyers.

You know, you're never going to -- you're not going to have this conversation with anybody else, so I'm going to bring it in here now, where you are, where thought leaders are, because who else is going to talk to you about reparations today?

Or will you even think about in relationship to law enforcement? But what issue, more than any, is -- are people debating as it relates to African-Americans in the national discourse, in politics? From Bernie Sanders to Kirsten Gillibrand to Kamala Harris to Cory Booker, all of them have gone on the record for this policy issue that has been brought back to life by Ta-Nehisi Coates' research brought out.

Right? And Obama somehow avoided the whole conversation, still somehow miraculously has not talked about reparations. My point is this: when you talk about reimagining, you're talking about $500,000 -- I asked my students one time, what if the -- John Burris, who is one of the great minds of law over at Berkeley, said after the Trayvon Martin verdict, that the American government built the society, put black and white in it, and of course Native-Americans and the Azteca people, the -- you know,
the Native -- the Mexican-American people, put them
together and chose sides.

Right? And I asked my students in my class in
San Francisco, what if the American government put all of
the money and wealth and income that it uses against --
keeping black people down? What if took all of the
billions and turned it to their development?

Because for me, the whole issue of integration
and urbanization and black community is a question of
underdevelopment and development, how the American state
has wilfully underdeveloped the black presence in America.
And I think that's part of what brother Muhammad's book
is -- Professor Muhammad's book is trying to get at, in
the notion of The Condemnation of Blackness.

So you want to talk about law enforcement
reform -- we can talk about it in the wonkiest ways that
data, and you know, metrics and other things inform us,
but at some point, we can keep on running around like a
gerbil in circles and getting nowhere, or we can come to
what even William Julius Wilson in 2010, who, if you know
his research at Harvard, came around in a book called More
than Just Race and concedes.

At this point, he had been arguing class,
class, class, and everyone is saying, Wilson, class.

Well, he came around in 2010 and says, now, a majority of
white Americans must be convinced of the need for a complete and total economic recovery of the African-American position in America in the United States.

So we can call it, reparations. You can call it, economic reform. Call it what you want, but policing is not going to change until the economic condition of black people change.

PASTOR MCBRIDE: Yeah.

(Applause.)

PROFESSOR TAYLOR: That's the bottom line, because part of what is in play is that policing relates more to the poor than to the non-poor in society, and if you have certain groups that are disproportionately in that group, and then add race, and then add, as the papers does, gender and the urbanization of gender, or the genderization of the urban spaces, you end up with a real quagmire.

So if you're talking -- if we just want to sort of make ourselves feel good in this amazing circle of amazing people, and I do feel good in this circle -- don't get me wrong -- I did not know I was walking into the United Nations today.

I've been here four times in these panels, and I was, like -- I told Coach Dixon, who's the person responsible for me here, in the red jacket, I told him --
I'm, like, damn. I didn't know the United Nations was breaking out today.

But I just say, humbly, I think we ought to think about reparations. How does law enforcement relate to reparations? That's the question I want to ask.

Even if you don't agree with the policy at all, it is being out there being discussed across the board, and if it were ever to come true, why do people reduce it to checks and ghetto stereotypes of what people are going to do with their money, when we need to be talking at a much higher level of what would reparations mean about the relationship of black America to law enforcement?

That's the biggest question of reparations for me, because that is in need of repair more than anything right now, aside from the economic question. So again, I'm not the most articulate brother in the world on these issues, but I would imagine that we need to begin to think about reparations and law enforcement phenomena, as it relates to the monies, the budgets, the spending.

From the state position, the county position, you know, all of the money being used to keep people in a position or to reform them or give them access to reentry, what if we just gave it all at once? And what reparations is for me -- and I'll shut up after this -- is that it totally changes the relationship, economic relationship,
between black America and the American state.

That's what reparations is. It ain't got nothing to do with white folk. Reparations is about changing the economic relationship between black America and the United States of America, and I think the young man on the TV show -- what's his name?

The young brother from South Africa?

MALE VOICE: Trevor Noah.

PROFESSOR TAYLOR: Trevor talked about this recently. I don't know if anybody saw his discussion of this very issue. But again, for those of you in law enforcement, what if the black community wasn't under zip code areas, in a different kind of -- would they then have a different experience with law enforcement if they are more middle class across the board, and less representative in what we well know too as a so-called underclass.

PASTOR MCBRIDE: Dr. James Taylor, you are a preacher and a professor. Yes, sir.

PROFESSOR TAYLOR: Yes.

PASTOR MCBRIDE: Yes, sir, yes, sir, yes, sir.

So I don't know if Deputy Chief Holmgren would like to offer any kind of response to either that or what you have heard, but -- or you could tag-team one of your comrades, colleagues. I don't know if brother Allison --
DEPUTY CHIEF HOLMGREN: I --

PASTOR MCBRIDE: LeRonne, you still here, Leronne?

DEPUTY CHIEF HOLMGREN: I've been sitting here for the last --

PASTOR MCBRIDE: So --

DEPUTY CHIEF HOLMGREN: -- three minutes going, oh, my Lord. I just think -- I think from a law enforcement perspective, right, I think what we could do, right, is to continue to push for our officers to have the understandings of our communities. Right?

I think once we have that opportunity, right, to sprinkle that seed in there, to cultivate that understanding, then it allows for that pressure release. I think we constantly need to do what we have been working on at Oakland Police Department -- is kind of look at our policies, and see how they impact our communities. Right? I think that's how we begin to even have this conversation, right, and begin to even make some of these communities whole, you know. I can't -- I mean, that was unbelievable. Right? I'm still starstruck.

MR. MUHAMMAD: So can I say, Dr. Taylor and I know each other very well.

PROFESSOR TAYLOR: Good to see you, good to see you.
MR. MUHAMMAD: But I will say, growing in a neighborhood like I grew up in, subsidized housing and obviously, seeing young men of color, black men that look like me, that I grew up with -- right -- we didn't have money.

And so I -- you know, I had a group of five to 10 friends. All of us had -- lived in single families. None of us had dads. And so you wanted to buy the things that you've seen on TV. You wanted to have the shoes that the athletes had.

Right? You wanted to get the latest Run-DMC album. Right? That was much needed at that time, right, in the late '80s. Right? But the idea was, how do you get the money to afford that? Right? What do you do? I have limited options.

Right? It's a crack generation. I see guys on the corner. They are making a bunch of money. Right? They are wearing the nicest clothes. And so as a 13-year-old, it is a very difficult decision for a young 13- or 12-year-old to make.

Right? Like, what do I do? Right? This is what my community looks like. This is what opportunity I see in front of me. I don't see teachers that look like me. Right? I don't see -- I don't have a mentor in my community.
Nobody's telling me about the right way to do things. Right? My example of success is this guy on the corner. Right? And so these are things that we have acknowledge, that goes to your point that we didn't have the resources.

And so friends that I grew up with made the choice to become drug dealers, right? Some of them chose to rob people, right? And so that is a very difficult position to put a teenager in is that there's so many things that I want in life.

We didn't have -- in west Oakland still, we didn't have a grocery store within probably a seven- to eight-mile radius. Right? And so we ate from the corner liquor store. That's where you went, right? You went to the store and you bought some chips and a soda, all these things, right, that obviously, you wouldn't serve to other communities that are right in the heels, that now I happen to live in.

Right? And so when you tell me that yeah -- when you say, yeah, there's an economic difference. Right? I remember being poor now, and then obviously, to be middle class now and live in the more affluent part of Oakland, it is much different, right?

My children's experience is much different than mine, right? My nephews and my other family members, they
still talk to me about -- hey, why do we see the police so much? Right? Why am I so afraid? And it reminds me, right, of why I do this job -- right -- eliminate that fear, but it still does not address the economic issues that people of color face in communities that I grew up in right now.

And so I say to you from a police department standpoint, it's beyond us, obviously. Right? But I think that question you asked is a very important question. Like, at some point, how -- if we say, okay. Well, we don't want you guys to arrest young people.

Right? We don't want to introduce them to a criminal justice system. Then you have to provide the economic support so they don't have to make those tough decisions, right -- those decisions around I want to eat. Right? Those decisions around I want to just be normal. I just want to have the normal things that everybody else has. Right? And so I think, you know, in working with young people in this city, I mean, oftentimes they express that.

Right? Like, Armstrong, this is difficult. Right? This is difficult and this is hard. Right? Living in this community. Living without is hard. And so obviously, as a police officer that have had to buy meals for kids many times or groceries for families, you
understand sometimes that that just saves him for the day.

Right? He will say, oh, I'm sorry. I'm going
to go home for the day. Right? But that doesn't mean
tomorrow he's not faced with the same decision. So I
agree. It's a tough situation to be in. Law enforcement
is on the front line of seeing that and experiencing that.

And so I say to you that that is something
that, as a society, we have to tackle.

PASTOR MCBRIDE: So why don't we start opening
it up for folks to kind of offer some questions and
reflections to -- from the larger group? So far in the
queue, we have Theresa --

PROFESSOR DIXON: Pastor McBride, can I just
say something? I'm feeling called to say something.

FEMALE VOICE: Time to sign up, get in line.

PROFESSOR DIXON: Oh, well, how do you do that?

PASTOR MCBRIDE: We'll add you to the queue.

So we have Theresa.

MS. GONZALES: [inaudible].

PROFESSOR DIXON: Oh, she -- you was helping me
out, Theresa?

MS. GONZALES: Yes.

PROFESSOR DIXON: Thank you.

MS. GONZALES: Yes.

PROFESSOR DIXON: Hi, Mike. Thank you for
acknowledging me. I just wanted to bring it back a little bit to the classroom and talk about what I'm trying to do here at Merritt College in terms of promoting the new breed of policing for this community and other communities that our students will be going into.

It's very important to me, someone who have 25 years of law enforcement in this community, as to what is the next generation of police officers going to look like. So I'm into -- the state of mind is that what I teach them, what I teach them at this point, is going to be helpful in this community, in terms of when they go out and seek this noble career.

So again, the education is going to be important, and I think that's one of the things that some of our young people are lacking right now, is the knowledge. What are their rights? Okay. What are we going to do when these officers exit out the door?

Are we going to get -- I'm not saying that you guys are bad, but I'm just saying, are we going to have some of the type of police officers that we have today, that are out there terrorizing communities? Okay. Not trusting -- and the community not trusting?

Are we going to have folks from this community who want to work in this community and to serve? We need to look at that. But what I need from you, if you're
willing to now, mentor some of these young people that
want to go into law enforcement.

    All right? You can mentor them so they don't
make some of the mistakes that other folks have made.
We're looking at a new train, police officers from this
community that want to police this community, and that's
going to take work.

    As we look at the initiative from the mayor,
Grow Your Own -- right now, we can't even get him to the
table. Folks don't want to be police officers. But what
we do know is, we need folks who want to work in this
community and serve this community.

    So again, that's from the classroom
perspective.

PASTOR MCBRIDE: All right. Why don't we go to
Theresa, then Nicole, then I see Fig, and then I see
DeAnna, and then David. Theresa?

MS. GONZALES: I actually didn't have mine up.

    It was there --

PASTOR MCBRIDE: Oh, okay.

MS. GONZALES: -- but I'll say something real
quick. So Proposition 13, you know, I think we need to go
back and talk about property rights, critical race theory,
and how the police operatus began. I don't think we don't
know our history.
That's all I'm going to say. I'm going to pass it on.

PASTOR MCBRIDE: Thank you. Nicole?

MS. LEE: Okay. I'm going to say something that's not going to be popular at this table.

PASTOR MCBRIDE: Oh, okay.

MS. LEE: Oh, my bad. I'm so sorry. No, it's okay.

PASTOR MCBRIDE: So we'll give both Nicoles [inaudible].

MR. TRAVIS: Nicole wanted in, too.

PROFESSOR GONZALEZ VAN CLEVE: Sorry, to Nicole. Go ahead.

MS. LEE: You were good, though. You [inaudible], another sister of Nicole.

PASTOR MCBRIDE: And hear a proper thing, and she'll come behind you and --

MS. LEE: So I just wanted to say that I think we have to get past the conversation just about community relations with police. I think that's certainly important, and that is something that obviously needs to be improved, but I also think it's the question of the system of policing, and the history of the system of policing in the United States, which I think is a Square One conversation, and I just think that there are -- the
roots of policing -- and I actually think I learned this from somebody who learned this from Chief Batts, actually.

So if you look at the history of Oakland, right -- the modern history of Oakland, you know, African-Americans came here in the 1940s during a great migration, and because, you know, there was Jim Crow in the South. It was a very brutal system, but also, there was an economic decline in the South, because the economy was changing.

So people came here because the war economy was booming. And at that time, on the West Coast, police forces also recruited -- it wasn't just African-Americans that were suffering in a harsh economic climate in the South at the time.

It was also working-class white people, and those working-class white people, many of whom were part of organizations like the KKK, and you know, we just know those dynamics. Right? And so that's who the West Coast police departments recruited --

PASTOR MCBRIDE: From the South?

MS. LEE: -- police officers from the South, who -- many of whom were affiliated with organizations like the KKK, who made up, you know, the police forces of Oakland, San Francisco, Los Angeles, Long Beach, places like that.
And so I think there is a history. There's a history of enforcement of things like Jim Crow and the Black Codes, and there's a legacy of that in policing in the United States. And so I think it's a question about -- you know, Cat Brooks isn't here, and I feel like she would say that we just need less police and more other things.

And so if we're -- we're talking about real safety in our communities.

PASTOR MCBRIDE: Wonderful, Nicole.

PROFESSOR GONZALEZ VAN CLEVE: I'm the other Nicole. No, it's okay. So I am coming from a -- you know, studying Chicago, and so when you studying policing in Chicago, I feel exhausted.

So the fact that the law enforcement represented here have such a progressive view, a different vision of policing that is so different from what I study -- the Department of Justice in 2017 went into Chicago after the shooting death of Laquan McDonald, and they found police using tasers on children.

They were, you know, terrorizing neighborhoods, shooting in broad daylight, endangering citizens. I mean, just -- if you were just to take race out of it, it's just bad policing. Right? And so I guess I kind of have this -- you know, it's almost like a Square One idea.
It's kind of a little bit crazy here. But some of the ideas that y'all have expressed, I mean, what could you say to Chicago? They're resisting the consent decree, but you all have -- I mean, I don't know if it was embraced, but I mean, it's been part of the reform.

And unfortunately, it doesn't seem like the reform came from within. It came from oversight, but in which, you know, the Chicago Police have been resisting. And I guess my question would be -- we think of reform in local spaces, but we don't think of those local spaces transcending and creating a cascading effect.

And I just wonder -- you know, sometimes you're, like -- well, will they listen really to me, the professor? Are they going to listen to community members? Clearly, they're not. Would they listen to other law enforcement?

Maybe. Right now, the suicide rate among Chicago police officers is abysmal, meaning their violent practices, I don't think is good for their own psyche and their own health, and they're also risking each other's safety as they're shooting in this, like, Western cowboy fashion in black and brown neighborhoods.

That is not safe. So I guess to the law enforcement here: what would you tell to your brothers and sisters in other cities to help them get on board with
some of the things that you've embraced here? And would you be willing to say it to Chief Eddie Johnson to help things along?

PASTOR MCBRIDE: Great softball pitch to Paul Figueroa, who does travel the country as an ambassador of the good news of Oakland.

CAPTAIN FIGUEROA: I needed to pause, I said to Margaret, because I didn't realize I was supposed --

PROFESSOR DIXON: No, it's okay.

CAPTAIN FIGUEROA: -- to do this thing here. So -- but actually, because I'm going to use you for an example in what I'm going to say. So I mean, trust is built through relationship, you know. You have to be in a relationship with someone to really build that trust.

And the police haven't been in good relationship with the black community in Oakland. I grew up in a school that was about 50 percent African-American, 50 percent Latino, and I could -- you could see that. And so I had good relationships with a lot of different ethnicities.

And from the police perspective, the community policing officers that -- different names now -- but essentially, the officers that really connect with the community, those are the ones they trust the most. You know, my neighbors knock on my door when they need help,
and like, they need the police right now.

They don't call 911. They still come to me because we have that relationship built. Sometimes, I'm in my pajamas, but I figure it out. But it's the same thing. Margaret Dixon, the -- who has worked so hard to build this program, sets up situations where officers can get -- talk to kids directly and get in the relationship.

And you know, I just wanted to say that there's a lot of space. What I would say to Chicago today, is there's a lot of space that hasn't been filled yet on -- how do we get our officers in real meaningful relationships in the communities that they're serving, where they can actually sit down and get to know people, sit down and know, hey, if I stopped this kid because I got called by 911, and no one else is there to deal with him at 2:00 in the morning -- oh, there's this nonprofit right down the street, and you, Suzy, Bill, we meet on a weekly basis.

Let me give them a call, because I know they'll come out at 2:00 in the morning to tell me deal with this. And you know, Chief Allison and all of us have worked hard in our careers to get to know people. But I just want to say that I would tell Chicago this for sure, and I'm going to just reiterate it here as well, that it's tough to be a cop right now, and it's really tough to build a
relationship because the walls go up so fast. Right? And I understand what the abolition
movement around law enforcement is, and I enjoy the conversation, because I know where it's coming from. I know the space it's coming from. For most people who are working, are, like, oh, my God. I've got to hear this again. And that's not the space necessarily where it's coming from.

So creating scenarios where police can actually get past that, and hear why the African-American community in particular doesn't want them in the community, and get -- just get to a real meaningful conversation where those relationships can be built, and slowly, trust can begin.

And I believe that when officers are -- continually get an opportunity to re-humanize the -- where they work. Right? Because we're constantly seeing the worst of the worst of the worst, and it's easy -- it is easy to assign that to the whole group.

And so it's this constant, uphill battle, just from a psychology perspective, to say, we've got to re-humanize people. We've got to re-humanize them. And Margaret does a phenomenal job of getting us up here as Oakland police, to sit with their students and build those kinds of relationships.
And that's -- so that's what I would tell Chicago PD, because without relationships, we can come down with the negotiated settlement agreement, as Mr. Burris has said, and then -- and institute those reforms, but it won't be long-term if the agency is not engaged in relationship with their community.

And it's hard right now. It's hard for me, with my family members at times. So it's just hard. And we have to build space to have these conversations where the walls aren't going to go up immediately, and so we can just humanize this again.

PASTOR MCBRIDE: So we have -- thank you. Thank you so much. We have Maria at the queue. I just saw the last one. I think I'm going to close it at Marlon, because we have about 15 minutes, and I think it's already ambitious to try to get all these folks in.

So those that will speak, to just sound like a parrot of brother Jeremy, could you please be as brief as possible, but certainly as inspirational and impactful, and you know, as you can. All right? That was my touch, Jeremy.

MR. TRAVIS: I don't know if [inaudible].

PASTOR MCBRIDE: DeAnna, David, Vikrant, Nneka -- oh, that's David? No. Oh, it was Darrel. Oh, Chief, yes. Darrel, Khalil, and Marlon. That was kind
of our last folks. And so DeAnna, David, Vikrant, we'll
go right to you.

MS. HOSKINS: Just really quick, because
normally, traditionally I wouldn't speak in other people's
backyard, but having worked with David, Reygan, Pastor
Mike, around violence reduction, I think when Nicole said,
understanding the history of policing, and it reminds me
of when I was doing the resource portion of gang violence
and gang violence reduction.

The biggest thing is understanding why black
communities don't trust the police department, and that
some of that trust has been transferred through
generations. So when you're an individual in your house,
and it goes back to when we talk about the historical
aspect of slavery, when you're in your house and during
the crack era, in the middle of the night, Christmas Eve,
the police kick open the door, snatch your parents out the
house and say they'll be back and they don't come back for
20 years. Everything that the system represented or the
police response to black communities is always to take and
remove the most valuable person in my life.

And then the story that they tell me is,
they'll be back, or you'll be okay, and you end up in
foster care, sometimes caused more harm than you ever had
being at home with your parents. So when we start talking
about the trust with the black community, we've got to understand from a historical aspect of where it came from, that even in modern-day police, it represented what slave masters did to us back in the day, of kicking open the door, taking our parents, taking our children.

So when we look at the system, we always approach the system as going to cause me harm in some kind of way. So we'd rather fend for ourselves in our communities than go to the system for help, because the system has never been helpful in our eyes.

So I just wanted to put that out there.

MR. MUHAMMAD: Thank you. I want to start with that and say again, Oakland has a lot of way to go, but every single option of force was taught -- what you just said -- by Michael's brother. A hundred percent of the officers on the force and LeVonne taught together. Right?

So as a part of the progress that has happened in this city, and you know, this leadership is funny, because I always say, if you want to feel better about Oakland, just go somewhere else. And sometimes, it is frustrating.

We've got a current issue right now. People are calling for the resignation of Oakland's police chief. Right? So things aren't rosy, but I must say, I have sometimes the benefit of -- I'm a federal monitor of
prisons in Illinois.

Right? So I'm there every month, and I always say, man, I can't wait to get back to Oakland. But -- so a -- and there's four of us -- wow -- the four of us in this room almost became the monitors of CPD, by the way, but that's another story.

So -- but I want to talk just briefly about this notion of, kind of, reparations and investment, that -- this issue of real reinvestment. Right? And so Jim Austin and -- thinking of the other person who did the research around criminal justice reinvestment -- said, there was no reinvestment.

At best, you took money from the sheriff's department and gave it to the probation department. Right? And when we're talking about real reinvestment -- remember, just briefly, the movie, Charlie Wilson's War -- right -- about the militarization in Afghanistan with America, and they were -- they got up to something like billions of dollars of investment in military, and the Congressman from Texas said, all right.

We want to build schools. Can I get half a million dollars? And there was laughter in the committee. Right? And so I feel that way in our cities. Right? We're quick to increase the budgets of criminal justice agencies, but when we're talking about investment in
communities, you almost get that same laughter that was in that Congressional committee around schools in Afghanistan.

    Right? And so when we're talking about the political will to currently spend a half a million dollars -- half a billion -- sorry -- half a billion dollars per year per youth in this county and to say, can we spent that amount of money on poor kids in deep east Oakland?

    I don't think the political will be there -- right -- for that. And so when we're talking about real -- we take the money, the massive amounts of money spent in the system, and put that money to help real lives in the neighborhoods to help them stay there -- right -- so the -- we just -- Ceasefire and Advanced Peace Enrichment, and a bunch of stuff, which is incredibly important to reduce violence.

    And I always say, I want, like, Piedmont in Oakland doesn't need Ceasefire. I want east Oakland not to need Ceasefire. Right? I want, you know, Point Richmond and Richmond doesn't need Advanced Peace. Right? I want north Richmond not to need Advanced Peace.

    Right? But I want those residents to stay the same.

    PASTOR MCBRIDE: Right.
MR. MUHAMMAD: Right? And that takes the level of investment that we're willing to spend on the system in those young people, those families in the community.

PASTOR MCBRIDE: Vikrant? Did I say that right?

MR. REDDY: Krant, Vikrant Reddy. Yeah. Well, first of all, I just want to say thank you to all the Oakland folks, and for whoever, I guess, Bruce and Jeremy, for putting this together.

An academic at John Jay once said to me that we have a lot of conversations about criminal justice in America, but people don't live in America. They live in communities. They live in neighborhoods.

And so these stories about things that are -- the stories and the data that come out of actual communities like Oakland are very, very useful, I think, for our broader comprehension. So I just have a very plain-spoken question based on something I've been reading about in the news, and that is, if the articles are to be believed, the sudden spike in property crime in the Bay Area.

So there are people in this room, the law enforcement folks, who have accountability and a responsibility for handling that problem, and I think it's probably a difficult one, because it's not something that
can be ignored. You can't just say, well, it's like recreational drug use. It's victimless. We're not going to enforce that. You have to enforce.

On the other hand, this is really the perfect example of the kind of thing where it is low-level, nonviolent. And you start pulling, oftentimes, young people, young men, young black men, into the criminal justice system for these kinds of minor incidents, and they go down a really bad track. It's a tough problem, I think, but you guys have responsibility over it.

How are you handling this sudden property theft -- or property crime epidemic?

PASTOR MCBRIDE: Well, let's keep trying to press through, and maybe we can just get someone to say something real quickly to that. Or you want to just give a 30-second response?

MALE VOICE: Sure. It is extremely challenging for us, especially with the limited amount of resources that we do have. Right? And I think that becomes the rub for us. Right? Because we're constantly balancing, you know, responding to some of the most violent crimes, where we want to be very strategic, very precise, very -- I hate to say, intelligent, but you know, our enforcement actions are led by the data that supports the violence that's going on, while meeting the needs of some of these
property crimes.

So it is challenging for us. It is, unfortunately, on a lower end of our priorities. I think, given the limited resources that we do have, you know, we -- it is a, depending on which area of the city you are, that it's going to play a role on those types of crimes being enforced.

We -- you may not be afforded that luxury in east Oakland, which is seeing an increase in shootings and murders, where -- in some of the northern parts of the city, where they're not experiencing some of that trauma, they may have the resources to be able to address some of that. So --

PASTOR MCBRIDE: Nneka?

MS. TAPIA: I don't know if you're still going to do a lightning round, but if you are, I just wanted to put this out there, that with consent decrees and agreed orders, the biggest opposition tends to come from police unions.

So I'm wondering what the role of the police union has been -- or unions have been with the great work that it seems like you've been able to push forward and how you were able to manage that, because I think if we're talking about other jurisdictions, that's the key piece that they have to learn how to navigate.
PASTOR MCBRIDE: I'm so sorry I didn't ask that question, because that has been a huge part of Oakland's story, and so I don't know if LeRonne will want to chime in. Maybe at the end, if we have a few moments. Chief?

DEPUTY CHIEF ARMSTRONG: Just real quickly, two points. David's conversation or sharing of his idea of the neighborhood opportunity boards -- that's a really Square One idea, and shouldn't be lost, I think, in the conversation about where we -- how we think going forward.

That can change the whole nature of criminalization of children who get caught up in a system that isn't as thoughtful as what their own neighborhood would be. It builds kind of the social control that I think makes a difference.

And second, Dr. Taylor's idea, if we could deal -- and I think we could if we really wanted to -- if we could deal with the conditions that produce our high-poverty neighborhoods, that would change the relationship a lot between, you know, how -- where the police are and how they spend their time.

PASTOR MCBRIDE: Dr. Muhammad?

PROFESSOR MUHAMMAD: So I'm grateful for the thoughtful discussion and certainly the shout-outs. Always good for folk who write books to know that people read them. So I just want to make a simple observation,
and that is that I hear from the police officials in the room a sense of -- a lack of agency that I worry is a lack of imagination or a kind of faux way in which the things you do don't matter, up the chain.

So what I'd like people to think about is, if the job is as tough as it is described in almost every police setting, how much of your actual budget today are you willing to advocate that you relinquish to other agencies outside of the criminal justice system?

What role, as leadership, are you willing to play as advocates for different community partners having the resources that David has described, to be able to do the kind of work, that someone described that doing this kind of work is like being an ER doctor without a surgical equipment or machines.

That's right. Brendon. And so it seems to me that police actually have -- police leadership has a lot more opportunity to be advocates for change outside of policing, rather than saying, well, you know, we're bearing all this burden, and we don't want to give our FTE because we're going to continue to be called upon.

But it seems to me, that's where the rubber meets the road, and if it's your unions -- right -- you know, I've been in police convenings of what kind or another, and often it's the unions that are objecting to
the resource differentials, which means, again, this is a problem to be solved, not a problem to be ignored.

   And so what degree are police leadership willing to say that we can't be part of the transformation of the communities that care about if our own unions are not interested in change, and are only interested in their 20 years and out, and basically having no accountability whatsoever to the communities they serve.

   So I just wanted to hear something a little more robust in the choices that police leadership make when it comes to seeing the change that everyone around the table seems to want to be part of.

   PASTOR MCBRIDE: Thank you for that.

   Absolutely. Marlon?

   MR. PETERSON: I'll be just as brief as Khalil, because I guess we're in the same line of thought. So it's -- the theme of this session was called, "Justice in Oakland," and just an observation was that -- or a question is, as, you know, the term, justice -- it seemed that a lot of this conversation focused around policing, and I'm just wondering, as just -- in terms of, like, why is it that when we think about justice, why has that somehow become synonymous with policing?

   Outside of mentioning in the Ceasefire program, which is also -- if Mr. David can remind us -- speaking
my -- it's also police-heavy. And so that's just one
observation. And the other question I have is, what, as
law enforcement officials -- what do you hear when folks
say or pose questions such as less police?

Right? What do you hear from that? I mean, because we've heard it in many -- you know, around the
country, I've had conversations with NOBLE. Like, it
seems to be an immediate resistance, and I think it's a
question of, like -- is it a question of just personal
relevancy, that if we are asking for less police, do you
feel like we're asking that you are no longer relevant?

And if that is in fact true, that you hear, is
that a problem? Right? Because I don't think people are
asking for more chaos. Right? People aren't saying, we
want less police.

We want more chaos in our community. Right?
But I feel as much as -- it was meant to be a little joke,
but is that what you hear? Because I think there's a
vested interest in everyone, when we think about justice,
it's for communities where people feel empowered.

And under the term of empower, include safety.
Right? So that's just my -- that's a question I would
like to pose, for you to also think about. Because if
that's part of where that black comes up, particularly
activists and advocates, when they say, well, you know,
less police, or in Chicago, BYP100.

A lot of folks have been doing this sort of work, and they don't get -- it seems to be -- not only becomes a radical thing, but it becomes the person or the people that are posing that question are sort of seen as illegitimate.

Like, you don't really understand what's going on here. So yeah. That's just my thoughts.

PASTOR MCBRIDE: Would be okay to just invite someone to respond to that. I mean, I think that is a really unique question that I've not actually made space to hear officers respond to. Were you here when people do say that, and even to Dr. Muhammad's point around your role in advocacy -- I did want to also just do a quick shout-out to a dear brother, Ricky Gaines.

Stand up, Ricky. This brother just came home from San Quentin about 60 days ago --

(Applause.)

PASTOR MCBRIDE: -- and he's the reason why we do this work. He was inside for about 24 years, and we met in one of the times I was doing the No More Tears program.

And you were just here walking through, and you came on in, and it goes to show you that many of our loved ones are definitely trying to be a part of the solution,
immediately, as soon as they come home, and I think that
is more reflective of the kind of folks that we work with
here in Oakland and across the country.

People are trying to be a part of a solution.
They're not trying to be a part of the problem, and so I
just wanted to thank you for sticking it out for this
whole day, as someone who just wandered on in. Any final
comments by some of our law enforcement?

Then I'll -- I think I'll turn it over to
Jeremy.

DEPUTY CHIEF HOLMGREN: Yeah. A couple points,
because I heard a couple different things I want to
respond to. I know someone mentioned unions, and
particularly our consent decree and any impediments. I
think one of the uniquenesses of our negotiated settlement
agreement is the union actually has a seat at the table in
front of the federal judge as an intervener, and so they
have been more of a collaborator than they have been an
impediment.

They work to make sure that, obviously,
internal practices are fair. We want to make sure we
have, obviously, external legitimacy with the community.
We also, as leaders, have to have internal legitimacy.
And so their role is to make sure that practices also
internally are fair as we strive for fairness externally.
So for us, they have not been an impediment, at least in our organization. I can't obviously speak for other organizations. As far as the reduction in the number of policing, you know, I think that, as we envision what, you know -- what the future could look like and what the best possible outcome -- I always would love for a future where, you know, everybody can be in harmony with one another, have great relationships, and that there wouldn't be a need for emergency response.

Right now, as it sits, I know our call center annually receives about 700,000 calls. We actually dispatch to about 350,000 calls a year. As Captain Figueroa said, about 3,800 on some in the mid- to high-end range a day.

So it comes with expectations in capacity. There is an expectation from the community that we serve that, when they call, we show. And I'll be honest, our response times for a lot of calls are challenging, with the capacity that we have.

So I don't -- I think that a vision of the future would be -- I don't think anybody would steer away from -- we'd want to see, you know, less police, laws, people were -- you know, get along and can be in harmony with one another.

I just think that right now we've got to figure
out the management of those expectation, because we --
now, we aren't currently at a capacity to fulfill all
those expectations. And there are some services that
people call the police on, and to again Captain Fig's
point that he mentioned is -- we're one of the only
systems that exist after 5:00 p.m., and through the
midnight into the wee hours of the morning.

And so when they need a service that maybe it's
not really fit for law enforcement, they call law
enforcement. So that's the challenge. I think from
leadership what I would like to have an intervention on,
to not keep this cycle going, is, you know -- we're caught
in a situation where we have inequities in the social
system upstream, and we're somewhere a little further
downstream, that impacts -- in law enforcement, where
we're seeing these equities trickle into our profession.

And then beyond us, further downstream, are
other law enforcement or public safety entities that also
have the same issues and struggles and challenges. So you
know, for me, from a position of leadership in my
organization, what we can do is not perpetuate inequities.

Create policies internally that the get-star
[phonetic] system, whether it's -- I know we talked about
the police commission last night -- probation and parole,
who gets searched, who doesn't get searched -- create
these policies that can manage what we do internally, who we stop as far as equipment violations or no criminal violations.

So I think those things that we can do is not perpetuate it, as our way of trying to do our part in a bigger inequitable system. So I am sure my colleagues may want to add --

PASTOR MCBRIDE: I think we're probably out of time, and so I'm going to just appreciate everyone for -- well, why don't we all appreciate our loved ones from Oakland who continue with their time and voice and --

(Applause.)

PASTOR MCBRIDE: -- thank you for the opportunity to do this.

MR. TRAVIS: Thank you, Mike. Let me -- also, on behalf of our Square One colleagues and the observers who have joined us here, thank our friends and colleagues from Oakland for this very rich, thought-provoking -- is inspirational in some ways -- is sobering a right word -- discussion.

We do this as we bring the Roundtable to communities around the country so that this discussion that we are having that is ongoing is informed by the work that you do. And so we honor what you're doing. We have, you know, heard a lot about what is going on in Oakland.
We're taking lessons back. We're taking some insights back with us, and we, most importantly, encourage you to stay involved with this larger discussion. Just the unabashed, sort of commercial advertisement is that we'll be in Detroit in about six months, talking about violence, both violence within communities, within families, but state violence, and the ways in which the damage that is caused by systems is part of the damage that has to be undone, as we think about a new vision for justice.

So what you're doing here will inform that discussion in Detroit. And don't be surprised if some of you get an invitation to join us at the Detroit Roundtable. The one after that will be interestingly on the question of what other public entities, publicly-funded entities, can respond better and differently, present themselves in communities, other than the police and the criminal justice system?

This idea about -- we can use it as a reparations or a reinvestment model, or as you said, the language is less important than the idea and the reality. And Chief Stephens just mentioned this also. What if? It's a wonderful -- and that's something worth thinking about, and making a sort of political agenda.

What if? Why not? And isn't it time? So that
will be the fourth Roundtable. And then the fifth one, place yet to be chosen, will be on this question of values, and how do we think about articulating values and applying values into organizational and government structures through -- this is ultimately a political process -- so that there are results that are different on the ground?

And we'll be -- we are -- tomorrow morning, we have Jennifer Eberhardt here talking about the issues of race and bias, but we're ending our time together with Jonathan Simon's paper on human dignity, which is another theme that came up here today.

So you have helped us to challenge some of our thinking. It was valuable beyond words for us to have particularly our law enforcement colleagues here, and if you want to continue to think about the questions that were asked by Professor Muhammad and Marlon at the end, that would be really helpful to us.

So how does the law enforcement community think about this claim that it -- and I think you said it -- can I call you, Fig? Right? So that you're dealing with the abolition rhetoric, and that's a hard rhetoric for a professional to deal with, that your profession should be abolished, reduced, whatever.

But it also is coming in the reinvestment
conversation, and as a political matter -- you know, we're seeing this in New York -- how do you invest differently? So that's a real term -- near-term, real discussion, and whether it's from police leadership or police union or police officers or the profession or police academics, it would be really helpful for us in the Square One discussions to have a -- have your ideas about what's -- this is not abstract.

This is very real, very present-day. So we have this discussion going on within the Executive Session at Square One. So I'm just grateful for what you've presented here. David and I were -- can I mumble about -- can I say something ---

MR. MUHAMMAD: Yes, yes, sure.

MR. TRAVIS: -- about what we were mumbling about? So I was saying, this is really interesting. This -- you know, these neighborhood opportunity and accountability board that Darrel raised up, and we were talking about what might alternate structures, near-term, look like that would take things outside of the system that Nicole described this morning, and maybe find a better way?

So the idea from David was maybe a paper should be written for the Square One Project -- I'm speaking to my co-members of the steering committee here -- that is
about the communities we visit? Right? Why should we not elevate this work into the Square One national conversation?

So I've just volunteered David to write the paper. So -- and you did say yes? Got to be sure.

MR. MUHAMMAD: Yes.

MR. TRAVIS: But I think there's just a way of connecting these themes, which can -- the risk is, they become very high-level and too abstract and aspirational. But to the extent there's work going on, that sort of gets us in that direction, and sort of starts to resonate with some of those themes, I think we owe it to you to make that part of our larger discussion.

And I'm really, really grateful for this time that we've spent with you. Bruce, do you have some closing thoughts before we close out the day?

PROFESSOR WESTERN: I wrote a few notes down, just trying to think about how this discussion connects to the discussion we had earlier today, and I'm also very, very grateful, particularly to Pastor Mike, who I know was really in the leadership of putting this discussion together for us today.

And I'm really grateful, both for your facilitation and your organization of this, so --

(Applause.)
professor western: i thought darren sort of spoke a truth that we've all been struggling today, and it's, you know, one of the largest challenges, and that is, sort of, how do you do justice in a context of larger injustice?

right? i think that often distills the great challenges that police and a whole variety of other criminal justice agencies are confronting. i think -- i was really struck by what deanna said, and for her family, as you described it, your lived experience of the world is being on the outside of a whole structure of institutions and opportunities that's often held up to be what america should be, but for communities of color, that's not the lived reality.

you're on the outside of those structures of opportunity and those institutions, and in that context, i think, police departments and criminal justice system in general has a very complicated role. to what extent are they defending that world to which whole segments of american society are excluded from?

and i think that is kind of the fundamental criminal justice challenge in many ways. is there a different kind of criminal justice role that is a social justice role, that is about building pathways of opportunity, that's about knocking down the barriers that
separate black and brown communities from the mainstream structure of opportunities, all of the opportunity that institutions have to offer?

And you know, I think -- I'm not sure how much we grappled with that -- right -- how our criminal justice institutions could be social justice institutions, rather than defending a world that is unjust at its core. I think the final thing I'll say is, you know, what is the politics of building alternatives?

What does that politics look like? And when I say, alternatives, I mean a world in which social problems are related to racial inequality and poverty, life significantly outside of the criminal justice system? What is the politics of building that alternative world?

And what is the role of the criminal justice system in those politics? And maybe the best we -- the best that we can hope for is the -- you know, our police departments and correctional agencies, and now courts, are not necessarily partners in that process of building alternatives.

They built around a certain set of functions, and which are very difficult to change, and we're not asking them to change necessarily, but perhaps I think as Khalil and Marlon were suggesting, maybe it's best -- you know, they shouldn't stand in the way of that process of
Maybe it is asking too much, you know, for them to be active partners in a politics of building alternatives in which social problems are related to poverty and racial inequality, solved outside of the criminal justice system.

That was a question that occurred to me in the context of this discussion, that I think sort of links fundamentally to the work we did this morning.

MR. TRAVIS: Thank you, Bruce. Again, thank you to all of our colleagues from Oakland for your contributions to this discussion, for your hospitality, and we started with this Nicole, referencing Huey Newton as watching over us, and I think we were hopefully being cognizant of and respectful of and incorporating that history, as we look at that image in this institution.

We hope to be back and certainly in spirit with you as you continue to do this work, and I think I speak on behalf of all of us, if there is any need at any moment for you to reach out to us for some connections that -- or ideas or just let us know how you're doing.

We expect that this is not the last time that we're in touch with you. So again, thanks to Pastor Mike McBride for his inspiration -- well, inspiration and something else. His inspiration --
PASTOR MCBRIDE: More than two lines.

MR. TRAVIS: -- there -- I don't know what they were, but the inspiration is real, and we appreciate what you've done today, because you've really helped move the Square One discussion along. So thank you all.

(Applause.)

(Whereupon, the Roundtable was recessed, to resume on Friday, March 29, 2019.)
THE SQUARE ONE PROJECT

ROUNDTABLE ON THE FUTURE OF JUSTICE POLICY

EXAMINING CRIMINALIZATION, PUNITIVE EXCESS, AND THE COURTS IN THE UNITED STATES

IMPLICATIONS FOR JUSTICE POLICY AND PRACTICE

Newton-Seale Conference Room
Building R
Merritt College
12500 Campus Drive
Oakland, California

Saturday, March 30, 2019
ROUNDTABLE PARTICIPANTS:

LeRonne Armstrong | Deputy Chief of Police, Oakland Police Department

Jennifer Chacón | Professor of Law, University of California, Los Angeles

John Chisholm | District Attorney, Milwaukee County, WI

Margaret Dixon | Department Chair of Legal Administration, Merritt College

Jennifer Eberhardt | Professor of Psychology, Stanford University

Malachi Garza | Director, Community Justice Network for Youth

Eric Gonzalez | District Attorney, Kings County, NY

DeAnna Hoskins | President, JustLeadershipUSA

Marc Levin | Vice President of Criminal Justice, Texas Public Policy Foundation and Right on Crime

Michael McBride | National Director of Urban Strategies, LIVE FREE Campaign

Maria McFarland Sanchez-Moreno | Executive Director, Drug Policy Alliance

Khalil Gibran Muhammad | Professor of History, Race, and Public Policy, Suzanne Young Murray Professor, Harvard University

Alexandra Natapoff | Co-Director, Center in Law, Society and Culture and Professor of Law, University of California, Irvine

Marlon Peterson | Host, Decarcerated Podcast; Founder and Chief Re-Imaginator, The Precedential Group

Vikrant Reddy | Senior Fellow, Charles Koch Institute

Josiah "Jody" Rich | Professor of Medicine and Professor of Epidemiology, Brown University

Katharine Huffman | Executive Director, Square One Project, Justice Lab, Columbia University; Founding Principal, The Raben Group, LLC
Robert Rooks | Vice President, Alliance for Safety and Justice

Greisa Martinez Rosas | Deputy Executive Director, United We Dream

Gabriel Salguero | Founder and President, National Latino Evangelical Coalition (NaLEC)

Jason Seals | Department Chair of Ethnic Studies and Professor of African American Studies, Merritt College

Sirine Shebaya | Acting Legal Director, Muslim Advocates

Jonathan Simon | Faculty Director, Center for the Study of Law and Society and Lance Robbins Professor of Criminal Justice Law, University of California, Berkeley

Darrel Stephens | Owner, Darrel Stephens Group LLC

Nneka Jones Tapia | Inaugural Leader in Residence, Chicago Beyond

Jeremy Travis | Co-Founder, Square One Project; Executive Vice President of Criminal Justice, Arnold Ventures; President Emeritus, John Jay College of Criminal Justice

Elizabeth Trejos-Castillo | C.R. Hutcheson Endowed Associate Professor of Human Development and Family Studies, Texas Tech University

Nicole Gonzalez Van Cleve | Associate Professor of Sociology and Criminal Justice, University of Delaware

Geoff Ward | Associate Professor of African and African American Studies, Washington University, St. Louis

Keith Wattley | Founder and Executive Director, UnCommon Law

Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Bryce Professor of Sociology and Social Justice, Columbia University
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MR. TRAVIS: So good morning, everyone.

Welcome to day three of our time together. It's been quite a rich experience so far. I have very high hopes for today as well. I want to start by offering thanks to Marlon Peterson for a spectacular --

(Applause.)

MR. TRAVIS: -- interview with Lisa Garza last night. You know, she's quite an interesting, formidable, thoughtful person, but what you did, Marlon, was to create a level of intimacy and connection in front of us, which was obviously a public setting that is just -- you have a gift for that, and I've seen it now twice in operation, and it's really quite wonderful. And it adds richness to our thinking here today to think about what the leaders are thinking about and what they're wrestling with, as we're going our work, as obviously, we hope that they're all related.

So thank you for bringing that into our discussion. I'm very grateful for that. I want to say to the observers who are here, we're going to go right into our session, and when we come back after our break, we'll take time for any observer questions, so please keep those in mind as we go forward, things that you're thinking about that we're missing, that you want to make sure we
pay attention to, before we end our time together.

And if you pull out your agenda, I'll just go over the roadmap for the rest of our time together with you, so you'll see where we're headed, and in essence, what the logic is of this third day of the Roundtable. We're going to start this session with a period of reflections and I've asked three of you to kick that off.

The assignment that I've given to Eric and to Jennifer and to Nneka is to share with us two, three, four insights from our time together that are either doubling down on things that you came with, that you thought -- think have been reinforced.

I want to make sure that you say them to us, or new ones that are making you think a little bit differently about your work, and that will start the conversation. That's -- we're not going to hear, I hope, from just three people.

And -- but we'll open it up for a while for people to just bring into the room, as we're reflecting on where we've been, some of the insights, realizations, lessons, things that just hit you over the head or you've gone deeper on.

So that's the purpose of this segment in our time together, which we'll do for 20 minutes or so. Then Jennifer Eberhardt joins us, and if you know her, know her
work, realize that it's quite a privilege for us to be joined by Jennifer Eberhardt, and she will -- she's produced a paper.

She reproduced a paper she'd already published, but for our reading on the issues of racial stereotyping, very important, very -- actually somewhat disorienting paper, I found. Sort of, how do you talk about race in this work in ways that's instrumentally valuable, so that we don't end up with people sort of closing out and closing off the discussion?

Then we'll take a break. We'll come back in and ask the observers if they have questions. And then we switch gears big-time to Jonathan Simon's paper on human dignity, which will be a way of -- this was intentional. Of course, it's all intentional.

What we hope for and it is already happening, and it's not just because of Jonathan's presence, but that this question would be a theme for the Roundtable, which is how do we think about the individuals who are at the center of the enterprise here in ways that are sometimes harmful, ways that sometimes are appropriate, but to bring the humanity into our discussions and to elevate human dignity as an affirmative value. And Jonathan has admitted, both in person here and in his writing, that maybe he was a bit too optimistic, and I shared in that.
I was a fan of the human dignity jurisprudence when it was championed by Justice Kennedy, and I think that has come to an end, but it's an interesting way to think about, not just a legal question or a Constitutional question, but also an affirmative value statement about the way the -- we should respond to crime and how to limit excessive punishment and criminalization.

And as we were reminded in Nicole's paper yesterday, of the people who come through the court system, are arrested and processed and too often in prison and too often for a long time. So we want to end with that discussion.

The Oakland Roundtable had a similar sort of ending that I just want to call into our discussion -- I'm sorry -- not Oakland -- Durham, which was a paper and presentation by Susan Glisson who does work on racial reconciliation in the South.

And it was -- it served that purpose. And I think Jonathan's discussion will serve that purpose, a similar purpose, of elevating our thinking by -- we don't want to be Pollyanna-ish about this -- hardly. But just to think -- is a framing of these big discussions that can perhaps advance our thinking and advance the work that we're doing.

We'll end at 1:00 p.m., ask Bruce to lead us in
a closing discussion, and this is my favorite part of the
day -- my notes, maybe yours, doesn't say this -- is box
lunches will be provided at 1:30, so that we -- there is a
reward for this work.

I just want you to know, box lunches will be --
okay. Can you just hold out till 1:30? I don't know
what's in the box lunch, but the fact that it's being done
for us is a testament to the work that you've done. So
that's what we plan to do for the rest of the day.

We are very fortunate -- and I'm going to ask
Pastor Mike just to get us started with the reflections.
I didn't know that you would be here in time, but you were
on my list. We're very fortunate to have added to our
discussion yesterday, the "Justice in Oakland" sort of
segment.

But it wasn't -- the risk, of course, is that
when you do that, it feels disconnected. Just the
opposite happened. It felt deeply connected to the
discussion that we've been having both in Durham and here,
and I know that you've been in touch with your colleagues
since, but just get us started with some reflections on
how that discussion was perceived by our colleagues who
were here from Oakland, and your thoughts about how it
connects to the larger themes that we've been developing
here. Mike?
PASTOR MCBRIDE: Well, yes, I'll start off by certainly saying that I do believe our comrades and colleagues that were here -- generally, some of them felt surprise to be invited into this space, and I'm talking about, like, you know, Brendon who is the public defender said that he never imagined he would be invited into a space like this.

David Muhammad, some of the other, kind of, advocates, I think, may be a little bit more familiar with this space. Our formerly incarcerated level on that, I listed up at the end. He was quite surprised that he was welcomed to attend, even though he didn't register.

He just kind of stumbled in. And then, of course, it always surprises me how much law enforcement expects to be in these spaces. Right? And so as someone who had a little bit of regret that Cat Brooks or some of our comrades who bring the Oakland fire -- me and LeRonne were joking about this earlier before it started, just about how some of these dynamics are an important tug and pull.

We ought to really make sure these conversations keep one another honest, and perhaps even stretch each other's imagination. I will say, there still seems to be a gap between those who believe they belong at this table, however this table is constructed, all across
the country, that this table of reform or reimagining justice is still very much perceived as an elitist space and that if you are invited into this space, you are privileged to be here, even though every day, you could be waking up, kind of, you know, trying to shift the reality of criminal justice or policing or et cetera.

And so I do hope that, you know, our work can continue to -- as we're talking about reimagining justice, even reimagining the way these conversations play out across the country in both their kind of grandiosity of, you know -- as Professor Taylor said, the United Nations kind of setup.

Right? But even, you know, the way it just happens in the neighborhood, you know, and in cities and in districts across the country. I also think that there is always a great opportunity for our conversations and those who participate in them to, you know -- how can they force us to leave transformed, change, or at least leaning further in and not, kind of, leaning out.

And I think, you know, talking with some our colleagues, I think it was successful in the sense that many of them felt like they were leaning in on their way out the door, that it wasn't something that felt particularly off-putting to them, which here, I think, in Oakland and in many places we organize across the country,
it's not always a given that that happens.

I think the final thing I would like to say, you know -- it would be interesting to keep imagining how do we find those most illuminating or, kind of, catalyzing inquiries that come out of these conversations and keep bringing and elevating them as we go around.

And so I think towards the end we certainly ended on, one right about you know, what do you hear when you hear, abolition? Or what do you hear when we are arguing that you are not -- that your profession -- we're trying to get to a place where your profession is no longer needed?

And while, you know, the assistant chief's response, I think, to me, you know, in my kind of ears felt like he perhaps maybe didn't fully hear, understand, the depth of that question, or at least his response, you know, was a little lacking in my mind.

I think it is exactly those kind of insights that we could be curating from these sessions. So we don't start from scratch as we go from city to city. Right? You know, one of my biggest learnings, you know, organizing in at least a couple dozen cities across the country, everybody thinks their city is very different, and in some respects, it is, but then the deeper you drill down to the core of the matter, a lot of it feels the same
way.

It has the violence within our community members, the interactions with the systems, et cetera. And so I think there could be lots of amazing opportunities to find those similarities and use the uniqueness of the regions or the cities to help tease out more learning and more wisdom back and keep catalyzing our work.

MR. TRAVIS: I said at the end of the session in a little sidebar with David, I mean, it really is, just looking at it as a local history, what's going on in Oakland has quite a remarkable narrative attached to it, in terms of the decline in arrests and the decline in detention rates, and the sort of political mobilization. And David has offered to work with us to sort of write up that story, as a Square One document that we would then elevate and share. And it's given us this idea of -- that I was talking to Katharine about this morning, about how to do that retrospectively in Durham, which was equally interesting in different ways.

But moving forward to Detroit and whatever are the fourth and fifth cities, I'd like to find ways to keep that part of our, you know, national discussion -- is what's happening on the ground. So please let them know that we appreciate their devotion to our enterprise here
in the work that they're doing, and Chief Armstrong, also
if you would pass that along to the -- to your colleagues
as well, I'd be grateful for that.

So we're going to turn next to Nneka, and then
Eric, and then Jennifer, but before Nneka takes the mic,
who can start the song, "Happy Birthday," because today is
your birthday, I'm told. Right? Happy birthday to you.

(Song is sung. Applause.)

PASTOR MCBRIDE: That's how we do it in
Oakland, of course. Leave that cornball stuff elsewhere.

MS. TAPIA: I hope so. You know, I couldn't
think of truly a more special way to spend my birthday, so
thank you. Thank you very much for that. I was just
thinking for a few minutes here about my reflective
experience, which is our whole Square One time together
has truly been reflective for me.

And so I wrote down throughout our time
together a few quotes that people said, loose quote, so
please don't call me out if I misrepresent what someone
said. But I just wanted to bring those into the room, and
just talk about what they meant to me.

So the first quote that I wrote was: "bearing
witness and truth-telling." And I thought about what
prohibits us from truly bearing witness and telling our
truths. The second quote I wrote was: "We have momentum,
but there are real threats before us."

And I thought about how those threats impact us in a real way. And then the third quote that I wrote down was this idea of dual reality, and the fact that we have progressive leadership, but deeply unacknowledged things that we don't talk about.

And I thought, why aren't we talking about them? What stops us from talking about them? And the one culminating factor for me was fear. And fear being defined by this emotion that we believe is caused by, you know, the thought of someone inflicting pain on us or someone being a threat to us.

And I realize that we, and I specifically as a black woman, in this country have lived with that threat and that pain. I still live with that threat and that pain that has been caused specifically by the criminal justice system.

And I thought if we continue to live in fear of that pain, yet we're still living in it, then we're not going to move this conversation further. So for me, it's more about no longer allowing that fear to silence me, and no longer allowing that fear to silence the voices of the people that we know are most impacted by the criminal justice system, and that's our young, black boys and girls.
And so it's a challenge for me, but it's also affirming, that we have real work to do and that's in our communities, and we shouldn't be apologetic about that. I should not be apologetic as a black woman focused on the uplifting of the black community, and I will no longer have a fear to talk about the impact of this criminal justice system on the black community, and how I plan to challenge that every day.

MR. TRAVIS: Next, to Eric Gonzalez for his reflections on our time together.

MR. GONZALEZ: Good morning, all. So interestingly enough, I sometimes forget that I'm law enforcement. It's not the way I perceive. When I look in the mirror, it's not what I see of myself. I don't fancy myself a crime-fighter.

I fancy myself in the business of, you know, justice and fairness. But I understand that I have unique responsibilities here, because of the power that, you know, my office has in the criminal justice system, that my role here is different than many of the other participants who are critical thinkers and thinking about reimagining, you know, the system, that I can actually do things directly that come out of the conversations, and that, you know, as a prosecutor of a very large district attorney's office, I have, you know, an enormous and far-
reaching impact on the lives of people who have been
accused of crime and are not communities that, on the
whole -- and I've been struggling as the elected DA now
for about 15 months on how I change my office's culture so
that we as, you know, district attorneys are always
thinking about non-jail resolutions, but also thinking
about non-criminal convictions.

And like, in actually imagining the
cornerstone of conversation that started to happen over the last few days
about could we actually reduce our footprint? Could we
not actually be involved in as many cases? Could we
actually return power to the community and say, this has
no business in front of me as the DA or the court system?

And how do you -- I think it's been, you know,
spoken many, many times that the ability to do that is
all-important, but we can't just limit that to the sort of
dichotomy of worthy and unworthy defendants, or you know,
immigrants.

For me, you know, I've been battling -- I think
the New York Post took a shot at me yesterday, with
lumping, you know, Kim Foxx and Marilyn Mosby and whoever
else, myself, or Larry Krasner, because we are endangering
communities by not dropping the hammer on people who are,
you know, convinced that the only way to fight violent
crime is by incarceration, and I reject that as a premise,
that the only way for my office to be effective in restoring communities and making them safer is by warehousing people.

And how do I change a culture of a 1,200-person office where, you know, they've largely been told that for the last 25 years, you know, that that's their job, putting dangerous people away. So you know, I look forward to this conversation to, you know, remind me of the obligations I have.

And Nicole's work, you know, really struck me. During the time I was a DA, assistant DA, the things that I ignored that bothered me, that you know, maybe I didn't speak up enough or do enough. So how do I work with, you know -- partner with the community and community-based organizations and service providers to expand our -- you know, our options in the community justice system so that, you know, it really is not about incarceration or about convictions.

It's about getting people the help they need to be successful. And if we do that, if we reinvest the money from justice systems, but put it back into community-based options, could we imagine a system where a lot less people would need to be behind cages?

And so I am committed to doing a lot of the things that come out of this, you know, and especially
focusing my efforts on punitive excess, because we warehouse people far too often on too many types of cases. I was talking to Jeremy, and we're going to be announcing, probably next week, a couple things that I'm going to be doing on the back end of cases, which is a complete reexamination of my relationship with our parole system and probation systems, that we're going to work to help promote to get out at the earliest time, when they've done their time, and their earliest -- and not allow our parole system just to keep saying, no.

We are going to make sure that we're asking for the minimum on most cases for post-release supervision and not put people, you know -- not on probation when they don't need to be on probation. Don't put them on supervision because it sounds like you did something.

And actually what you did was entangled people's lives. So this is important. You know, I'm grateful for the invitation to be here, because this gives me sort of the reminder and to the other work, you know, sort of work on critical race theory.

It reminds me why this system is -- you know, we can't separate the history of slavery and racism from the structural system that we have, and if you're going to have, you know, a person of color in a position of authority in our justice system, we have to have the
courage to speak out against the system that we know is unfair and is not working.

So I am very grateful to all of you for allowing me to hear from you and just to know that I'm going to try and do my best to change one of -- you know, listen. It's Brooklyn. It's a large place. It's -- but I think if we can do -- make these changes in Brooklyn, it's going to be very hard for, you know, my colleagues in the city and elsewhere to say it can't be done.

So thank you.

(Applause.)

PASTOR MCBRIDE:  If there is any way we can be supportive, you know, particularly, you know, Brooklyn is the largest city with -- populated with black folks in the country, I think, still. And so of course, a reform like this would impact many, many, many folks who certainly look like me and many of us sitting around the table.

So just in the spirit of what sister Nneka said, you know, we have all kind of organizers, radicals and middle-of-the-road and milquetoast organizers -- right -- and so if there is anything we can do to support you as you roll this out next week, I think you could have quite a political coalition of people that will stand with you to provide you the cover you need, if you need it.

But I think people would love to celebrate that
as a community victory, the courage you're showing. And I think I would say that all across the country, if people are willing to take steps coming out of Square One meetings, it may be strategically important for us to allow the organizers, the ordinary, everyday people, if you will, who've been working on these reforms to be present, to help make sure these victories are seen as an extension of the power of the organizing of the people, as well as the courageous leadership of our elected officials.

So I just wanted to offer that to you, and certainly will do what I can to follow up with you offline.

MR. GONZALEZ: Thank you. Thank you. And I think it's a great idea to do it in that way. I was, I think, going to just to release it to -- like, as a press release, but maybe doing something more significant is something I should think about.

MR. TRAVIS: Anyone else? I mean, I think this was just a remarkable moment, and I'm sitting here saying, if I read this transcript and said, that's a DA speaking, I would say, no, there's something wrong with the identification.

Right? And as a Brooklynite, I'm just so happy to have this story being told. But before we turn to one
more reflection, I think this was so profound to have this commitment in this discussion about how to roll back punitive excess, to have this discussion about what can people -- and you raised this also -- what can people in positions of power do, particularly people of color, how difficult -- as Nneka was saying, how difficult that is.

And is our democracy up to the task here to actually help us find out way home, our way out of where we are? And Eric's election, this wonderful experience, there was New Yorkers who -- every candidate trying to out-progressive the other.

It was sort of an interesting moment in our five counties -- not all five. Though -- and Eric, I think, is -- I'll say this on his behalf. I think he's probably too modest, but I think he is poised to be a national voice for this issue.

So I'd just invite other comments like Pastor Mike's. Any observation or suggestions? I'm sorry. Yes, DeAnna. Yeah.

MS. HOSKINS: I just want to follow up and thank Eric, because as from just leadership, our goal is to decarcerate, but part of that decarceration is shrinking and reducing the capacity of the state's ability to even incarcerate.

But as Eric knows, when we did the less-is-
more, we stood together to announce that an initiative to
reduce the end-footprint of probation and parole, and we
are more than willing to continue to stand with DAs who
are making corrective actions, such as you're looking
forward to, because a lot of times, people will refer
to -- it needs to be a state policy, but you're
demonstrating your ability and your power to change it
immediately in your office, and that's what we have to
continue to do, and provide support.

So as you know, I hope you don't just do a
press release. I would like for you to do something
public, where directly-impacted people in New York,
especially JustLeadership, can stand with you as you make
this announcement.

MR. GONZALEZ: So absolutely, and we're going
to speak afterwards. All right.

MR. TRAVIS: Nicole, yeah.

PROFESSOR GONZALEZ VAN CLEVE: You know, I'm
not an attorney, but I always think about what the tasks
of prosecutors are. Right? That -- to see that justice
shall be done and -- right -- and as prosecutors, you have
the broadest discretion to that.

And so if we define justice as punitive, then
it seems like you should be overcharging people and doing
all the -- but you could also interpret it as what you're
doing, which is to reduce this excess. And I think some
basic education about that to the American public, because
they've only seen justice as punishment.

I have -- in all my interviews with former
defendants, they one time said to me, don't tell these
stories about what's happening here, because they'll just
come down on us with harder justice. And I was, like, is
that wrong?

I thought the transcript was wrong. I went
back and I realized, the people in the system that have
been processed through the system saw justice as
inextricable from punishment. They couldn't tell the
difference.

But what you are thinking to moving towards is
something much more expressive about justice having a
sense of redemption, having a sense of balance, and that
is well within prosecutorial discretion, and it starts
local, and it can have a cascading effect.

And so I think your bravery can set the tone.
Right? And that maybe an op-ed explaining to your voters
and your jurisdiction -- let me tell you what I was
elected to do, and let me tell you what the law and the
Supreme Court empowers me to do.

And all of that is rule of law. To me, it's
compatible. So --
MR. TRAVIS: [inaudible].

PROFESSOR GONZALEZ VAN CLEVE: [inaudible] just a suggestion, because it would helpful to us in our efforts to support and amplify your work if Square One could disseminate whatever it is that you do so that those of us who do write op-eds, who do write on this, so of course, you could write an op-ed, but sometimes it's better if other people write it on your behalf.

So if Square One could be helpful in letting us know when those things were happening, then we can do what we do.

MR. TRAVIS: Maria?

MS. MCFARLAND: I also just want to [inaudible] say that, you know, it should depend on what you think is useful for the initiative, but that -- Nneka yesterday made kind of plea for social justice organizations to support people in law enforcement who are trying to make change happen.

And I think that, to the extent that we can collaborate and that you are making real progress and it's not just promises and all that, you know, we want to be there for you. So --

MR. TRAVIS: Dr. Rich?

PROFESSOR RICH: Just a quick -- you know, I think one of the major concerns is that you're going to
have a Willie Horton moment, that somebody who you're
going to let out early -- or you're going to be so-called
soft on crime -- is going to do something horrible, that
the Post and everyone else is going to jump on.

And I think the way to deal with that is to be
very up-front, and not, you know -- and just say, this is
why we're behaving this way. This is -- and it's a trade-
off. But I think, you know, to the extent that you can
get out ahead of that before it happens, and also tell
other -- you know, because all the other DAs around the
country are looking at you thinking, you know, should I
try that strategy?

And it might be a good strategy. And when you
go down in flames, they're going to say, I'm not doing
that anymore. So to the extent that you can kind of get
ahead of that, and have them be your audience. Like,
okay.

This is how you educate your public about what
the realities of the system are. I don't --

MR. TRAVIS: [inaudible]. Oh, Khalil. I'm
sorry.

PROFESSOR MUHAMMAD: [inaudible]. I think many
of us are processing Jody's remarks, sort of like a record
just scratched and flew over his -- across the wall. But
there's a realness to that, and I guess I just want to
lift up the moment of haunting that just happened with Geoff's work.

That's a way in which both -- you know, as those of us concerned about reform and wanting to support Eric, are both haunted by these facts, as well as the New York Post, you know, is already in the conversation. I just want to -- Eric, I don't think you've been to Germany.

Right? Yeah. So some of us have, and others have experienced other kinds of international comparisons, and just a simple point, and that is that the fact that someone may fail in a way or commit harm again is not a testament to you having achieved justice in that moment, but a testament to the fact that the resources of our correction systems are not equipped to work with people such that we minimize harm.

So if the state can't take any credit or responsibility for actually -- helped a person to exorcize their demons, to heal, to deal with their own traumas, to recognize the humanity of others in a productive way, that's a story that you need to be talking about, because that's not your fault.

That is very much a part of the system that we're trying to dismantle, and that's the German story of individualized treatment, which makes it possible for
people who have killed others to be released within two
and a half years, because they've been the subject of
intense healing of one kind or another.

So I just want to -- I know that you don't have
that in your wheelhouse right now to think through, since
we've been haunted by Willie, but there are others around
this table that can help you think through that. Yeah.

MR. GONZALEZ: Thank you.

MR. TRAVIS: Great. Yes. I've asked if we
could spend one more minute on things that Eric has done.
Coming back from the event night before last, we were
talking about his first foray into this way of thinking in
an individual case that was already made public.

So if you could just spend a moment, I think it
shows another dimension of this work.

MR. GONZALEZ: So a lot of New York State is
not as progressive as people would imagine, and a lot of
the laws that allow us to correct, you know, old harms.
And you can use that as an excuse, I guess to not get
certain things done.

And I've been trying to work around that by
creative legal thinking with, you know, the team that I've
assembled. So we started to, you know, vacate old
marijuana convictions, because of the harm that it's
causing, even though there's no way legally, and you know,
we don't have a legal structure in New York State to allow me to vacate convictions, and you can't do it under the 440 statute, because there's no good cause exception.

So we came up with a legal fiction that we were able to convince our judges to accept, in doing that work. Likewise, as it relates to excessive sentencing, which is part of -- I didn't announce the whole thing that I'm working on -- but when we announce what we're going to do, we're going to be taking a look at excessive sentences, and trying to make arguments that those sentences no longer make sense in light of where the person is and their history and then their rehabilitation, in light of the fact that this district attorney's office would never ask for someone to be incarcerated for 90 years or 80 years or 50 years on these types of cases, and try to figure out how we're going to do some of that work.

So there was a woman who was involved in a very nasty double homicide when she was 17 years old. I learned about her situation. She was in year 36 or 37 of her incarceration, and she still had -- she was sentenced to 50 years to life for her role, you know.

She was charged with felony murder. I made a commitment to some people that I know that I would visit her in her correctional facility, and I did so. After meeting her, she was 56 or 57 now. She's been, you
know -- she's been inside since she was 17, and she's done everything under the sun, everything imaginable to make amends for what -- her involvement in this very, you know, difficult case.

It was a difficult double homicide of two elderly people. And everyone said I was crazy for getting involved in that case because the optics of that case where there two senior citizens murdered and she had a role to play in that.

But nonetheless, you know, I continued to talk to her, explore her journey, and I decided to call in the family members of the deceased, and have conversations with them about whether or not they could live with me trying to help this woman get out of jail.

And we had conversations, and the answer was actually, no, that they thought she should stay in jail. But I explained that I thought, you know, if -- I believe in rehabilitation. I believe that this woman should not die in prison for something she did at 17.

She has medical issues, lupus and other things, and what would you do if I, you know, took action? And ultimately, after meeting with the family on several different occasions, they said, we're going to be in opposition, but we understand your position.

We understand your role, what you believe
justice requires you to do, and so we're going to say no, but I guess you know, they were saying, you know, we also understand that you're our DA, and you have to do what you believe is just.

And so with that being said, I started the process of working with her lawyer to get her back into the courthouse, because she was not eligible for parole until 50 years, and we were able to get her re-sentenced to -- from 50 years to, you know, 25 years consecutive on each homicide, to a concurrent sentence of 25 years, which made her immediately eligible for parole.

And then I wrote a letter to parole, a public letter to parole, that laid out all of the -- my thinking on what the parole board should be thinking about, not just this case, but on every case, and not that it should be only the nature of the crime, but what -- where the person is in their journey, and parole released her on her first parole date.

So she was the longest-serving female prisoner in New York State, and that has motivated me to do more of this work. So it's difficult because there is no -- you know, you need the right judge who's willing to partner with you, because there's no per se legal mechanism for us to look at these old sentences.

But here's a woman that I honestly believe
would not have gotten out, even on her 50th anniversary in prison, because parole would have still looked at the underlying facts of the case and the family would say no. And I just think that, you know, us as district attorneys have the ability to do this.

And so this is not to be, like, a one-off story. What we've now done is, we've partnered with some organizations inside the jail to bring cases to the attention of my office so that we can start the process of meeting -- you know, these are mostly men.

I went to a correctional facility upstate, and I met 90 men who were looking for -- to be eligible for parole in the next year or so, and starting to have the process with communications with ADAs in my office and us to start to partner with them about getting services. And making sure that they're ready to be released and then we're going to be -- not for all of them, because not all of them are going to think -- but we're going to be much more active in trying to help get them released and then work with them on our reentry side to make them successful.

So that's part of the rollout of this program. But when I went -- I've been to three prisons now. I'm going to one, actually, on Monday morning. When I went there, I was -- on two of the prisons I went to, I was
told I was the first DA that's visited the prison in 25 years, not for, like, a tour, but just actually to sit down and talk to, you know, inmates.

And that was shocking to me. I mean, there's 62 DAs in New York State, and to be told I was the first one that visited this max correctional facility in the last 25 years just to me spoke a lot to that these people are forgotten and that we're not thinking about our own citizens and people who belong to our community.

MR. TRAVIS: Yeah. One more round of applause.

(Applause.)

MR. TRAVIS: Truly inspirational and in some ways so obvious. The standard practice in New York has been for DA offices to write standard form letters to parole board saying that, no matter who it is, no matter how long, no matter how good they -- how much they've proceeded, standard objection to release on the first date of eligibility as a form letter.

Notice how different this is. Jennifer, your thoughts over our two days together?

PROFESSOR CHACÓN: Yeah. So you might think, based on the cogency of the prior remarks that we had a lot of time to prepare this, but actually, it was, like, minutes before that we were told we were going to be offering these reflections.
So I just had a few things that I wanted to say, and one has sort of emerged out of the recent discussion, and that is -- I think I wanted to sort of remind us and center the numbness that I think people have when they don't have experience with the carceral state to punitive excess.

So I think here of my students, many of whom are relatively privileged, suburban kids, who now are young adults, who will read a case, and where the sentence is 10 or 15 years, and say, that's it? You know, 10 or -- and that reaction, you know, that wasn't enough time, 10 or 15 years -- this is a serious crime -- I think is pretty standard reaction, because that is all they know.

That is all they have seen. That is their experience their whole life of, sort of, life sentences being quite common, of the commonality of extraordinarily long sentences for extraordinarily low-level conduct. And I think we need to sort of be cognizant and mindful of that as we're having this conversation.

So that is the backdrop that, you know, the 10 or 15 years as liberty deprivation can be seen as not enough, and that we need to sort of reorient those conversations, and that was why Khalil's point about Germany -- the two and a half years for somebody who commits murder -- yes.
Right? Those things are possible if you are in -- if you're working spaces where the focus is on rehabilitation on getting someone reintegrated. That's not what we do, but I think it's important that we sort of remind ourselves that that maybe is what we need to be doing, and that that conversation is just so far from what most people have as their sort of normative background expectation.

The second point I wanted to make -- I guess we -- Nneka was talking about bearing witness and truth-telling. She pulled that quote, of bearing witness and truth-telling, and I thought about, sort of, two -- the two different aspects of that.

So the first was bearing witness, and I wanted to raise up again a comment that Sasha made much earlier in the conversation about data transparency. And it's something that we haven't talked a lot about, but I was reminded of it when the representatives from the Oakland Police Department were here yesterday.

I think that is a department that is relatively speaking more than transparent than a lot of others, more accessible to researchers, more willing to partner, but that is uncommon, and it's also still relatively closed, and you can get that sense, because there's a strong organizational structure that's protective of its space.
And I think there is a great disconnect between the fact that prosecutors' offices, police departments, prisons, and jails are democratically, ideally, and theoretically democratically-run institutions. They are state institutions, and yet we have so little information about what happens inside prison spaces, about what happens inside police departments, about how prosecutorial discretion is exercised, and there needs to be more conversation about how we open those spaces up.

And it's even worse on the immigration side. Getting information about what happens within Immigrations and Custom Enforcement or CBP or immigration detention centers, is virtually impossible in many cases, so that these are places where we theoretically are exercising democratic control, and yet there's no way to exercise true democratic control, if you don't know what's happening in those spaces.

So again, as we're thinking about square one, part of square one is also knowing what it's -- what we're dealing with now, and maybe advocating for greater scholarly access to these spaces, and just public access to these spaces, and greater ability for people who are in these spaces, including people in prisons and detention centers, to be able to communicate with the outside world, that the degree to which they are shut off from the rest
of us -- is part of what helps to explain why they are forgotten.

They're forgotten because we have made it incredibly difficult -- and this is some of Heather Ann Thompson's work -- to have these conversations, and I think that, sort of, thinking about having more public contact with these spaces so that there can be democratic accountability in these spaces, is an important part of the conversation that we want to remember.

And that's on the bearing witness side. And then on the truth-telling side, here I was really struck by something that happened last night, and it was after the conversation that Marlon so skillfully moderated for us.

There was a Q and A period, and there were two questions that I want to bring together because I just -- for me, it was sort of a revelatory moment, and there was a woman -- I think she said her name was Rhea. She's a pediatrician.

She talked about the fact that when we have criminal justice reform conversations, a lot of the conversation is about how things need to be shifted outside of the criminal justice system to counselors, to social workers, to medical professionals, because that is where the true work needs to be done.
And I think a lot of the conversations that we've had over the last two days have been those conversations. And what she pointed out as a pediatrician was how deeply problematic and flawed those institutions are, social workers, counselors, people who provide medical care, that they are not necessarily numerous enough or well-trained enough to deal with some of these issues that we've been talking about here.

And so I was thinking about that, and I wanted to unite that with a comment from one of the other people who participated in the Q and A, who was talking about -- when do you get to be your authentic self? And as part of it, he noted in this kind of work in an office space, of the reality of colonialism.

He said, colonialism is real. And I wanted to just bring that conversation together with a point that Rhea was making, to note that all of our institutions are problematic. They have relied on -- professional institutions are problematic.

They've relied on these problematic notions of merit, of neutrality and of professionalism that have allowed for many people to retain their authentic selves as they've worked their way through those systems. This is also true for the academy.

And I talked a little bit about this yesterday.
But there's a colonialism that's real that affects the professionals that we expect to deal with, or to even define what criminal justice is, and who should be in and out of the criminal justice system and how they're dealt with in other institutions.

And all of those institutions are tainted by the same problems of racism that we have been talking about for the last two days. And so as we're thinking about sort of offshoring or sidelining or shifting, we need to think about the fact that the problems that permeate the criminal enforcement system are also real problems across professional systems, and we need to be thinking about that bigger picture.

And I think that's true also, and this sort of goes back to something that Michael McBride was talking about at the beginning of the conversation today about who feels comfortable in criminal justice reform conversations?

It's more comfortable to have the conversation with someone who speaks in a register that is comfortable for others to hear, but that means that you're not necessarily hearing the insights from people are most directly affected, and you're not necessarily hearing the insights from people who are doing the day-to-day work on the ground.
And so as we think about reform conversations, as we think about the realities of colonialism in our professionalization, it's important to think about whose voices get heard in these spaces, because that will be critical to structuring something that's actually responsive to the problems that we're talking about.

MR. TRAVIS: And you just got that assignment, like, 10 minutes ago -- right -- and did all that? My goodness. Thank you so much for those contributions.

So with those opening insights, very powerful, very much on point, and have brought, I think, a lot of our discussions from the previous days, and our discussions and experiences at night in the evening events into today, with that table setting, we want to welcome Dr. Taylor back to our table.

We enjoyed and benefitted from -- and I said to you afterwards, I thought I had you pegged, you know. Sort of professorial type, bow tie, and the horn-rimmed glasses. Right? I thought I knew this guy and then -- and he very beautifully answered the pastor's question.

And then at some point, he said, I'm done with you. Now, I'm going to use my other voice. Right?

MALE VOICE: [inaudible]. It's all good.

MR. TRAVIS: Something happened, Professor Taylor, that was quite a transformation. Welcome back.
It's good to have you here. We consider you a member of the Roundtable family forever, so I'm glad that you're making time in your weekend to be with us, and we have a special treat.

Welcome, Jennifer Eberhardt, joining us here today. It's good to see you, and we've already given you a little book plug here.

PROFESSOR EBERHARDT: Oh, you did?

MR. TRAVIS: Yeah, just to sort of let people know that there's something very important that you are doing, in addition to being with us here today. And it's just, you know -- our paths have crossed before. It's always a treat to have you at any table, and we're glad that you're here.

So you know the drill here. We're going to ask you to share some of the thoughts. You shared a paper with us that -- from that paper, or your research generally, that relate to this question of punitive excess, criminalization, and the role of the courts in the operations of this system of justice and injustice, knowing that running through all of this is our history, the history of racism and the legacy of slavery, and the dominance of the ideal of white superiority, seen through that -- through the lens of our national history.

So just get us started and after -- this is not
a -- I'll ask -- I'll provide an opportunity for people to ask clarifying questions after you have your opening framing. And then we'll talk about it. And then I'll come back to you.

And then at the end of that, Bruce will offer some insights, or a summary of the discussion. So that's our drill. Delighted to have you here. And the floor is yours.

PROFESSOR EBERHARDT: Oh, is it -- it comes on automatically?

MR. TRAVIS: Just as soon as you say something, it's supposed to go on.

PROFESSOR EBERHARDT: Oh, wow. Technology.

MR. TRAVIS: [inaudible] yeah, technology.

PROFESSOR EBERHARDT: But I just want to thank you for welcoming me here today, and I apologize for not being able to be here earlier. I had a book release on Tuesday, and I gave my schedule over completely to my publisher.

So I'm glad they released me last night, so I'm here with you. And I thought I would start with a story that kind of frames, you know, the work on the paper that you all looked at for today. And this is a story about my son, who was five years old at the time.

And we were on an airplane. We were sort of
coming back from -- actually, from Cambridge, Massachusetts. My husband is a law professor at Stanford, but he was teaching for a little bit, for just a few weeks at Harvard Law School.

And so my son and I went out there with him for a little bit, and we were coming back, you know, on our own on the plane, and he's, like, looking around on the plane. He's, you know, five, so he's wide-eyed and excited, you know, about it all.

And he sees this guy, and he says, hey, that guy looks like daddy. And I look at the guy, and he doesn't look anything at all like daddy, I mean, nothing at all. And I started looking around on the plane -- right -- and I noticed this guy was the only black guy on the plane.

Okay? So now I'm thinking I'm going to have a talk with my five-year-old about how not all black people look alike. So okay. So I'm trying to figure -- okay -- how do I get the language right -- right -- for a five-year-old?

And so before I had the conversation, I thought, you know, children see things differently from adults. You know, they haven't been socialized, and sort of, conditioned to see, you know, people in one way. And I thought, well, maybe he's picking up some resemblance
there, you know, with my husband that I've been kind of
trained away from or something, that I can't see.

And so I thought, well, you know, I'm going to
give it a shot before I talk to him. So I look at the
guy, and I look at his height, and you know, he was about
four inches shorter than my husband. And I look at his
weight.

There was nothing there. I look at his facial
features, nothing. I look at his skin color, nothing. I
look at his hair, and he has these long dreadlocks flowing
down his back, and my husband's bald. And I said, okay.
Right?

You're going to get the talk. Right? So I'm
all ready to give him the talk. But before I could say
anything, he looks up at me and he says, I hope he doesn't
rob the plane. And I said, what? What did you say? And
he said it again.

He says, well, I hope he doesn't rob the plane.
And I said, well, you know Daddy wouldn't rob a plane.
And he said, yeah, yeah, I know. And I said, well, why
would you say that? And he looked at me with this really
sad face, and he said, I don't know why I said that.

I don't know why I was thinking that. So we're
living with such severe racial stratification that even a
five-year-old can tell us what's supposed to happen next.
And so I want to talk to you today about sort of what role mass incarceration plays in creating this narrative about black criminality, a narrative that's so strong that it can seep into the mind of a child and into all of us.

My son lives here in California. He lives in a state where 6 percent of the population is black, but at least 25 percent of the prison population is black, and until a few years ago, California also had the most punitive three-strikes policy in the country.

California's three-strikes policy mandated 25 years to life for -- in prison for anyone convicted of a third felony. And so under the law, even a third offense of stealing a dollar in loose change from a parked car could get you a three-strikes sentence.

In 2012, there were 8,000 people serving life sentences under three-strikes in California, and a full 45 percent of them were African-American. So I want to talk to you about a study that I conducted with Rebecca Hetey who was a former graduate student of mine.

And we were interested in the extent to which these extreme racial disparities could influence our support for punitive criminal justice policies. And so for this particular study, we went to a train station in Santa Clara County.

And we collected data on people's support for
three-strikes at the time. So we approached train riders, and we told them that we were conducting a study. We were interested at looking at, sort of, various social issues facing the state, and we wanted to get people's opinion about those issues.

And so it just so happened the issue we wanted them to consider was criminal justice and the prison system in California. And so using iPads, we showed them the images of people who were incarcerated, and we rigged it so that half of the study participants saw a set of images where about 25 percent of the inmates depicted were African-American, and the other half, the remaining half, saw a set of images where about 45 percent of the images depicted were African-American.

So this was trying to mimic the actual disparities that are in the system. And so we then informed participants that an effort had begun in the state to amend the three-strikes law, so that the third strike or the third crime a person committed would have to be a violent crime in order for the three-strikes law to take effect.

And then at the very end of the study, we told them that we had petitions to -- you know, to -- that were created to have this amendment put on the ballot for November 2012, and we gave them petition, and we said,
hey, you can read this and you can sign it, if you want.

And that signing was our main measure. That was the thing we were interested in, whether these disparities would affect whether they would sign this petition to have the three-strikes law softened. So we found that for those were exposed to the prison population that was less black, just 25 percent black, about half of them signed the petition, but those who were exposed to the prison population that was nearly, you know, 50 percent black, those people were less inclined to sign that petition.

So only 25 percent of -- 28 percent of those people actually signed that petition. So the more black the prison population was represented as being, the more punitive people were, the more supportive they were of punitive criminal justice policies.

We then repeated a similar kind of study in New York with the three-strikes -- I mean, with the stop-and-frisk policies, policing policies, and we found there too, if we represented the prison population as more black, people were more inclined to say that they supported aggressive stop-and-frisk practices in New York.

And so these findings were significant to us because, especially at the time, you know, the people who, you know, like ourselves and people who are, you know,
activists, who are working on these issues, you know, feel like we just need to give people knowledge about what's happening.

We need to give them the statistics. We need to sort of shock with the disparities, you know, on this, and this is going to kind of jar them into wanting to think about ways combat this and ways to change the system, and so forth.

But what we were finding was just the opposite, you know, that these disparities caused people to be more supportive, not less supportive. We also did a study -- this was on stop-and-frisk in New York -- where we were trying to really understand the mechanism behind this.

Like, why would the racial disparities lead to the support for punitiveness? And we found that it really was fear. So when people imagine a prison population that was more black, they were more fearful of -- that crime would get out of control if we didn't have these punitive policies like stop-and-frisk.

And so therefore, they became more supportive. And so from that, we started to think about, well, how do we change this narrative, you know, of Blackness? How do we change this narrative of who's criminal, who's inherently criminal?

And I think the first thing we thought about
doing was to, you know, just try to give, you know, more -- try to give more information with the numbers.
And so clearly, the numbers didn't speak for themselves.
And so we're trying to give more information about that.

And I think I approached Khalil about this at one point to sort of talk about the role of history, and giving people a better and sort of fuller understanding of history, so that they understand how those disparities could get to where they were.

But then, you know, there are problems with that -- right -- because people are defensive around that. I think it's hard to -- you know, when you have one narrative, it's hard to just replace that other narrative with facts.

And so I think the thing that we're trying to do now, or hopefully are trying to do now, is to -- we're trying to actually change the disparities themselves. So instead of just changing sort of people's knowledge about why we have the disparities, to try to actually reduce the disparities.

And we've been working with the Oakland Police Department on this for a fair bit, trying to reduce the footprint, reduce the negative footprint that the officers might have on community members there, and trying to reduce the number of these, you know, stops of -- sort of,
routine traffic stops for violations that aren't that severe, so that we can, you know, move the needle on, sort of, how people are thinking about, you know, who's engaged in the criminal justice system, and their narratives for, you know, who is criminal and who's not.

So I'll stop there. Thanks.

MR. TRAVIS: The floor is open for clarifying questions. Lots of big ideas have just been -- and relevant research been put into play. Yeah, Bruce?

PROFESSOR WESTERN: So when you expose people to the treatment and show them images of how black the prison population was, did their responses -- were the responses of black respondents different from white respondents?

PROFESSOR EBERHARDT: So we suspected they would be, and so for that study, we focused on white respondents, and part of that is because black respondents would be more likely to have access to more information about what was producing those disparities, and would have potentially more of a structural analysis of what was going on there.

And so that's why we focused on white respondents, because I mean, most -- I mean, a lot of people actually don't have that background and have that information, and so if you're just, sort of, you know,
looking at, sort of, who's incarcerated, we -- without that information, we thought that those people would be most likely to, you know, support the punitive policies.


PROFESSOR RICH: I just want to -- that was really great. I just want to drill down on this notion of fear as being a key driver, and just make the observation that that's -- you know, that's often very politicized.

PROFESSOR EBERHARDT: Yeah.

PROFESSOR RICH: You know, a caravan is coming. Oh, my God. We better batten down the hatches. But also, the other thing I'll notice about our culture is that our morbid fascination with the -- with incarceration, with policing --

PROFESSOR EBERHARDT: Yeah.

PROFESSOR RICH: -- that you know, we have these TV shows and lock them up -- and so I wonder if that plays into your thinking about both the fear -- you know, it's -- every 6:00 news has this, sort of, 10-minute section on be scared, be very scared.

PROFESSOR EBERHARDT: Right.

PROFESSOR RICH: The world is a scary place. People are bad people. And then, you know, and of course, black people are even scarier and even badder.
PROFESSOR EBERHARDT: Yeah, yeah, yeah. I think that's true. I think, you know, that's true. In New York, for example, you know, there was a lot of support for stop-and-frisk, I mean, way more support for stop-and-frisk, actually, than here in California for three-strikes.

And people felt that was what was keeping the city safe. And even when you would, again, bombard them with facts that you know, well -- you know, crime is going down in major cities all over the country, even cities that don't have stop-and-frisk.

It would just be a lot of resistance to that. And crime was going down in New York before stop-and-frisk. A lot of resistance to that because they felt that that was what was needed, and that was the thing that was going to keep their families safe.

It wasn't the voters or the public -- right -- that reformed the -- that particular policing practice. It was really the courts that did it. So we couldn't rely on people, basically, the everyday person, to be able to get over that.

So yeah. I don't know -- I mean, I think the media definitely plays a role in this, but I feel like, you know, the disparities themselves, you know, also play a role, and even how those disparities are, you know, sort
of, generated, both by the targets of it and the system itself.

And here, I'm thinking about, like, the plea bargaining system, you know. So you have -- you know, you had mentioned the overcharging and so forth. And so people are incentivized to take the plea, but when they take that plea, they're branded criminals, and then there's evidence for black criminality, you know.

So there are all these, sort of, different factors, I think, at work that really reinforce the narrative of black criminality. So --

MR. TRAVIS: We're still under the heading of clarifying questions. Then we want to open it up. Khalil and then Nicole, and then Geoff. Yeah.

PROFESSOR MUHAMMAD: I -- so Jennifer, we've been talking a little bit about the academic discipline in the enterprise of knowledge production, and its own role in perpetuating racist ideas that, you know, permeate the system.

And I guess I just wanted to hear a little bit about the peer review process and perhaps the degree to which this work and your body of work more generally has either disrupted either social psychology or social science more generally, or where have you felt the most resistance?
Where have you seen the lack of appreciation or the adoption of these findings? You know, have they moved in ways that you would expect, or have you seen roadblocks of one kind or another?

PROFESSOR EBERHARDT: Well, that's an interesting question. Yeah. I mean, I think either -- people always feel there is resistance, you know, to their work with the peer review process. So I felt a little bit of that, but I feel like I was able to get the work published okay.

I think it did have an impact in the field. I think, at the time I started publishing on these issues, people -- the people who were looking at race issues, were mostly looking at those issues in schooling, and mostly, you know, interested in, you know, what the role of stereotype threat was in producing racial disparities in academic performance.

But you know, I saw this huge thing over, you know -- in the criminal justice arena that no one was looking at. And people hadn't looked at this. Social psychologists hadn't looked at this issue, really since the '70s, since the Milgram -- I'm sorry -- it's not Milgram -- but the Zimbardo experiments, where you know -- these are the experiments looking at, you know, the role of prison, and sort of, you know, how people punish and so
This was in the '70s -- right -- and nothing really had come out on this topic since then. And so I felt like, especially -- you know, we're living in this age of mass incarceration, that that's not just affecting people who are incarcerated and their families.

It's affecting us as a culture, and you know, as a nation. So I wanted to move there. I think the most resistance I've gotten to my work on the race stuff has actually been in housing, not in criminal justice, because the reviewers themselves, when I talk about, you know, the role of bias in our neighborhoods, in how we evaluate homes and so forth, they feel like that's reasonable and it's rational to feel that way, and I think they feel that way themselves, you know, a lot of them.

And so I had really hard time getting that work published, because I didn't know -- if people feel like if there's a rationality for it, that's you know, kind of grounded in history, that's there no reason to study it, almost, that there's no harm that comes from it, but just because something seems rational doesn't make it, you know, less harmful to people.

And so that continues to be the work that's the hardest to get an audience for.

MR. TRAVIS: Jennifer, you've generated a lot
of interest, which is great. Before I turn to Nicole, and not because I want to make Amazon richer, but do you want to give us the title of your book so that we can all, sort of, put in our --

PROFESSOR EBERHARDT: I actually brought some books for you --

MR. TRAVIS: Oh.

PROFESSOR EBERHARDT: -- by the way. If you want to purchase one, that would be great, too, and give it to a relative or a friend. That would be nice. But the name of the book is *Biased: Uncovering the Hidden Prejudice that Shapes What We See, Think and Do*, and it is -- the publisher is Viking, and it was released on Tuesday, on March 26. So --

MR. TRAVIS: And here we have [inaudible]. There it is.

PROFESSOR EBERHARDT: Oh. Okay. Yeah.

MR. TRAVIS: Well, that's great.

PROFESSOR EBERHARDT: So I only have 20 copies, though, so I hope that's --

MR. TRAVIS: That's very generous, very -- everyone is nominating themselves. Shameless. Nicole?

PROFESSOR EBERHARDT: It's my first book, too, by the way. So --

MR. TRAVIS: But yeah.
PROFESSOR EBERHARDT: -- I'm excited.

MR. TRAVIS: Have too many other publications.

Nicole?

PROFESSOR GONZALEZ VAN CLEVE: I'm a huge fan. I'm fan-girling you. Is that the hashtag? So that's what's great about the Roundtable. So thank you for your work. I was just wondering -- was there any measure of, like, the predisposed ideology of the participants before they arrived?

So did you have a gauge of, like, their color-blind racism metric, meaning, like, were they already kind of culturally primed to be predisposed to racism, and then were therefore more biased?

PROFESSOR EBERHARDT: Yeah. With this work, we didn't. We -- yeah -- we didn't want to, by asking them questions that would measure that, kind of, prying them in a way that would interfere, you know, with the, you know, actual study, so we didn't --

PROFESSOR GONZALEZ VAN CLEVE: Did you do it after, to not do it -- I mean, I'm just -- because I'd love to know -- I mean, I think that, you know, people of color can exert these implicit biases.

PROFESSOR EBERHARDT: Oh, for sure.

PROFESSOR GONZALEZ VAN CLEVE: So I mean, I wonder if matters? But --
PROFESSOR EBERHARDT: Yeah. We're starting, actually, to look at that now, and then -- and also in other arenas. In voting, for example, we want to look at how people are thinking about voting rights, and you know, this whole issue of, you know, elections being rigged and all of that, and how that, you know, plays a role.

Like, how, you know, these disparities that are out there about how black people are can play a role in -- even outside the criminal justice system. I was going to say, we did look at their -- so that's how punitive they thought the law was.

So three-strikes, for example, beforehand, that didn't make much of a difference at all. We do know that people thought the law was pretty punitive, but there was no difference, sort of, based on their perceptions of the law, in terms of the results of the study.

PROFESSOR GONZALEZ VAN CLEVE: And then the last question was -- it sounds like you told them the racial disparity, but did you have any primer or test? Like, if you just said, we incarcerate more people of color than any other U.S. -- like, kind of, a general version of that, not an historical education that would make some people off -- not want to hear the word, racism but --

PROFESSOR GONZALEZ VAN CLEVE: Yeah.
PROFESSOR EBERHARDT: -- like a more watered-down summary of what is mass incarceration. Because then we had talked about education. I guess I'm wondering, can you prime people for prejudice by just educating them? That sounds really scary.

PROFESSOR EBERHARDT: Oh, that's --

PROFESSOR GONZALEZ VAN CLEVE: Is that too far to --

PROFESSOR EBERHARDT: No, that's interesting. So we did it in the California study, the three-strikes study, just with the images. In New York, with stop-and-frisk, we gave them the percentages. We said, you know, 40 percent of the New York State prison system is African-American, versus 60 percent, and we got, you know, the same kind of finding for the three-strikes.

There are other researchers who look at, you know, what you're, you know, alluding to with death sentencing. And so they would tell people that there are these racial disparities in death sentencing, sort of straight out, and they found that made people more supportive of a death penalty, not less supportive.

MR. TRAVIS: Okay. Thanks, Nicole. You know, I sort of -- after Geoff comes Pastor Mike, and I just would love to have any discussion about -- sort of, wish Robert were still here -- sort of, translation into
campaign work or advocacy work, and just to hope, as we go forward, to see if someone wants to take that on. Geoff?

PROFESSOR WARD: For -- I want to add my thanks for your great work. I mean, I'm so appreciate of the contributions you've made in your work, and your colleagues, your students. You know, I was thinking about this implication.

I was thinking about Eric's announcements, and you know, the importance of having some white folks around you when you say this, tell people that you're making these reforms. But it's problematic -- right -- because it reifies the racist logic of equal justice.

If we do exploit these, you know, people -- and I have a clarifying question about the study, but I just want to note, people always say, if the prisons were filled with white people, mass incarceration -- I think someone said it yesterday -- right -- that mass incarceration would end, like that.

And they point to the differences in the response to opioids, but from a public health perspective, because of the racial difference in the -- what they perceive to be an all-white problem, though that's not accurate.

So my question, though, was -- I wanted to hear
a bit more about the -- how you looked at the drivers
behind these outcomes. You mentioned that fear was the
main story. And I wondered if you'd say just a bit more
about how you measured these underlying mechanisms, and
were there other mechanisms that seemed to be important in
explaining the effects that you observed?

PROFESSOR EBERHARDT: Yeah. So fear was the
main one. And so we asked to measure that, questions
like, you know, how worried are you that without stop-and-
frisk that crime would go up? You know, how worried are
you that if, you know, we -- you know, if the stop-and-
frisk policy or practices were changed, that you know,
crime would be out of control?

So we kind of worded it in, you know, different
forms. And -- but however we worded it, it was the same
kind of thing. Those different statements seemed to
cohere. They were highly correlated in terms of, you
know, people's responses to them, and it seemed to be,
like, a major driver in terms of support for stop-and-
frisk.

It's interesting too, you know, when stop-and-
frisk ended, you know, in New York, it was, like, a lot of
fear, you know, around -- well, I shouldn't say it ended.
When it changed, when the practices changed, there was a
lot of fear that crime was going to go up.
People were really, really worried about this, but then crime didn't go up. And I think the fact that crime didn't go up may have -- may play a role in shifting people's narratives too, right, because it's not just that you're sort of putting -- kind of confronting people with knowledge, but you're, you know, sort of, confronting people with a new reality that they have to contend with. So you know, I believe that, you know, if this practice were changed, you know, crime would get out of control, but now I see that it hasn't. Maybe we didn't need this practice in order to, you know -- to keep our city safe.

And so maybe that starts to eat at the narrative, that this is how black people need to be treated in order for us to stay safe.

MR. TRAVIS: The other thing I would point out there that's interesting, just to put on my New Yorker hat for a second, is that there was also mayoral campaign. It wasn't simply the federal court, which came first --

PROFESSOR EBERHARDT: Yeah. That's true.

MR. TRAVIS: -- and it wasn't the community organizing which was simultaneous. It was --

PROFESSOR EBERHARDT: That's true.

MR. TRAVIS: -- elevated to a level of, you know, a policy choice --
PROFESSOR EBERHARDT: Yeah.

MR. TRAVIS: -- between de Blasio and Lhota, and so it was an affirmation, with a lot of people, I think, holding their breathing or thinking that, you know, now hell was going to break loose, and over time, that hasn't been happened, as --

PROFESSOR EBERHARDT: Yeah.

MR. TRAVIS: -- there's been this stunning decline in the use of stop-and-frisk.

PROFESSOR EBERHARDT: Do you feel like there's a change in the narrative around this then, the language that people use --

MR. TRAVIS: Sure.

PROFESSOR EBERHARDT: -- because that crime didn't spike like they thought?

MR. TRAVIS: I think so.

PROFESSOR EBERHARDT: Yeah.

MR. TRAVIS: So let's keep going. Mike, and then Marc, Maria, and then James Taylor.

PASTOR MCBRIDE: Hey, Dr. Eberhardt, you work with my brother a lot, Ben --

PROFESSOR EBERHARDT: Oh, yes.

PASTOR MCBRIDE: -- and so I --

PROFESSOR EBERHARDT: I like him.

PASTOR MCBRIDE: Yes, yes. I should be the one
you love but I was doing more national work, so I
[inaudible]. Sorry. No.

You know, I -- since we're here in Oakland, I'd
love for -- if it would be appropriate for you to perhaps
just give a quick thought of how your work on your paper
and the use of these kind of studies are effective in
changing the political impact, right, of changing
perceptions, attitudes, practices, and the politics of
excess punitiveness and/or of our local law enforcement
folks. And what are the challenges of these reports
creating fatigue among the larger community, when change
doesn't happen fast enough.

Right? And --

PROFESSOR EBERHARDT: Yeah.

PASTOR MCBRIDE: -- how that could become a
double-edged sword, because then it's, like, we don't need
this kind of research or support because it's too much
money to spend on it and then --

PROFESSOR EBERHARDT: Yeah.

PASTOR MCBRIDE: -- you know, so just that kind
of tug-and-pull of the politics of it. I don't know if
you can say it quickly.

PROFESSOR EBERHARDT: I mean, I think -- yeah.

So it's kind of a big question. I think the work that
I've done that had the most influence in terms of politics
and in terms of actual policy change has been the work on the death penalty.

And so this was work where we were interested again this role of inherent criminality and this idea that it's not just a black-white divide in terms of who, you know -- how punitive sentencing is.

But it also, within the category of black, that there's a difference there in treatment. And so the finding was that people who are more stereotypically black-looking, so they're perceived as, sort of, you know, their just darker skin or broader noses or thicker lips or what have you -- people who are as seen as stereotypically black are actually more likely to get the death penalty or get a death sentence than those who are less stereotypically black.

And we found in one study, for example, that looking more black more than doubled people's chances of getting a death sentence, at least when their victims were white. And so that finding, that work, made its way into the political arena, as states have begun to, you know, roll back or fight against or dismantle the death penalty.

And I know that the work played a role in Connecticut, for example, and I think some other states as well. This work has not -- the work that I just talked about here, I'm not -- I think that that had more of an
impact on people working within the criminal justice
space, activists, in trying to figure out sort of how to
communicate about this issues than it did to, sort of --
you know, with politicians or that group.

MR. TRAVIS: Let me just take a queue check
here. We have -- thanks, Darrel -- Marc, Maria, James,
Sasha, Darrel -- I'm sorry -- Darrel Stephens. And then I
think we should just sort of reflect on where we are. I
would ask Bruce to help.

What's so interesting is that the usual opening
for clarifying questions has just been -- tell me more,
tell me more, tell me more, and because this is so
important to us, and particularly if we can, you know,
continue to encourage those who do advocacy or run for
office or do messaging.

I'm reminded of when we released the National
Academy report that a number of us were involved in, Jody
and Khalil and Bruce and I, we had extra money from
MacArthur to sort of bring in a sort of communications
consultant as we were about to go on the road with this
book.

And this issue came up. And one of the
findings of that report was about, you know, the enormous
racial disparities. And I don't -- maybe we made things
worse, I just don't know -- by highlighting that finding,
but the communications firm -- and they had done -- do you remember this, Bruce?

They had done, sort of, sidewalk interviews with people about, sort of, how they responded. Sort of, not rigorous like yours, but -- and it was hard for us -- and I think all of us, sort of, deal with this, the reality --

PROFESSOR EBERHARDT: Right.

MR. TRAVIS: And the advocacy moment where we want to do more, and want that reality to be part of successful advocacy of racial disparities, and it's -- you know, any help you can provide would be welcome on that point.

So here's the queue. Marc, Maria, Dr. Taylor, Sasha, and Darrel, and we'll stop there, and ask Bruce to -- because I think we have a lot to reflect -- oh, Khalil, did you want to get in also? Sorry. Yeah. I'm sorry?

PROFESSOR MUHAMMAD: Yes, yes.

MR. TRAVIS: Yes. Okay. I'm sorry. I didn't see it. So Marc?

MR. LEVIN: Thank you for this, and actually, I had a chance to read your study and talk about it when I spoke on racial relations last year at the George W. Bush Presidential Library in Texas. It was a very good event.
But I also wanted to mention some related studies that I
highlighted, and one of them deals with people's
perception of age, of black boys --

PROFESSOR EBERHARDT: Oh, yeah.

MR. LEVIN: -- how basically people say they're
older than they are --

PROFESSOR EBERHARDT: Yes.

MR. LEVIN: -- considerably, and of course,
that also begs the question of -- if your pictures had
been of women in prison, how -- what the reaction would
have been. Presumably, people might have found them less
threatening, black women than black men, but on the other
hand, we also see now -- we're doing a lot of work around
dignity of women, incarcerated women, and in fact, there's
a huge stigma, obviously, for example, on women that are
pregnant, that have a drug case.

They may well get a harsher sentence because of
that. But -- and then of course, there's the research on
use of force, which I talked about, which I think is very
interesting, and it showed that indeed both black and
white police officers were likely to use excessive force
on black suspects, and although only white officers were
really more likely to use lethal force.

So that was also very interesting. And I guess
the question this all raises, as someone who's obviously
going before policy-makers a lot, is what do we do with
the fact that, you know -- and I think ultimately, I've
kind of settled on the idea that, you know, typically
we'll lead with the public safety arguments, the arguments
that these policy changes will basically be more effective
in reducing recidivism and so forth, but still talk about
race, but you know, face the reality that when you make
that the primary argument, for a lot of people, they hear
you're not really caring enough about public safety or
whatever.

And then, of course, we face the question of --
what do we do with this as a society? And I think, you
know, perhaps one of the hopeful notions is that if people
would have more positive relationships in their
professional life and their personal life with people of
different racial backgrounds, that would perhaps change
some of their misconceptions.

Whether that's true or not, I don't know. And
we also have to face the fact right now with things like
social media, and you know, housing costs pushing people
out of certain places, there are some communities that are
going whiter, and other communities are getting
blacker --

PROFESSOR EBERHARDT: Yeah.

MR. LEVIN: -- so that we're not even
necessarily moving in that direction. The other thing, of course, I think that it, you know, speaks to me about, is how can we have a more objective process to the extent that that's possible?

And so you know, when we make across-the-board reductions in sentences, then we're able to -- like it is saying, drug possession is not going to be a felony anymore -- that -- since it takes the discretion out of the system, in that sense, I think there's evidence that leads to African-Americans actually benefitting more, because they've been harmed more by the policies that were in place before.

And then just finally, you know, obviously there's a lot of debate about risk assessment now, which is an attempt to, kind of, put more objectivity to root out some of these biases, but of course, one has to certainly contend with the fact that we need to make sure they're validated on separate populations, that we're not including things, I think, like drug cases, prior drug cases, which are a function of, you know -- where police may be in certain communities.

So -- but I still think we do -- given the reality of the bias that's here, we still have to, I think, really try to make the system as objective as we can, because this is a very long-term project, if ever, to
root out this bias. So --

PROFESSOR EBERHARDT: That's a lot.

MR. TRAVIS: Yes. So --

PROFESSOR EBERHARDT: I --

MR. TRAVIS: -- feel free to be selective, the
ones that you --

PROFESSOR EBERHARDT: Okay.

MR. TRAVIS: -- and I just -- and DeAnna just
put her tent up.

PROFESSOR EBERHARDT: Okay.

MR. TRAVIS: So after you answer Marc's
question, I'm going to ask for the other people who wanted
to ask questions -- we're just going to put them all in
the middle of the room and ask Jennifer just to respond
to -- we clearly -- we're going to descend on you during
the break -- this is clear -- but let's take some --
not -- probably not all of Marc's questions.

And then, everybody else, I'll just say, put in
a comment, and then ask Jennifer, and the Bruce to wrap it
up.

PROFESSOR EBERHARDT: Okay. I'd like to take a
couple of them. I think, at least in the U.S., I think
when we are -- we focus on, sort of, individualism, and we
sort of think that, you know, sort of, people have
complete control over their own circumstances and it's by
choice that they kind of end up in places where they end up and so forth.

And so I think helping -- I think that the onus is on us to bring a structural lens, you know, to this. I don't think that people automatically go there or understand what that is, and so if they see that there are huge disparities -- racial disparities in who's locked up, they just think, these are the bad people.

These are the people that made bad choices. So I think highlighting, you know, how policy has played a role in producing this mass incarceration and how, you know, longer sentences and so forth have played a huge role, and that would help, and the fact that we've become more punitive generally in our policies.

I think highlighting those issues would be good. I was shocked. Once, I was at a -- there was a meeting in Los Angeles that I think -- or now-Senator Kamala Harris had put together when she was State Attorney General.

And she was really pushing the -- being smart on crime, that that was her whole thing, and so she had, sort of, put together a group of, you know, police chiefs from around the state to talk about issues, you know, all kinds of, you know, police issues including racial disparities.
And I was really shocked that none of them seemed to, you know, have any knowledge about, like, the work that we're talking about here, about the role of policy in producing these disparities, or anything. A lot of them were sort of thinking that crime was going down because of the good work that they were doing, and because they were locking up the right people, and you know, they were at the, you know, forefront of this and good actors in all of this.

But there wasn't any, sort of, policy, you know, policy analysis around it, and anyway, so I think lifting up, sort of, these more structural issues and policy issues would be a good thing. Also, just -- you know, again, not just knowledge, but sort of, showing people rather than just telling people that there's another way or there's -- or showing them a reason to abandon or to at least rethink the narratives they have, especially about African-Americans, would be a good thing.

And I think, you know, the fact that crime did not, you know, skyrocket in New York with the stop of stop-and-frisk was huge, and I think that that can shift people's, you know, sense of this. And I think, on a policing front, just, you know, showing police officers that you don't need to stop everything that moves, as they say, to -- in order to fight crime, that that -- that you
be more selective in who you stop.

That can go a long way. Especially if you're being more selective, you're reducing the number of stops at the same time the crime level keeps falling -- that speaks to people way more than just, you know, bombarding them, you know, with facts.

I think they have to feel it. They have to see it themselves to be moved by it. I don't know -- LeRonne, did they talk about the OPD yesterday? Or did you or the -- no? Okay, okay.

DEPUTY CHIEF ARMSTRONG: We didn't really talk about any of the studies and things like that we've done. I think one of -- you know, if we have a chance, one of the more, sort of, forward-thinking studies we've done is the study of our body-worn camera footage.

And I think, if you get a chance just to talk about that study, and I think it sort of highlights the discussion that we've been having that the study really demonstrates that black people are talked to -- are spoken to by police officers different than whites. And I think it really validated what black people already knew, but I think it was, you know, highlighting in something that we in law enforcement obviously didn't want to actually hear or be able to deal with.

So --
PROFESSOR EBERHARDT: Okay.

DEPUTY CHIEF ARMSTRONG: -- I do want you to -- at some point, if you can just speak to that study as well?

MR. TRAVIS: Let's do this.

PROFESSOR EBERHARDT: Okay.

MR. TRAVIS: Happy to add that to the list. I just want to --

PROFESSOR EBERHARDT: I'll keep my answers --

MR. TRAVIS: -- have a longer list --

PROFESSOR EBERHARDT: Okay.

MR. TRAVIS: -- for you to select from, and then we'll figure out -- maybe we'll do a little bit more when we come back from the break. But -- so with a request for brevity, we have Maria, James, Sasha, Darrel, Khalil, and DeAnna.

So a request for brevity. You got it?

MS. MCFARLAND: Well, I'll try, but this --

MR. TRAVIS: You can model the contributions here --

MS. MCFARLAND: -- hit a nerve.

MR. TRAVIS: -- just get it out, and then --

MS. MCFARLAND: So --

MR. TRAVIS: -- Jennifer, just you know, pick from these, if there are themes that somebody wanted to
address --

PROFESSOR EBERHARDT: Okay.

MR. TRAVIS: -- and then Bruce will wrap it up for us.

PROFESSOR EBERHARDT: Okay.

MR. TRAVIS: Yeah.

MS. MCFARLAND: Jeremy, thanks for the prompt about campaigns and advocacy, because this is really a challenging issue for us. So I run the Drug Policy Alliance. We fight to end the war on drugs, and we very much center racial justice in our work.

So whenever we talk, for example, about decriminalizing possession of drugs for personal use, we point out that black people are three times as like as white people to be arrested for possession, even though they use drugs at the same rates, and we try to make that argument.

We just did polls in three states, including California, to see what messages worked to get people to vote for a ballot initiative to decriminalize, and the racial justice message tanks does not work. Meanwhile, we're doing marijuana legalization campaigns where we're focusing very heavily on repairing the harm of prohibition.

So not just legalizing, but legalizing the
right way with record expungement, with reinvestment in
the most impacted communities and market access for those
most impacted, and even our membership, which is on board
with marijuana legalization, clearly is not as excited by
that set of arguments.

PROFESSOR EBERHARDT: Okay.

MS. MCFARLAND: So you know, we end up with
this very practical set of questions about how much you
emphasize these arguments in your campaigns and whether
telling the truth and talking about what we care about is
actually going to jeopardize the outcome.

PROFESSOR EBERHARDT: Right.

MS. MCFARLAND: And so it ends up being a
question about how do we behave with integrity in this
space? How are we ethical in making these arguments? But
also strategically, you know, the short-term gain versus
the long-term gain of changing the way people think about
race and the criminal justice system.

And so I'm curious about your thoughts on that
in that respect, and I also just want to flag that
yesterday we talked about the important of truth-telling
as a way to address racial injustice in society, and what
you're presenting in a way suggests that truth-telling
might make it harder just to care to address some of the
injustices.
And maybe that's a very simplistic way of framing it, because it sounds like you're also saying, it just needs to be richer truth-telling.

PROFESSOR EBERHARDT: I think so.

MS. MCFARLAND: So yeah. But --

MR. TRAVIS: Okay. Thank you. Dr. Taylor?

PROFESSOR TAYLOR: Yes. Thank you, Dr. Eberhardt. Hi. It's good to see you again. We were on a panel together when OPD had a town hall meeting on her research as it related to some of these conversations, and for example, how OPD talks to African-American locally on stops.

So it's just great to be in the room with you again. I guess my question is, in terms of the model that you developed, I'm wondering if you would expect a different result from a sample of black respondents?

And sort of playing with the variables, what would you expect if you had queued white inmates only to -- in other words, if you just flipped the script and changed the races of everybody all the way around, what differences do you -- what outcomes would you expect?

And I ask that because part of what I'm hearing in this conversation has to do with the overarching effect of political or other kinds of socialization that happens to all of us, black cops versus white cops. Even if one
doesn't take it the step of lethal force, the black cop is also socialized to see what you're willing to say is the end in the --

PROFESSOR EBERHARDT: Yeah.

PROFESSOR TAYLOR: -- when you start measuring up these gradations of Blackness --

PROFESSOR EBERHARDT: Yeah.

PROFESSOR TAYLOR: -- I looked at, you know, D.C. Armstrong has said he can't really say what he wanted to say, and I think some people around the circle, I know, have been talking about -- but when you talk about these cues.

What would you expect if -- you know, if this was a black sample of people responding to white inmates -- because one of the books I contributed to is called, *Something's in the Air: Race, Crime, and Marijuana Legalization in the State of California*, that looks at Prop 19.

And we talked about the disparities, even this notion of the dark figure of crime, which is this whole category that is inexplicable by race. If everything -- in other words, if blacks were incarcerated because of violent crimes, and then in the 1990s, violent crime went down, but African-American incarceration went up, and it could be explained by African-American participation in
drugs, as others do too, what explains the inexplicable
difference of the disparities?

And there are literally areas of criminology
that criminologists can't answer that don't explain why
black people get treated more harshly than whites, and
it's called, "the dark figure of crime." And I'm just
wondering, again, to be brief, what do you think about the
outcomes of the cues, and what does it say about
prejudice?

Because would you expect blacks to have the
same attitudes towards whites?

MR. TRAVIS: So let's leave that question in
the air. And we have Sasha next, and then Darrel.

PROFESSOR NATAPOFF: Thank you so much for your
work. I just want to point out that I pre-ordered her
book, so I don't have to fight with you --

PROFESSOR EBERHARDT: Thank you.

PROFESSOR NATAPOFF: -- for the stack you so
generously brought. So I'm thinking about school
desegregation, and I'm wondering if, in 1953 -- right --
before Brown, we had understood what would happen, that
the insistence on school desegregation would have
generated white flight and the defunding of public schools
in the inner city and magnet schools and charter schools
and the rewriting of local boundaries.
In other words, if we had understood then that racism was more powerful than our existing political and legal institutions, that those would give way in the face of the racism driving school segregation, then would we have thought about school integration differently?

And I feel like your work poses a similar challenge, that you're telling us racism is more important than facts. It's more important than existing commitments that we -- and rules and legal and criminal justice arrangements that we have in the system, that those will give way to the fact of racism.

And so since in effect we're in 1953, and we could change our strategies, knowing what you have told us, I'm sitting here grappling with how should I rethink my strategic approach, as Maria pointed out, in a more, sort of, structural, institutional, holistic way?

What institutions should I be worried about are going to give way in the face of pressure, in the face of anti-racist pressures?

MR. TRAVIS: Darrel, then Khalil, then DeAnna.

MR. STEPHENS: Just a real quick comment. Jennifer, thank you for all of the work that you've done, and kind of picks up on Pastor Mike's questions about impact. I can tell you that your work has had an enormous impact on training of police officers throughout America.
It's included in all of the training that has been done. Basically, after Ferguson, this reeducation of police officers about race and racial issues, that your work has made a lot of difference in the conversations that take place around that.

PROFESSOR EBERHARDT: Thank you.

MR. TRAVIS: Khalil?

PROFESSOR MUHAMMAD: So I wanted to correct a couple of things, that are just in the space. One, racial intimacy and proximity is not going to solve structural racism. That is one of the greatest fallacies, you know. So I can give more details later.

Proceduralism, the notion that somehow the absence of discretion and the machinery of the law in a kind of color-blind manner is also what got us into this mess, and there's a work by Naomi Murakawa who lays out this case very carefully. In other words, we leave intact all of the accumulated, implicit and explicit bias baked into the structures of the system, and so we don't see the person standing in front of us in so much of what we've talking about.

And I'm talking to you, Marc, because we're finishing the day, and I just thought I would rebut out loud. But I'm happy to talk more offline about those things. And the same goes for risk assessment. It just
accumulates.

But I have a strong reaction to the implications of the conversation about Jennifer's findings. And Maria has spoken to them. Alexandra just spoke to them.

And so -- and that is that the question of the efficacy of certain forms of truth-telling derive from the facts of these research studies is certainly evidenced in my own work, which is a story of the invention of racial disparity, which was never meant to liberate or save black people, which is 125-year-old story that has only accelerated in an era of big data, which is to say that fighting the problem with better data doesn't unpack precisely what Natalie [sic] just described.

And so the failure of a lot of empiricists has been -- have been simply to put the data in the world, the racial disparity data, and to say, like, you know, this sort of speaks for itself, which of course it does not. So the strong reaction, then, is that any kind of attempt, in my opinion, to sort of triangulate that problem of belief systems that are stronger than facts is itself trading on black people's truth for white people's lies, and there is nothing in 2019, in this moment, that speaks to -- this is some kind of innovative recognition.

I am beyond grateful for your insight and your
work, but the implication is not to accommodate white people's lies and the stories they've been telling themselves about their own need for safety above and beyond everyone else's humanity.

That cannot be -- so no matter how many short-term losses we lose, if that is -- that -- not only is that not an abstraction; that is precisely the political dynamic that has compelled almost every political leader, who either, in their white line, has tried to push a racial justice movement, or in their black skin, has tried to make chance.

This is Nneka's story. Let's -- please, we cannot walk out of here, somehow reversing. And to Natalie's point, you know, Kenneth Clark actually hedged on the implications of his own social psychology, because he knew that the story of black people feeling inferior in the face of segregated black educations in all-black classrooms -- his research suggested that those same children in predominantly white classrooms felt even more --

PROFESSOR EBERHARDT: Yes, that's true.

PROFESSOR MUHAMMAD: -- inferior, which was a hedge, because the bottom line is that the pervasiveness of white supremacy, whether it was abstracted in an all-black classroom or in your face in an all-white one was
the problem.

And the harvest of that precisely is what played out in 50 years of post-civil rights anti-desegregation campaigns across northern cities. So it seems to me the challenge in Square One, which is what brought us here, is to play the long game --

PROFESSOR EBERHARDT: Yeah.

PROFESSOR MUHAMMAD: -- and so it's to not let white people -- not to simply accommodate white people's -- you know, the term today would be fragility or their racial innocence, because that is something that we have consistently -- I mean, I'm just going to exercise some historical expertise on this question, and say, that is precisely what people have done over and over and over.

No matter what the facts were of the case, they let white people off the hook by saying, the only way we're going to get these people to show at the polls, the only way we can get the people to sign this reform legislation, the only people is -- and what does it do? What does it fundamentally do? It makes us all complicit in socializing a new generation of white people and black people to racism. That's what it looks like. So you have to forge ahead.

And we can talk strategically about new rhetorical frames to do that work, but we cannot let white
people continue to believe that there's some other magical problem that explains the reality of all these disparities wherever they show up.

    I'm sorry. I didn't even have a question.

    (Applause.)

    PROFESSOR NATAPOFF: Yeah. Let me kind of respond to that for one second. My reaction was not to mask the truth. That's not what I meant by strategic thinking.

    What I meant is to be aware of the many institutions in which the pathology could spread and so that our organizing efforts and our political efforts and our legal efforts need to anticipate that spread, and not be blindsided by it. It was certainly not a suggestion that this kind of truth should be suppressed or mitigated so that more white people can feel comfortable.

    MR. TRAVIS: DeAnna?

    MS. HOSKINS: So actually, my first response was -- I kind of raised a flag when it said, change the disparities before trying to change the narrative, because kind of like Khalil, the narrative is what drives it, because it is the stories of reality of what individuals aren't feeling.

    But another flag that rose for me -- I want to thank you for your work because sometimes when I say
exactly what you're saying, I'm the angry black girl in
the room, and I just continue to say it unapologetically.
But I want to respond, because I think a lot of times --
or what I'm seeing is that we become more punitive in the
name of reform, without even knowing -- kind of what
Khalil says.

   It makes individuals in a room or white people
in a room who are going to pass the policies feel
comfortable to say, we're going to free this -- these
individuals who have been harmed, but we're not going to
free this more majority, because the Willie Horton story
is going to continue to survive over and over again.

   But I want to be sure that we remember that,
when we're looking at reform or we're trying to change or
try to go to square one, we still have to go back to the
structural racism that is important to consider whenever
we're talking about tweaking or doing anything to the
criminal justice reform system.

   If we continue to address the laws around
sentencing, African-Americans are still going to get the
highest end of the stick. I don't care if we reduce drug
offenses or even to probation under mass supervision.
African-Americans are still going to get the five years of
community supervision.

   So we're always going to get the punitive end
of the stick. So we have to look at the structural system
to start changing it and removing the Jim Crow laws that
are in place. I don't believe -- and this is just me, and
we can talk offline -- I don't believe you can train
implicit bias out of people.

It just is what it is. It's there. But unless
we look at a system that becomes equal and actually face
the truth, we can't keep talking to where it covers it up.
We have to keep facing the truth, and again, with part of
the truth being who's sitting at the table, because what
I'm also seeing -- just because people look like me, don't
mean you're going to help change the system for me.

When we talk about risk assessments, and I had
to come back to this with Marc, when you talk about
reducing recidivism, risk assessment tools, even with
recidivism -- recidivism, we know new crimes are going
down and probation and parole are going up.

And who gets most probation and parole? So
even when we start using the word -- we're lowering
recidivism, if we're not changing the impact of what
Eric's trying to do for African-Americans and Latinos in
our communities, we're still being the ones caught up in
the system, because we are criminalizing poverty.

We are criminalizing mental health and
substance abuse that continues to keep us in this cycle.
So if we don't pay attention to what -- the narrative, if we don't pay attention to the structural racism that the system is built on, and if we don't pay attention to hear the voices and the stories of the people most impacted, I'm going to be honest -- and this is just me, and no harm intended -- I'm tired of people saying they're going to save me by telling me what I need, without even asking me what I need.

That's been our story for years, people coming to save us by telling us what we need. First, we thought people coming out of prison needing employment, and we found out employment wasn't the issue. Now, individuals need housing.

So over and over again, when are we going to just say, we need to understand the harms that have been caused on the structural racism, having black people and Latinos at the table en masse, and those directly impacted and their family members at the table, to say, how do we do this different?

How do we do this different, that we don't keep destroying communities? How do we do this different, that the generational curses that have been entrenched into African-American communities -- how do we start to break that?

We have to face a fast truth, because in this
conversation, I see us start one way, and everybody still
twists this to where they're comfortable to discuss it,
and that's just really what I had to say.

MR. TRAVIS: So here's what I'd like to do.

Bruce, I want to -- I'm trying to decide. You can help me
decide.

I want to give Jennifer an opportunity to
respond to this conversation, not so much in direct
answers to questions, but just to reflect on this hour-
plus that we've spent together talking about your work,
your most recent research, and -- but you can also get a
sense of what we are wrestling with here, I think, from
the questions.

So I'd like you to sort of step into our --
we've struggled with some big issues, and help us think
about where we are, where you think we should be headed in
the future, and you see the tensions in the room, of
immediacy, of campaigns versus the long game.

You know, Square One is a long game enterprise,
but there are real immediate issues. So anything you can
do to sort of step back from the actual questions, and
just help us think about where we are. And Bruce, I'll
add you to that, if you would like to sort of also have
that reflection, but I also want to give you the
opportunity -- if you want to sort of hold it till the end
of our morning, that's your choice.

Just think about it some. So Jennifer, just step back with us and help us -- help position our thinking in response to your work.

PROFESSOR EBERHARDT: Well, thank you for all the comments. This is, actually, a lot of food for thought. I maybe can start with DeAnna. I know you said don't --

MR. TRAVIS: It's okay. However you --

PROFESSOR EBERHARDT: -- do whatever [inaudible] --

MR. TRAVIS: -- I just don't want to go through one by one by one.

PROFESSOR EBERHARDT: Yeah. I won't do that.

MR. TRAVIS: Yeah, yeah, yeah.

PROFESSOR EBERHARDT: But I just --

MR. TRAVIS: That's okay. Whatever works.

PROFESSOR EBERHARDT: -- I guess it's a recency effect. So --

MR. TRAVIS: Whatever works.

PROFESSOR EBERHARDT: -- yeah. I definitely agree that we need to hear the stories of those most impacted. And you know, I really see that in my own discipline in studying bias. I think a lot of the focus -- I mean, all -- a lot of the -- so the anchoring
is around, you know, how is it that people, you know, have bias, and sort of, you know, what can we do about bias?

Is there a, sort of, list that you can give us to kind of -- that if we do X, Y, and Z, we can get out of this? There's a lot of, sort of, momentum in that direction, but less so on the impact of the bias.

And even with writing a book, you know, I felt that, that the -- and the books, you know, that are out there now, I mean, the focus is on -- people even define the issue of bias around, sort of, the people who are, you know -- have the potential to perpetrate it, but not looking at the impact that -- the target of bias at all.

And so -- and actually, that was one of the reasons I wanted to write a book on this, is because I wanted to -- people to lift up, you know, the impact and lift up the pain that comes from it, that you know, for me, you know, drives the work, but then people don't -- didn't seem to, you know, have those people in mind when we had these discussions about it.

So I just wanted to say that. I also want to say, I don't think we should sort of think about in terms of how do we, you know, address these problems as either-or. Like, do we, you know, focus on, you know, these structural issues or do we, you know, focus on, you know, these other issues like bias and sort of the mindset kind
of issues?

I feel like we need -- it should be a "both-and." Right? We need to do both. And I've heard from, you know, lots of people who are, you know, sort of, in the mix in trying to bring about change and trying to bring about policy change that tell me, you know, when we change this -- you know, even when we're successful against all odds, you know, the bias, like, goes somewhere else.

It migrates to something else. It reattaches to this other thing. And so it can't just be about the -- you know, the policy. It also has to be about shifting the narrative. And so we need to -- and I guess this gets at your question as well, Alex, around the -- you know, the school desegregation and how you can have, you know, the racism kind of pull down those systems and these institutions that, you know, you would think society would hold dear but rather, you know, kind of, abandon the racism.

We've abandoned the institutions, but at least that's what I heard you saying. So I feel like we need to kind of work together on this and attack it from all sides. I also wanted to speak to the issue of -- geez. There's a lot of things on here.

I'm trying to think about which one to work on.
Oh, oh. So there's -- I think LeRonne Armstrong had mentioned some of the work that we're doing in Oakland trying to, you know, sort of change the nature of police-community interactions.

And he was talking about this work that we've been doing, looking at -- well, basically, we're taking body-worn camera footage and using that footage to give us an eye into these actual interactions. And so you know, with that technology, we are now in a position to really understand how these interactions unfold in real time.

And you know, I want to look at that, and want to look at that because it really helps us to, you know, see how, sort of, trust can get built or eroded one interaction at a time. And so we've been looking at this footage for several years now.

And I think one of the first papers we produced on this was looking at the language that officers use during these routine traffic stops, and you know, as LeRonne said -- I mean, community members were saying that they felt disrespected, you know, in these stops and that they were held in low regard.

And we found, you know, by looking at over 1,000 of these stops and using machine-learning techniques to help us to analyze what was happening in those stops, that the officers seemed to be, you know, professional
overall, but there was a respect deficit.

So you know, white drivers were treated with significantly more respect that black drivers, and this happened in subtle ways, and so -- ways like just how they greeted the drivers. With white drivers, it was sir and ma'am. You know, black drivers, you know, bro and dude, you know, that kind of thing.

And then also just offering reassurance to people. So white drivers, you know, they were, you know, told it was going to be okay and don't worry, and you know, they had their hands held in a way that black drivers didn't.

And even when the interaction was nearing the end, white drivers got, you know, this concern for their safety expressed by officers. That didn't happen as much with white -- I mean, with black drivers. So it's -- like, there are all these ways, even though these seem like subtle things -- there are -- they're the building blocks for how it is that we, you know, come -- as communities that we come to relate to the police.

And so we are -- we end up in different spaces. We have a wholly different experience with the police. We're kind of in a different world, and because we're in different worlds, I think that's why it's so hard for people to sort of understand the impact of the race stuff.
And I think it's also why it's so hard to just, you know, bombard people with data, because they -- you can give them the information, but they don't really understand the significance of that and what it means, and what it means for your daily life and how -- what it means in terms of, you know, sort of, magnifying the disparities that we all feel.

So I'll say that I think on the issue of training and accommodation, I wanted to just talk about that for a minute as well. You know, I -- like, I guess I feel somewhat ambivalent about the impact that my work has had on training and policing.

I feel like, you know, I want to get the word out there. I want to get the message out there. I want to use the science to actually make a difference and improve things, but my worry is, you know, that the training could be used in a way where it could distract, you know, from these other issues we have at hand, and it leads people to, you know, focus on that, focus their attention on that and way from the harder stuff, like, you know, the culture change, and you know, policy change and practice change.

So I -- my hope is that, again -- that we can try to attack this issue from all sides, but it seems like often we pick a side, and then sometimes the side we pick
is the low-hanging fruit, the easiest thing to do, rather than, you know, all the things that we need to really move the needle on this.

MR. TRAVIS: Jennifer, I'm going to --

PROFESSOR EBERHARDT: So okay. That's --

MR. TRAVIS: -- ask you to put a --

PROFESSOR EBERHARDT: Okay. I'll put a close --

MR. TRAVIS: -- stop there. There's a longer list and --

PROFESSOR EBERHARDT: Okay. All right.

MR. TRAVIS: -- people should feel free, encouraged, to seek you out during the break. Bruce, your thought? Do you want to add --

PROFESSOR WESTERN: I do want to --

MR. TRAVIS: -- then the floor is yours.

PROFESSOR WESTERN: -- try to connect to a few threads here, to our earlier conversation, but I'll be super quick. And -- because I know people, myself included, are eager for coffee. I think the big question that Jennifer puts on the table -- I'm going to make three points.

First is, the big question Jennifer puts on the table is how do we talk about racial inequality and injustice? And I think part of Jennifer's big
contribution is to make it much more complicated than we initially thought.

The key finding is that evidence of inequality crimes, narratives of black criminality, which is exactly the reverse effect that we would like to have part of this, is a story -- you know, it undermines, I think, our conventional wisdom understanding about the power of data, and Jennifer and Sasha have talked about this in different ways.

And data have symbolic power. They're sort of -- we take data as objective, but Jennifer's work shows -- and I hear this from Khalil as well, that you know, without context, data can simply reinforce preexisting stereotypes and racist sentiment.

So that's one thing. So we have to be really self-conscious about data. To the extent that we think data are going to answer problems in some context-free way, that's an illusion. Second thing -- Jennifer, I think we've talked a lot about dehumanization, Jennifer's work helps unpack the content of dehumanization, what that is exactly.

The work about black youth being perceived as older, then not being accorded their status as children, and all the capacities and limited culpability that we ascribe to children. Black children are denied that.
Stereotypically, black prisoners are at greater risk of death penalty. In other work that Jennifer's done that we haven't talked about at this table, images of apes can prime people to think of black people is another piece of the cognitive content of dehumanization that I think we have to take seriously.

So third and last thing, and spent so much time wrestling with this in the latter half of the discussion -- it's been a thread all throughout the last two days -- is about narrative change and what that process looks like.

Normally, we think about narrative change as preceding, coming before political change. We have to change the narrative in order to change politics. Jennifer makes the argument that there's a real narrative potential in political change, changing policy, changing politics has the consequence of changing narrative.

So I think of the work that Eric described to us, which I thought was incredibly powerful and moving. Maybe we should be thinking in a very intentional way about the narrative potential of that work, you know, beyond the extraordinary things that are happening in Brooklyn.

And then at the end, I hear DeAnna saying, you know, the relationship between narrative and policy,
culture and politics, maybe that's not the issue. Maybe
the alternative here is radically expanding democracy,
actually.

Who's at the table? Who has voice in this
process? And this is not just a demographic thing,
actually. It's not just changing the racial composition
of who's at the table, but it's empowering, tapping into
the life experience, who have been most disempowered --
right -- by the -- by punitive criminal justice policy.

So sort of democratic expansion is a way out of
this whole narrative politics box.

MR. TRAVIS: Thank you, Bruce. We're going to
take a 15-minute break. Please join me in thanking
Jennifer for --

(Applause.)

MR. TRAVIS: -- and her contribution. Thank
you. See you in 15 minutes, and we'll have observers --
you'll get your time to ask questions.

(Whereupon, there was a short recess.)

MR. TRAVIS: So our first commitment is to
allow the observers to make a comment or ask a question
before we get started, and so I want to open up the agenda
for that opportunity, and let me know if there's somebody
here who would like to say something.

Just stand up where you -- yes. Please go
ahead and tell us who you are.

FEMALE VOICE: [inaudible].

MR. TRAVIS: Just stand up, please. There we go. Okay.

FEMALE VOICE: One thing that I haven't heard highlighted, really specifically [inaudible] comes with the system of punitive excess and the courts and the ways in which the system degrades them of their dignity and [inaudible] whose victimization does the system acknowledge and feel accountable to [inaudible] also, so who self-identifies as a survivor, and like, why do they feel empowered to do that, or a victim.

But I think there's also a more technical conversation about the way in which the mechanics of the system are traumatizing to crime victims and survivors, like the physical spaces that -- in which they are interviewed, the ways in which they're not connected to healing resources [inaudible] is how -- like, as you guys embark on the Square One Project, being sure that you're addressing the trauma of having the system of excessive punishment in the name of this population of folks whose survivorship isn't even really being acknowledged.

So it's where the most harm [inaudible]. I'm just making sure that they have a seat at the table as well, and trying to think about what is a system that
actually is accountable to them.

MR. TRAVIS: Thank you very much. Very timely and very astute observation, and my guess is -- well, we'll see. Because it may come up in the next session and certainly in the session of the Roundtable on violence. Others who would like to -- in our observer row who would like to say something or ask us to consider something?

Okay. So yes?

PROFESSOR WESTERN: Question.

MR. TRAVIS: Just stand up.

MALE VOICE: [inaudible]. We've talked about criminalization. We've talked about dehumanization. But the process by which we actually humanize people, and can we humanize people a way that doesn't, like, code them as white?

So often, the conversation is about how, like, how we think white people, like, see black people or people who are not white, as people. But often that's just like the process of making them more like them. And so I'm thinking about the role of art, and the role of actually supporting black art and having black artists in the room to talk about justice, as a way to be able to think about seeing the world from our perspective, seeing the world without necessarily white-ifying or making it more palatable to white people.
MR. TRAVIS: Great. Fabulous. Okay. Last call? One, two, three, gone. Jonathan, the floor is yours.

PROFESSOR SIMON: Thank you. I just really want to begin with a tremendous amount of gratitude to everyone who's been here for the last three days. I have just taken on board so much. And I just want to begin with just -- I didn't bring my bell, but just some moment of silence for the enormous amount of pain I have heard in this room from people facing violence, mass incarceration, working to heal that. I just want to sit for that for just a few seconds.

(Pause.)

PROFESSOR SIMON: Thank you. So I want to offer a simple proposal for Square One. Imagine that Square One was a real estate project, which I thought it was when I first heard about it, and we were actually going to tear down the penal state that we now -- and have this big, you know, building site, and we were going to put up a sign sort of like the one Geoff talked about in front of the police department in St. Louis.

It says -- I think it said something like, serving white settlers since 1789 or something like that. What would we, you know -- what would we put on that sign. Right? I think it should be something like -- no
punishment and no justice without dignity, or no security, justice, punishment -- I'm not sure. Maybe we can use the word, justice, for all of those. No justice without dignity.

So you know, why dignity? And let me give you a couple of answers here. One is the sort of legal realist, pragmatist side of me. The Supreme Court has told us repeatedly that the very institutions that we've been criticizing today, the penal state, owe a deep obligation to respect human dignity.

We've been told that in terms of the Fifth Amendment, the Fourth Amendment, the Eighth Amendment, and we've talked yesterday about geography. It meant a lot to me to be here in California when Justice Kennedy wrote his opinion in Plata, and not only, you know, decided in favor of, you know, 180,000 prisoners, not only upheld what Justice Scalia called the most radical injunction in our nation's history, but tied it to this amazing language about dignity that he kind of resuscitated from Earl Warren's earlier opinions and Justice Brennan's earlier opinions.

So we've got something to work with there. And I'm a legal realist, and I say, if you say that's justice or that's dignity, and that opens doors for people and that makes it possible to talk about changing things, then
I want to work with what we've got.

It also of course -- if you know the -- there's a couple of human rights lawyers around the table -- there's a global discourse about human rights that has had relatively little impact on the U.S. domestic policies, but which is very much rooted in this concept of dignity, which is not without its own global problems, but when Kennedy says, prisons have to respect dignity, it's at least a wedge opening that says, well, maybe all that European discourse about how prisoners should be treated -- maybe all those U.S. Nelson Mandela rules about prisoners ought to have some bearing in the United States.

The other -- another reason is, I think, the democratic, small-d democratic politics side. I believe -- and I, you know -- I'm looking at Marc and other people who study this stuff empirically -- that dignity can have tremendous appeal across some of the ideological divides in the U.S., that it sounds in somewhat different ways for different people, but it has some common cores that bring people together.

And finally, it stems from the very faith traditions that our punitive traditions come from. I was talking about this with Pastor Mike the other day. Some of the same faith traditions that give us our great capacity to be punitive also have given us this dignity
idea with its potential.

So just very quickly, some of the big problems that face advocating dignity as the way to reimagine the system. So some historians, like James Whitman, have questioned whether America even has a dignity gene in its history, that we -- the quick version is this is we got rid of the aristocracy too quickly, instead of absorbing their, sort of, problematic status into the notion of citizenship, and we kept slavery too long.

So we kind of got a double-whammy. There's no upper story in the American house, just a basement, basically. You can go down, but not up. I don't believe this story fully. I think it captures America up till about 1865, but a few things happened after that.

And I do think we can talk about this more, but we have a tradition of dignity in this country that comes from places like the Black church. It comes from places like European immigrants who led the labor movement at the beginning of the 20th century, who brought some of this dignity or forged it in the crucible of slavery.

Another problem is that it's a very plastic notion. The Supreme Court itself has used it in many different ways. Sometimes it talks about the dignity of states and courts, which should just be removed. Those things don't have dignity in the way I want to use the
They're servants of human dignity. They are not holders of it. That's a vestige of the old aristocratic idea of dignity. But it's also been associated -- if you read the Supreme Court's opinions with autonomy, with equality, with privacy, most recent and most promising in my view with a principle I'll call the anti-humiliation principle, that there -- people should not be humiliated.

They should not be led to believe that they're not equal human beings. Finally, it's a thin secularization of divinity, much like the concept of sovereignty is a thin secularization of God's power and magnitude.

Dignity is a thin secularization of God's holiness or the kind of principle of divinity that we like to believe we see in ourselves and our fellow human beings. So it can be very difficult to fathom. It's just too big to wrap your arms around, which is why, in this paper, what I've tried to do is think of some ways to contextualize dignity that make it a little bit less overwhelmingly God-like, and little bit more something that we can actually use to reimagine a system.

So very briefly, I've tried to use -- first of all, some of the language that the Supreme Court itself
has used when it's talked about dignity over the years, and these terms are not unproblematic, but they're interesting.

So one is decency. There's a notion of evolving standards of decency that the Supreme Court thought we had reached, and when we got rid of the death penalty briefly in 1972, and that didn't work out so well, seeing that we went through some devolving standards of decency after that.

But decency is an important idea. It can sound very prudish. You know, the committee for decency is not something you want to join necessarily, but think of Joseph Welch, you know, confronting Joseph McCarthy, and saying, have you no sense of decency? Right? The sense of decency.

The other term is civilization, a very problematic term. Right? I mean, civilization comes with all of the onus of colonialism, slavery, all the things that allowed it to be built. But again, I want us to think about, you know, when Justice Kennedy wrote in Plata that prisons that deny basic things like medical care are barbaric and have no place in a civilized society, that's the kind of civilized society I want to invoke.

So the formula I've tried to think about for this is to think about what I call a decent society, a
civilized justice system and a condition of dignity, and I want to just briefly touch on each of them. So a decent society -- the title is actually -- or the phrase comes from a philosopher -- Avishai Margalit's book, *The Decent Society*, and he wrote it not in opposition to but to contract Rawls' notion of a just society.

And he said maybe we can't be a just society, a society where inequalities can be justified by improving everybody's well-being, but the least -- we should be a decent society, and a decent society doesn't humiliate people. But he was mostly focusing on the state.

He was an Israeli, so he was very concerned about the Palestinian issue and the structures of the state. But to me, the decent society is a merger of state and civil society.

So to protect people from humiliation, you need things like labor laws that make sure that work isn't a form of slavery. So it's a source of rights and not just income. So you need civil rights laws. I mean, some of the biggest victories in American culture and society in the last generation have been through the American With Disabilities Act.

I mean, imagine what this country was like in 1980 for people with any disability, which is all of us at some point, if we live long enough. And it's also a
welfare system that holds people up so that they don't end up in utter despair.

And I guess the point I want to make here is simply that, if you think that you say to a prison officer or a police officer, your job is to give these people dignity, while the moment before they were arrested, they were living under a dumpster or on the street, you're just kidding yourself. You can't produce dignity at the point of delivery of justice if you don't have a larger social structure that's holding people up in some way.

And so while we reimagine the system, it has to go along with strengthening this decent society. And I think Obamacare, you know, is one of the reasons that one could be really optimistic about Plata -- was looking at Obamacare, and thinking, we're not just dumping people out on the street. We're also taking -- we're taking measures to make ourselves a more decent society.

The other notion is a civilized system of justice, and I take this phrase -- *Civilized Security* is a book by Ian Loader and Neil Walker, and they make the great point that most, sort of experts who support the security state sort of just advocate its total authority without much criticism.

Most critics of the security state think we just shouldn't have a security state. They argue that the
state has an important role in providing security, and that role is civilizing security, and that if you think about the sort of Hobbesian state of nature where people look out for their own security, it's a very uncivilized world.

But if you look at, you know, the death of people like Tamar Rice, we're living in a Hobbesian world. What kind of world is it where police get out of a car and execute a teenager? That -- I mean, it just -- forget whether we can prosecute those people.

We shouldn't have -- we shouldn't pay for an institution that does stuff like that. We should just dismantle it if it's going to do things like that. That's not a civil -- you wouldn't guard your house by having a rabid wolverine, you know, at the front door, right, because you have to walk by it occasionally, unless you knew you weren't.

And then that finally brings us to a condition of dignity. I was really taken by this New York Times article about this mayor in Bayonne, France, who, tired of seeing homeless migrants passing through his community on their way to bigger cities in France and Germany and living in despair in the streets of his city, and hearing increasing demands for exclusion and a kind of militarization of the border, he just simply said, my job
is to create a condition of dignity for people who are in
my jurisdiction.

For as long as they're in my jurisdiction, I
will allocate whatever resources are needed. We'll build
a, you know, barracks, military barracks here. We'll put
in advisers and clinicians, et cetera. And it seems to
me, we're such a fragmented justice system, we don't have
Justice Kennedy to just give us dignity from the Supreme
Court.

We don't have a ministry of justice that is
going to simply adopt the European Code of Human Rights.
We're going to have to have 15,000 police agencies, and
you know, thousands of counties make these kinds of
changes. And one of the things I want to offer to the
many people who have been in this room that have been
actually struggling in those spaces is this idea of a
condition of dignity.

You may not be able to control much about your
inputs and your outputs, but you -- if you have authority
in your jail, in your police department, you can say that
anyone in my jurisdiction is going to be in a condition of
dignity, or I'm not going to work here anymore.

And you know --

FEMALE VOICE: [inaudible] --

PROFESSOR SIMON: I think people who are
leaders --

FEMALE VOICE: -- a condition.

PROFESSOR SIMON: A condition of dignity.

Right? So the interesting thing is, dignity is so big, so vast, so abstract, that it's hard to know what it means. But if there's a storm and suddenly 12 people are at your house and they need to spend the night there, all of us know how to make that dignified.

Right? It's a very practical thing. I always like to tell students: the most important technology of dignity ever invented is the bathroom. Right? If I've got, you know, very nervous about this event and had to excuse myself and use the bathroom, you guys would chuckle about it, et cetera, but my dignity would be intact.

You know, if I had to use a bucket in the middle of this, how would it be? Right? And that's a jail. That's a typical jail in America that people spend time in.

So that's what I mean. A condition. If you're a police officer, you ought to be -- if you're going to stop somebody, do a Terry stop, can you do that in a way that respects their dignity? I'm not sure. I'm not sure. Maybe procedural justice has answers there.

Very briefly, I want to raise up two things that I didn't talk enough about in the paper, but I think
are very important, especially in terms of what Jennifer has just been talking about. The first is race and dignity. I find that whenever I start talking about dignity, race disappears. It's sort of like -- let's think about dignity and it's this kind of uplifting feeling, like we're all in church together.

And when I say, you know, prisoners need dignity, I think people imagine, like, Burt Lancaster, in you know, The Birdman of Alcatraz, you know, an aging, white prisoner who's, you know, been silently been doing sweet things for decades. He needs dignity. They don't think of Keith.

You know, dignity, yes, not for Keith, not for terrorists, not for people that don't look fully human, not for queer people. There's always a danger that dignity talk is going to raise up a certain expectation of what we deliver, and then go, oh, but we don't give it to people that don't reach our level of dignity -- foreigners, immigrants, terrorists, et cetera.

So look at, you know, the way people justify torture in Guantanamo, as well. They've been trained to overcome our tools of conventional interrogation. In other words, they're not normal humans anymore. They've turned themselves into kind of cyborgs of some sort that aren't -- so now we need to use torture.
They're not human. So there's this race and
dignity problem. Whenever we talk -- whenever I even
write about dignity, I find myself not writing about race.
So how do we deal with that? There is -- you know, one
answer is the sort of Clarence Thomas approach, I suppose,
which would be to say, in our society, it's simply no
longer dignified to notice race, that only color-blindness
is sort of compatible with dignity.

But I think there's some version of what I
would like to think of as sort of the Sojourner Truth
approach to this, which is to invoke dignity and then
invoke grace. So "ain't I a woman?" Right? When
Sojourner Truth said that, she was saying, well, think
about how you treat women, and then notice how you're
treating me.

Right? So she was saying you have a certain
idea of dignity required for women -- and they had a
sexist age -- but you're not giving it to black woman. So
I think we need to do some version of that, but I'd be
curious what the psychologists can help us with on this.

And the final thing, the most provocative thing
I want to say is to raise our -- I only used it once in
the paper, but I know it's -- it can sort of trigger a lot
of people, but it's the A-word, abolition. I just want
to -- I want to raise the word, and I just want to say --
you know, my subtitle for this little subsection is -- "don't fear the reaper."

Abolition is something important to think about. Don't fear the reaper. So first of all, notice that what abolition talk is telling us -- when people say they want to abolish ICE or they want to abolish the police or the prisons system, what they're telling us is that there's something very core about this practice or this institution that simply doesn't sit well with human dignity.

Now, there are a lot of questions for any institution about -- can you reform it, or is it somehow intrinsically incompatible with human dignity? Right? So think of the things that have been subject to abolition discourse.

Slavery. Right? Can we reform slavery? Some people thought they could, you know, at the beginning of the 19th century. You could have a more genteel slavery, et cetera. Well, let's just get rid of the slave trade. Then maybe slavery will sort of civilize itself and we won't be kidnaping people anymore.

Right? So abolition talk, even if it -- it's always telling us very important -- that is that there's a sense that these practices are just not compatible with human dignity. Now, can you reform them? You know, if
so, is prison more like slavery or more like capitalism?

Right? Some people think capitalism is just not compatible with human dignity. A lot of people think you can reform capitalism. You can have regulated capitalism, capitalism with a social face, and maybe it's not incompatible.

Working for somebody for money is not incompatible with my human dignity. Being a slave is.

Secondly, abolition policies are often partial. That is, we -- abolitionist talk sounds very totalizing, but what usually happens is that some aspect of the institution gets dropped.

And so when we talk about abolition, abolishing the police, what we ought to be thinking about is what aspects of policing are just incompatible with human dignity? Right? Racialized stop-and-frisk, clearly. Right?

Tamar Rice, clearly. You know, training officers to use their weapons when a person, a mentally-ill person wearing a -- you know, has a knife, 20 feet away, clearly, got to go. Solitary confinement, got to go.

The death penalty, not compatible with human dignity. We can kind of go down the list. And it seems to me, any civilized security system in a truly decent
society always ought to be looking for how to abolish these parts of itself, what parts of itself are no longer compatible with human dignity.

Think about the police. When Boston, you know, borrowed London's police department reluctantly in the 1840s, it was in the face of what they took to be an invasion of Irish immigrants that they considered ungovernable.

They wanted a brutal force on the streets of Boston that could control this non-white, non-Christian workforce that was rioting and considered dangerous. Now, of course, a couple generations later, the Irish were the police.

But the problem is that, like, the police were invented to be not a democratic organ of an equal society, but a tool of control in a brutally unequal and undemocratic society. Now, the question is, have they changed enough?

They still look a lot like Bobby Peel's police to me when I look at them. They're still organized in military ranks. They're still wearing uniforms. They're still -- emphasize force too much in my view as the primary thing.

So again, when you think about abolition, don't think, oh, my job's gone tomorrow, although all of us
serve at some level of public interest, but think about how can we imagine a world without the worst parts of the jobs that we already know we have.

So I'm going to stop there.

MR. TRAVIS: Thanks, John. We'll have clarifying questions in a second. I just want to give a preview as to where we're headed. It's 12:15. We said we're going to end no later than 1:30. I want to suggest that we end at 1:15.

There are people who have flights to catch. It always feel a little good to -- sort of, for a group to feel like it's accomplished its work. There are boxed lunches, as promised, back there on that table. You can pick it up now, if you'd like to, or as you leave.

So that means we want to do this session very efficiently and still give Jonathan time to respond to comments, and Bruce time to wrap up. So that's my hope, is that we can sort of move pretty quickly through a very complicated and welcome topic.

So clarifying questions for Jonathan before we open it up? Okay.

MALE VOICE: I think I'll jump in if I can --

MR. TRAVIS: Okay. Of course.

MALE VOICE: -- real quickly.

MR. TRAVIS: Yeah.
MR. MUHAMMAD: So glad to hear Jonathan sort of talk about the theological aspects of this, at least in part. I was trying to find a way to get it into Professor Eberhardt's comments. But I think we underestimate, and there's ample scholarship on this, that goes to the issue of punishment, the politics of disgust, the way we look at punishment as social phenomenon.

The religious -- the Protestant heritage, the Protestant foundations, at least of New England, but certainly culturally influencing the rest of the land as it continues to expand, it just seems to me that we underestimate the Protestant dynamic of punishment, when I mean, I can literally sit here right now and -- you know, Pastor Mike called me a preacher yesterday -- literally sit here and help sort of create a model of the Christian, the Judeo-Christian notion of God and judgment, into actually a courtroom scene, where Jesus says the -- you know, you've -- I'm sure you've preached this sermon, as a propitiation, the go-between, and Satan is the accuser.

The prosecutor -- no offense to any prosecutors here. We've all heard this before, right, and we've seen this scene. But I've said this to my students, that you know, you talk about penitentiary and penitence. You know, talking about reprobate -- probation.

You talk about, you know, the whole notion of
the SHU unit and the analogy to hell. Right? I mean, if
there is no -- if hell is not like the SHU unit, then the
devil needs to come to our world and take the SHU unit
back to hell, because -- you get the point.

So again, I just appreciate that you at least
invoke the -- you know, for lack of a more sophisticated
term, the religious dimension of this, because as I talked
about earlier, the socialization, those are the things
that we're trying to unpack, deep, historical, I mean,
foundational stuff.

And we're talking about the core of who people
are beyond these structures that we're talking about, the
racism that's bigger than Christianity, the racism that
has endured every major religion. Racism has proved to be
stronger than any major religion in the world.

At least when it comes to black folk, religion
fails to make people live up to what they believe. So
when you talk about this whole question and this equation
around the religious aspect of black or human dignity, I'm
just glad to hear it being discussed in a setting like
this.

Because we can become so focused on the data
and analysis and empirical orientations to these
conversations, that we forget that people live closer to
their hearts and their spirits than they do to their
brains, when it comes to what they feel about the world, not just what they think about it.

And much of the feeling about the Black presence in America is underwritten by a religious understanding of who is righteous and who is unrighteous, light and dark. I mean, Winifred Jordan's book, Roll, Jordan, Roll, if I'm -- I mean, Winifred Jordan's book, Roll, Jordan, Roll, if I'm not mistaken, addresses this --

the shock of early whites to early Africans, the first encounter, and the physical surprise of darkness compared to what Europeans had seen in themselves had a transformative effect, even though Islam had long been there before in Africa.

So it seems to me that when you're talking about, you know, Robert Bellah over at Berkeley, who's now gone, when he talked about, you know, the sort of Protestant foundation and heritage of America, I think -- I try to remind my students of this all the time, that what we think about prostitution, what we think about adultery, what we think about smoking, what we think about drinking, what we think about marriage, what we think about marriage equality, what we think about welfare, is all powerfully informed by the religious underpinnings of this land, and I think we sometimes underestimate that.

MR. TRAVIS: Thank you very much. The queue
now has -- look at that. Whoa. What just happened?

Marc, Geoff, John, and we'll just go down this side of the room, and then come to Jennifer. Okay. Marc?

And we're trying to keep these short observations, and Jonathan will do his best to make sense out of it.

PROFESSOR LEVIN: Sure. Well, and I appreciate the point that this has to be universal, and also at the same time, I think, we have to say that the dignity has to be tailored to the individual. So for example, someone in prison who's deaf, what dignity means for that person is going to be -- need to be tailored.

And even with something like language -- I was actually in an Uber the other day where someone -- we were pulled over, because they say he was driving in the wrong lane or something. But they're yelling -- he's yelling out of the police car, drive two blocks up and go right.

Well, he doesn't speak English. He only speaks Spanish. Just got here from Cuba. So I mean, it wasn't -- that wasn't a dignified opportunity, and frankly, I was very worried. But I think the other thing that I really wanted to hold up is that, you know, how do we -- obviously, five votes on the Supreme Court is great, but how do we get public attitudes to embrace this?

And that seems to lead back into the discussion
we were having about race, and I think, you know, the
voices of formerly incarcerated people -- when someone
needs Matthew Charles, I would have wanted -- who would
say, I would have wanted him not to have a basic level of
humanity while he was incarcerated?

And I know that there was -- Khalil, you kind
of commented earlier. There is mixed research,
absolutely, on the question of, kind of, proximity and
relationships, but you know, there's this interesting
study they did with the Air Force cadets, and when they
were assigned to a group where there were more peers that
were black, those white cadets subsequently said that they
had basically more accepting racial attitudes.

They were more likely to choose a black
roommate. And what I want to zero in on is -- there was
this validating context that they were both in the Air
Force, whereas we see the intersectionality of race and
poverty.

So if you have interactions with African-
Americans, and they're -- you know, basically, they're
people that are poor or otherwise, you see them as so much
different from you. You don't have that validating
context, then you're not going to, I think, necessarily
see attitudes change.

So I think one of the good things about dignity
now we're seeing is that solitary confinement is down more than half, and that's why we have to keep pushing back against saying, these people are animals or whatever, and reject that type of -- because that's what leads to these fundamental abridgements of dignity.

MR. TRAVIS: Thanks, Marc. Geoff and then John Chisholm.

PROFESSOR WARD: First off, thank you, Jonathan, for -- the lights are going off everywhere. But really, really, I think, important contribution. I just want to connect it back to some of the points that we were talking about yesterday, including the importance of bearing witness and truth-telling, as dignifying, kind of, rituals and ceremony.

We had a bit of an exchange about that regarding the dispossession of the Native populations. So these are, you know -- I call them valorization rituals, which I don't think is the best way to describe them, but they are -- there is evidence that I neglected to share, which was kind of why I was advocating this as a Square One kind of intervention.

And the evidence is that, in places where -- so studies that have looked at the relationship between lynching historically and contemporary black homicide have found that in places where there have been what they call
disruptions of this racist culture script through interventions, social action in the intermediate period, that involved essentially truth-telling and bearing witness, attempts towards reconciliation, so monuments being placed or official apologies, et cetera, those studies find that that relationship is attenuated.

It is diminished. Lynching is not a strong predictor of black victim homicide in those communities to the extent it is in other places where there has not been an attenuating intervention, and the researchers described it -- interpret this as a sort of break in the chain of white supremacist cultural scripts.

But I think there's a broader frame, that you produced, that you offer, that these are moments when these indecent society have a sort of injection of decency that is related in part to racist ideology, but I don't know if it's reducible to that.

Just on the flip side of this is that -- in some of the research we've done, we've found that the relationship between lynching and contemporary black homicide is stronger in places where there is racist violence in the intermediate period, and we used civil rights movement era violence in Mississippi to show this, violence against civil rights movement activists.

In places where you have a sustained pattern of
racist violence, the legacy of lynching, it remains stronger. So I think there's a very strong -- it kind of -- there's a significant empirical basis to support the idea that really taking concrete steps to promote decency through these kinds of cultural interventions we've talked about can be impactful.

And just the last thing I'll say -- I was thinking about this with Jennifer's work -- this is a sort of another layer. This is kind of a cultural layer upon which the kind of observations you're making occurs. And so you could imagine replicating that study in a place where there's been this intervention into indecency versus one where there's not, and the same people would respond differently to the same prompt, perhaps because their racialized fears would be different.

MR. TRAVIS: A special thanks for linking our conversation together. This notion of an intervention of decency as being disruptive of that connection that you found is fascinating. John Chisholm, and then Elizabeth, and then Jennifer, then Jody, and then Keith.

Yeah. John?

MR. CHISHOLM: Thank you, Jonathan. I thought this was such a perfect and succinct connection to the discussions that started with Khalil and have now kind of worked their way back to some of these central questions
And I think it's so important that you elevated in a different way where we started off. And it just raises the question that I think is at the core of Square One again, and that is, if as Khalil started off by saying, that our founding legal document was itself unlawful.

Right? Well, the people who made that document were so heavily infused --

MR. TRAVIS: Say goodbye to Marlon.

MR. CHISHOLM: Oh.

MR. TRAVIS: See you later.

MR. CHISHOLM: Marlon, take care.

(Applause.)

MR. TRAVIS: And Khalil, too. Thanks, Khalil.

Always good to be with you.

MR. CHISHOLM: I was going to say, that founding document and the people that made it were so heavily influenced by religious experience, the philosophical movements of the time, their own personal experience, and they'd come out of intense and brutal struggle to form at least the possibility of creating a different community.

And so what it brings me back to, then, I think is really sort of an existential question for everyone in
the room. If you were to imagine that everyone in this room were to be a delegate to a new Constitutional Convention, and everybody here has the absolute --

MR. TRAVIS: Let's do it.

MR. CHISHOLM: -- you laugh. I -- you know, I just imagine, if everyone in this room were a delegate, what would our founding legal document start with? What would be the influencing things? And I ask that question because what has also -- what I look on as an existential reality is the pain and the suffering that has been revealed in this process can go -- and it can go in certain logical ways.

Right? In a historical sense, this can result in extraordinary levels of violence. In fact, the question I would ask is, can anybody give me an historical example of a community, a nation, that has transformed itself, elevated itself, created a greater sense of dignity for its people, without having that imposed upon them through brutal force?

So we've mentioned Germany a number of times. It was an incredible experience to see how they treat their citizens who are brought into their criminal justice system. Let's not fool ourselves. That didn't come -- that didn't emanate spontaneously from the German people.

We made the rubble bounce before they did it.
They had hurt so many people. They had devastated so many nations, that we didn't give them any choice. And the experience that they had from -- in 1945 was an experience of brutality.

We shouldn't fool ourselves. The country was divided. The experience from Russian, the Soviet occupation, it was brutal, and a lot of us would say they deserved every bit of it. And so the experience that comes out of that is informed -- that the challenge to us is, do we have to go through that same experience?

Is that what we have to experience as a country before we recognize the dignity of everybody? I would hope not. I would pray not.

MR. TRAVIS: I'm going to read off the whole queue, so people know that I haven't -- I hope I haven't forgotten them. Elizabeth, Jennifer, Jody, Keith, Jennifer, Sasha, Nicole. Okay? Maria. Sorry. Okay? Is everybody on that list who wants to say something before we wrap it up?

PASTOR McBRIDE: I'll be quick. I'll be brief. I promise.

MR. TRAVIS: Also, who did I miss? I said this before, benediction at the end. Okay. So yeah. Okay. Go ahead.

PROFESSOR TREJOS-CASTILLO: I just want to
start by thanking Jonathan for this reflection on dignity, and I could email. I have struggled a lot with this idea of dignity, because sometimes we feel like the nature of what we do brings dignity in what we do.

You know, the profession that we have is very dignified or has this high dignity in society. So if I say something is the last word, and it's very powerful. I struggled about with being cautious in what we do in the populations that we work.

I work with foster youth at our -- at the juvenile justice system, but along -- you know, in general, where youth are vulnerable across many different systems. And so you know, one of the struggles that I have had is that how do I make my profession or how do I make what I do more accessible to the people that really need that?

You know, how does the knowledge that I am producing gets in the hands of the people that actually are going to -- that need it, but they can make a difference? You know, I'm talking about community members.

I'm talking about parole officers. I'm talking about everybody that works in the juvenile justice system, but also works in the child welfare system. So that -- at some point in my career, I realized that I cannot make
prevention from my office.

   It's impossible. I have to get out and start
talking to the youth, but not only the youth. I need to
elevate the voices, so that we understand the trajectories
across all these different systems, and how we are not
treating them properly.

   Right? But one of the worst conversations or
the most difficult conversations that I ever had was with
an officer in one of these detention centers, because I'm
interviewing youth and I wanted to have the space, you
know, feel safe to talk to them, because I feel pretty
safe talking to them.

   And then I have this guard that has, you know,
guns on him, and he keeps insisting on the fact that I am
not safe with a 12-year-old that just stole something for
food. You know, he was just selling drugs or whatever.
But he felt that I was not going to be safe.

   So I had this strong conversation with him. I
said, well, you can just wait for me outside. But you
know, at the end of this thing, he ended up staying
outside. But I wanted to go back and talk to him. And
then he keep telling me that he needed to do that for my
own safety.

   And I understand that it's not necessarily my
own safety, just a protocol, whatever procedures he had to
follow. So at the end of this long conversation with him, one of things that I was able to reflect, and I was able to reflect with him, is the fact that he felt that that was his role, you know, and the dignity of his role is to impose this power and to impose his authority and to protect me.

And so he's coming from an idea of fear. So I -- you know, I just want to pose this question or this reflection to the entire table in terms of -- how do we bring the dignity to the profession, to the things that we do on the daily life?

And how do we separate the dignity from the profession itself? Because, you know, in society, we have felt that the hard job is for the police. The hard job is for people that are fighting crime. But they're not necessarily fighting crime.

We're all here because we want to talk about justice. We want to talk about what is best for everybody, and for different groups that have been so violated across our history and in society. But how do we bring dignity to things that we do, and separate it for the profession?

You know, it's not that because I'm a medical doctor or clinical psychologist or whatever. What I do is dignified. But how do we allow people to bring dignity to
what they do, when in society sometimes we feel that that role is not dignified?

Because the talk that I have with this parole officer got me thinking about this, you know, the fact that he had to do that. But he also felt -- at some point, he felt embarrassed. He said, well, I don't -- I didn't know, you know, what you're doing and the work that you're doing.

And he actually posed this question to me: how do I do this better? How do I learn how to dignify my profession without having to follow this role that I'm supposed to follow? So the intersection of power with professions and different systems in our society, and bringing dignity in what we do with removing that from the fact that we assume that some professions are more or less dignified.

MR. TRAVIS: Elizabeth, you also have linked conversations over -- that we've had over the last three days, and I think Nicole's opening yesterday, in essence, posed this as a challenge to the professions, people who run agencies, also to our educational system.

How do we think about this? What Jonathan says is, at a minimum, what would it mean to require human dignity in all settings and have that be a leadership obligations? And also what you said also links to the
bearing witness question that I think people in those
situations face.

Many of us have been there. Sort of, what do I
do now when I see something that makes me sort -- that I
find revolting, and what's the bearing witness in that
moment look like? And how does -- this is -- what's the
script?

And how do you work it through? And how do you
work it through, particularly if you run those
organizations, which is another way to think about it.
Jennifer?

PROFESSOR TREJOS-CASTILLO: If I may, very
quick, just, you know, link it with what Jennifer was
talking about before. You know, I -- sometimes we feel
like the training might be the solution, you know. If all
the parole officers were trauma-trained, they would
understand that, you know, this is just not -- I don't
have a criminal in front of me.

I mean, there are all some circumstances of
this. But I think that by doing that, we are not
necessarily dignifying the profession in not allowing them
to be able to understand beyond that. It's not just a
training.

It's not -- it's the mind change in the
narrative that we need to change in this society.
MR. TRAVIS: Jennifer?

PROFESSOR EBERHARDT: So you asked for a psychological perspective on the color and color-blindness, and so I wanted to offer that. There is some research, just looking at our associations with, like, light and dark, white and black, and there was one study where they had people just -- it was a color-naming task. And so they had words appear on the computer screen in either black font or white font, and the study participants simply had to, you know, name the color as quickly as possible. And the finding was that people were much faster to name the color of immoral words, when it appeared in black font, and much faster to name the color of, sort of, moral words like, you know, virtuous and those kinds of things if it appeared in white font.

And I had a book open, because I write about this study in the book, but they -- the authors of that study have this quote that I wanted to read, and it says, "Sin it's not just dirty. It's black. And moral virtue is not just clean, but also white."

So that's that on color. And the other comment I wanted to make was just on color-blindness as a solution. And you know, there's a way in which, you know, Blackness is seen as undignified, and because it's seen as undignified, it's something that we should look past, that
we should try to not to see.

And even in schools, right -- you know, that I think this whole color-blind philosophy is something children and students are taught. To be a good person, you should be color-blind. Parents teach their children to be color-blind.

So there's research on this. I could say really quickly what the finding was here. They were interested in the impact on the color-blind message for young kids. These are elementary school children. So they set up a study where they had some students -- you know, that were told that to be a good person, you should be color-blind.

Right? And then another group of students were told -- these are fourth- and fifth-graders again. They were told, to be a good person means you should value diversity. And then they presented them with a situation where it was a clearly, like, discriminatory incident.

So there was a white kid who pushed a black child on the soccer field, knocked him down, you know, punched him. He's on the ground. And they ask, well, why did you do this? And the child says, I did it because he's black, and black people are aggressive.

Okay? And so for the children who were told, to be a good person, you should value diversity, when they
were asked, is this discrimination, 80 percent of them said yes. The incident of -- instance of discrimination. For the children who were told, to be a good person, you should be color-blind, only half of them actually recognized this sort of blatantly discriminatory incident as discrimination.

And so the whole issue here is that when you don't -- when you're taught not to see color, you also don't see discrimination. So you -- it kinds of renders us not only -- when we're attempting to be blind to color, it renders us sort of blind to inequality rather than sort of combating that inequality, which is what we want to do.

MR. TRAVIS: Jennifer, I know your publicist thought this was a day away from --

PROFESSOR EBERHARDT: Sorry.

MR. TRAVIS: -- getting book sales, but the people here and those who are watching virtually, and all of us, I think, we'll look at the data, but my guess is today will be a spike that good things will happen [inaudible] in terms of saying, this is really important work that you're bringing to the table.

Okay. So Jody, then over this side, Keith.

PROFESSOR RICH: I'll try not to scratch the record too much this time. Just on books, I would love to have a compilation of all the books that were mentioned in
the last few days, purchase a bibliography of this. And
wanted to -- just a number of comments.

I'll keep them brief. The point that I made
earlier about fear being a fundamental -- I mean, I think
fear driving people's activities and it being part of our
culture, and also the other component, this punishment and
sort of blood thirst to see people's punished, and to
watch this, and this kind of entertainment and
spectacle -- I think those are two Square One issues that
we really have to think about deeply and address.

So the first is fear that, you know, be scared.
Be scared, that people are bad people. I mean, I talk to
people everywhere I go, and I -- and including behind bars
every week. And I would say most people are good people,
just want to get along and want to have the same values.

There's shared values. But yet, if you watch
the news, if you saw our culture, and you would think
that -- oh, my God. Most people are, you know, if given
the opportunity -- would be murderers and rapists and hurt
other people, but that's just not the reality, but that's
the perception.

So I think we should think about that. The
second one is this punishment, this sort of drive for
punishment that we -- this lust for punishment, and the --
you know, that this -- I mean, we're talking about
dignity.

The flip side of dignity is this de-humanity that -- and the lack of humanity inside correctional facilities is really -- you know, you talk about the officer wants to say this is his -- you know, he's got to punish these people.

That's his lane. That's his job. You know, on Tuesday, I was at our super max facility, and I asked to see a young man who had addiction problems, and I had to wait, and they brought him, handcuffs to the back, and he's -- you know, this is inside a facility that has, you know -- the windows are so narrow, you couldn't get your head through.

There are bars and there's three correctional officers. And this one guy, who is, you know, pretty regular guy. You know, he has an addiction problem and he got there. And you know, I asked the officer, well, can we take off his cuffs so I can talk to him and examine him, because he's like this.

And the officer says, oh, no. It's our protocol. No, we can't do that. No. He has to stay locked up. And you know, I do that all the time. I consistently always do that, because I'm not talking to the officer.

When I say that to the officer, I'm talking to
my patient, and I'm saying, this whole -- everything else that is going on here is messed up, and I acknowledge that. And I'm not part of that. I'm your doctor, and this is between you and me, and we're -- you know, we're talking about your health and your health care.

That's what's going on between us, and I acknowledge that. And you know, sometimes they take it off, and that's great. Sometimes they don't. And I don't --

MR. TRAVIS: The statement means a lot.

PROFESSOR RICH: You know, and it's just introducing a little humanity, a little dignity into the situation. But the -- we don't have to have these dehumanizing facilities. So I've been to prisons on, I think, five different continents.

And you know, Brie Williams, who's in San Francisco here, brought me to Norway, and unlike Germany, where you didn't -- they -- Norway didn't suffer that. Norway had a system, from what they described from people there, 30 years ago, was sort of similar to what our prison was.

And then there was a bad incident and a number of prisoners and correctional officers got hurt, and you know, the approach was described as, you know, banging heads together. And they said, wait a minute. We have to
rethink this.

And they rethought it. And they came up with a different approach. So Brie described it to me. She said she got goose bumps the first time she went there. She walked in the door and found out that everybody is on the same page, the officers, the inmates, the ancillary staff, the wardens.

Everybody is on the same page. And the page is -- something happened and you're here, and from the moment you get here, our goal is to get you back out there and to be a good neighbor, period. And the whole system is designed to humanize people, to help them.

Now, they have a lot of differences that, you know, we can't address. They -- correctional officers in that society are valued members of society. They function as social workers. There is a tremendous competition to get into the training academy.

It's a two-year intensive training academy. They only select the right people to do this. And every person who's incarcerated is assigned a contact officer. Every officer is a contact officer for two inmates. So they -- every, you know, so five days a week, they go and spend half an hour, 20 minutes, with their two prisoners that are their -- that they're in charge of.

So the first time they meet them, they say,
okay. Well, you know, what's your goal? What do you want to do? Do you want to learn how to be a carpenter or whatever? We'll get you into that program. Do you want to get to this, you know, we'll work that.

And then the second time you show up, it's like okay. We got that covered. What did you think of the ball game? And you know, they -- it's just a -- it's a humanizing context. But you know, we -- I was there with a delegation from Rhode Island.

And they said, what's a good day in the life of a Norwegian correction officer? And they said, a good day is when we really connected with the patient. We've made a breakthrough. They've got -- you know, seeing things in a different light, and they're going to change their life and move forward.

And then correctional officers from Rhode Island were there, and they said, well, a good day in the life of a Rhode Island correctional officer is nobody got hurt. And then -- and they described this incident in Rhode Island where there was -- it was maximum security.

A bunch of inmates were moving, and just like that, everybody -- they were at each other's throats. They were, like -- a riot happened. Eight or 10 inmates had a big scuffle in there, like, just complete mayhem, and they came and sprayed them and everything.
And that never happens in Norway, because that festering never happens. Anyhow, Norway as an example of a humanizing approach. And a final thing. The -- I just want to echo the comments made last night about the sort of parallel universe in our health care system.

A lot of the problems we're talking about, the racism, the stigma around poverty, discrimination about drug users, that is -- all happens in the health care system as well, and I would say, you know, when we look at the population who is incarcerated, they have a tremendous burden of health problems.

They have addiction. They have mental illness. That's what brought most of them in there. But in addition, almost any health metric you look at, they are an ill population. And so if we can take this distorted system and turn it on its head by improving health care and humanity, and you know, trauma treatment and do what they -- whatever they do in Germany.

They get people to be non-murderers after two and a half years. If we can do all that, then we can -- you know, being in incarceration could be actually a helpful outcome. So thank you.

MR. TRAVIS: Very powerful images. We're on a rapid clip here, just as always happens, you know, there's lots of stuff we want to cover as we're about to break,
and that's natural, but Keith, and then Jennifer.

MR. WATTLEY: Thank you. Thanks for this paper, Jonathan. It was, for me, really meaningful. You started with a discussion of the Plata case. I worked on the Plata case, and really, the case was kind of underlying the work, which was a mental health case.

And one of the things -- you know, I appreciate what Jody said about what's possible in a prison. You talked about what you saw in Norway, and what I've learned is that you can't get there through litigation, and it's not possible, I don't think.

I mean, you know, Plata -- and even, you know, the Plata case about the Supreme Court ordering the Department of Corrections in California to decrease the population in its prison. The -- but it's more about ratios, and to be clear, it was not a release order.

They didn't order the state to release anybody. If the state could have built more prisons more quickly, we wouldn't be talking about Plata, because there would be no discussion of any rights that have been violated, because the mental health case in particular was about making sure they identify and provide treatment, some really minimum level of treatment, for people that have mental illness.

And what that looked like was, they started
identifying people. They would provide better access to doctors. The doctors wouldn't do a whole lot for them, but they would at least recognize them, and try to keep them from hurting themselves, but even the institutions where they would approach that level of care, they were just quickly overwhelmed by the sheer number of people that were coming through the system.

That ultimately led to the Plata case we talk about. But had the -- but had enough prisons been able to staff their institutions, then we wouldn't have had that. And to give you a sense of what the Constitutional minimum was -- because that's what the litigation is about.

Litigation drives policy change to the Constitutional minimum, the Constitutional minimum, even in those institutions where they were meeting it in the Plata case, before the Plata case, it was completely unacceptable.

There's one man that comes to mind who was so known to be, throughout the prison -- to be floridly psychotic. He was so unable to take care of himself. He didn't leave his cell. He didn't clean himself up. He didn't do anything like that.

So the protocol was, once a week, they would go physically drag him out of his cell, hose down the cell, hose him down, and throw him back in the cell. That was
them providing for his basic needs. Or the scenario in
which people who were mentally ill who had been placed in
these lock-up units, sometimes the SHU or it's
administrative segregation -- they would pull them out of
their individual cells, put them instead in a big room,
but within that room, they're in individual, basically
locker-sized cages, individuals, around the therapist and
do anger management, and do therapy in this setting.

That's what the Constitution requires. And
they were in compliance with doing that. So there's no
dignity in any of that. Right? And that's what the
Constitution requires. And what the changes that are --
that really make a difference are about, you know, not
having to be driven to the courts through litigation.

But it has to be policy change. It has to be
buy-in commitment at so many different levels. I mean,
this is why I keep coming back to what Eric is doing.
I'm, like, blown away by that. We can talk about that.
But -- so there --

MR. TRAVIS: This is the last thing. Right?

MR. WATTLEY: -- yeah. This -- the last thing I
wanted -- just to come back to that is, your discussion in
your piece about the unmet needs, medical care, mental
health care, people inside and people coming out, it
really reminded me of conversations that Marlon and Alicia
were having last night about how the goal of reducing the
prison population, let's say by 50 percent, is a short-
sighted goal for a lot of reasons.

First, I'm concerned about the 50 percent still
in prison, but also they're coming home to communities
that don't have the support they need. They left the
place that didn't have medical care, mental health care,
social services.

They're going back to the same places. So
we've -- a lot in a couple days, the last couple days, we
talked about how all these systems are connected. They're
really one part of -- parts of one huge system. But the
failure to address that piece is really not going to make
a difference in the long run unless we, you know, commit
to that, really.

MR. TRAVIS: Thank you, Keith. Jennifer, next,
Sasha, Nicole, Maria, Mike, and then we're going to turn
it back to Jonathan.

PROFESSOR CHACÓN: Well, first, I just want to
say thank you for the piece, which I loved reading, and
it's -- it actually made me cry. The description of your
father, I thought, was a deeply moving and very, you know,
real and personal one.

And so I appreciate your sharing that with us,
of what it means in an individual context to want dignity.

I appreciated your question during your comments about, you know, what happens when you abstract race from this discussion of dignity, and I found that a really interesting question, particularly because you cite to the Kennedy jurisprudence as this sort of roadmap for thinking about dignity.

And I was thinking about -- you know, I'm going to come back to the case I mentioned yesterday, which is the *Florence v. Board of Freeholders* case, which is a Kennedy opinion, and in that case, he upholds the use of strip searches for any arrestee who's entering a jail facility.

He describes those arrestees as potentially quite dangerous, potentially gang members. So this goes to Jody's point about fear and the way the fear narrative can sort of supplant or subvert a dignity narrative. If you're afraid enough of people, then they're not entitled to dignity, and that links to Jennifer's point about who we are afraid of, which is very much a racial construct.

And I was also struck by -- and this is to Keith's point about what happens in these prison and jail spaces that we don't see, and the way that we don't have dignity conversations in part because we do not hear outside what is happening in these spaces. So the need for kind of keeping that front and center.
But in that Kennedy opinion in Florence, he writes at one point, in justifying these strip searches, that jails are "dangerous" -- I'm quoting -- it's -- I don't know if this the order of the words, but it is "dangerous, unsanitary and overcrowded."

So there's an acknowledgment at the center of the majority opinion that this is what we are putting people in, and that's okay. That's why we need to strip-search them. Right? And so it seems to me that, you know, that is why you can't abstract the race discussion from the dignity discussion, because then you do get Justice Kennedy.

And there's dignity for some people. Right? But for others, there -- we don't get to dignity. Right? We don't have that dignity conversation because they are not entitled to dignity.

And then sort of finally, I just thought what was also helpful about your piece was thinking about how people who are living in undignified conditions outside are not going to be particularly sympathetic for talking about dignified -- dignity for people inside. And I think that's absolutely right. But there again, we see the ways that, you know, we -- and there's research about the ways that whites have this false comparative construct in their mind, where they're losing out and people of color are
somehow, you know, gaining and winning and getting ahead -- right -- in that same context.

And to the extent that is the image, then there is no universe where you can create enough equality, enough kind of dignity for people that they will kind of accept more dignified conditions on the inside, unless you can get at those -- sort of those racial scripts that tell them that they're always losing out whenever there's a move toward greater equality.

So that was just my attempt to sort of intervene on that question that you asked.

PROFESSOR NATAPOFF: I got distracted by what Jennifer said. So a couple of shout-outs. I want to just emphasize Geoff's point about decency interruptions, which I just think is really fertile and may be explanatory, and I want to hang out with that and read the piece, and I just wanted to appreciate that contribution.

I think it's going to be really helpful. I also wanted to emphasize Jody's point about, like, most people in prison are pretty cool, and they're regular people, like, trying to get their act together, so I've -- obviously, I've represented hundreds of criminals, and it's not that there weren't a handful of them that I thought, yeah, we're not having dinner.

But you know, most people I had that same
experience. And just to flag, you know, for this ongoing Square One conversation, it's not to say that every public defender feels that way or every public defender is doing what they're supposed to do, but there is actually an entire profession devoted to the humanization and protection of the humanity and rights and dignity of clients.

And so I think it's worth thinking about how that profession, you know, does or doesn't fit into our conversations about preserving the humanity of the people that we're talking about. And then in response, you know, to Jonathan's work, I just wanted to say again, you know, how much I appreciate your effort to connect these profound normative commitments.

So you don't skimp on the grander end, but you also try to bring it down -- as you say, you're a realist -- to tie it to law, to legal possibilities, notwithstanding Keith's, you know, caveat that it doesn't shake out that way, but to preserve those possibilities in law of -- rather than abandoning law as a vehicle for dignity and for improvement.

So I just wanted to appreciate that. And then you mentioned it in passing, but I want to connect your paper to the conversation we had yesterday about policing, and then, I mean, it was clear to me that many of the --
you know, a lot of policing conversation from the folks in Oakland revolved around this understanding that one of the things that they had done, that they engaged in procedural justice, and that was one of the things that was elevating their sense of their own policing practices.

And I think that we haven't talked about procedural justice here for the last few days, which is extremely rare in the world of criminal law, that actually people are obsessed with procedural justice, and I have mixed feelings, and I don't want to get into the whole thing here, but I just want to say that I found your work on dignity and this paper and other work that you've done particularly helpful in articulating why I think that procedural justice is not enough. Because you're offering a substantive, normative to notions of dignity that do not depend on how individual people feel, and that you're willing to stake out that terrain in ways that I think much of the procedural justice conversation has kind of, you know, thrown up his hands.

Like, well, if everyone feels okay about that, then that must be okay. And I think that your work is a very helpful and substantive pushback, even though we use the same words, dignity and respect. And so it can be confusing because the terminology is the same, but I take you to be making a much more aggressive claim about the
content of those categories.

And I -- so I just wanted to flag that as something that's been very helpful for me.

MR. TRAVIS: I just applaud everybody who's linking our conversations together. That's what you hope for, when you have these times together, just stellar.

Nicole, and then Maria, and then Mike.

PROFESSOR GONZALEZ VAN CLEVE: So it's hard, because when writing Crook County I just felt so demoralized so much, because you have to imagine I was reading the degradation ceremony after degradation ceremony, and I remember I wrote one paragraph one day.

It was my full writing day. And it was on a prosecutor that pulled me in and wanted to take me under her wing, and she showed me the picture of a dead baby that was starved. And it was a black child. And I just thought, how do you render that child seen -- right -- that never got a chance to live?

How do you see that person? And I think when you think of all those stories as they line up, and I -- public defenders engaged in these degradation ceremonies. I'm sorry. I know that they have a deep commitment. But in a system where degradation ceremonies are important, public defenders found themselves participating in order to get great deals for their clients.
I don't know if that's zealous advocacy, but that is what zealous advocacy looked like in that system. Right? And so for me, it's hard to imagine a system when the withholding of dignity is so essential to its functioning.

Right? So as we saw in the practice of quick case disposition -- so you were saying yesterday that you -- we need more moral indignation. And I was thinking, you know, the system thrives because we can't see it. Right?

And so, like, for me every time I present Crook County and say, this is what's going on here. This is what's going on here. You know, I feel like a small sense of empowerment, like I just lifted a veil, and maybe people will be on juries and act differently.

Right? Maybe people will go and court-watch and think differently, vote for judges differently. Maybe the legal profession will start to hold accountable these attorneys that practice law with such indignity. But you know, what is the old -- snitches get stitches kind of thing?

I really feel like, where are the snitches? Right? And I think --

MALE VOICE: [inaudible].

PROFESSOR GONZALEZ VAN CLEVE: What did you
say? Say it again.

MALE VOICE: I'm agreeing.

PROFESSOR GONZALEZ VAN CLEVE: Yeah, yeah.

Thank you. Yes. I feel like, where are all the snitches?

MALE VOICE: Yes.

PROFESSOR GONZALEZ VAN CLEVE: Where are they?

I was in the Children's Hospital with my son for some kind of routine thing, and I saw a child wheeled, and they put a blanket over their handcuffs. It was a baby. I mean, this was, like, a nine-, 10-year-old little boy.

And I was thinking, oh, they don't want me to see that. Right? They don't want me to see the indignity. And so part of it is the invisibility, and that whatever solution we can all maybe come to, is how do you pull apart the veil so that more people can feel a sense of indignation at what they're seeing?

And I think that, to me -- I mean, that's why, you know, I keep looking at any type of oversight. Like, this system surveils people. How do we surveil the system? Any type of thing that it's doing -- you know, we think about where's the criminality?

I'm saying, no. Crook County, meaning the crooks are in the county. How do we rename people acting criminal, when they're doing lawnmowers. I don't know -- Keith, you said about the showering of defendants. In
Crook County, they were calling it the lawnmower.

But they chained people so they could leash them. Abu Ghraib was powerful, because when those photos came out, it made Americans say, who are we? Are we that? Do we leash people? Right? It changed the narrative. And at the time, there was kind of a one-dimensional narrative about 9/11, and then people started to be, like, wait a second.

Right? This is not okay. So I guess I'm wondering -- I always try to keep your optimism, because if I didn't, I'd have no hope. In fact, I named my son, Micah, which in the Bible is "walk justly, be humbly."

Right? Do the righteous and the hope -- right -- of bearing witness.

And so I'm still there, but I do think it's going to take a radical type of oversight to shift, because it doesn't come internally. Culture is so entrenched. And so I think those are the questions I'd have for the group.

How do we keep the degradation -- it prevails because it's hidden from plain sight. When you put it in front of people, when the Supreme Court Justice saw the woman in a garbage bag, it became something. If she didn't see it, it would have been nothing.

But it was everything to that defendant.
MR. TRAVIS: Yeah. And then Mike, and then we're back to Jonathan, and then to Bruce, and then we'll -- well, just sort of try to manage everything that's going on in our heads and our hearts. Maria?

Yeah.

MS. MCFARLAND: Thanks, Jonathan. Thank you so much for the piece. I think the concept of human dignity is incredibly powerful, and obviously the anecdote that you shared about your father, particularly so, and points out that it's not just an issue for the criminal justice system.

Dignity is something that's lacking in so many areas of our lives, in the U.S. in particular. But I wanted to maybe push you a little bit on the concept of dignity versus rights, and you alluded to the fact that outside of the U.S., of course, there is very strong human rights conversation, and the U.S. hasn't picked up on it, basically because of American exceptionalism, right, and the U.S. never ratified the treaties on economic and social rights.

So you end up with this watered-down version of human rights that's just about civil and political rights. And I realize you're writing within the U.S. legal tradition, so you're constrained by that. And yet, when you speak about dignity without translating that into
rights, it means that you're talking about society
conferring or recognizing dignity in others -- right --
and it's kind of up to all of us to figure out how to
treat others in a dignified way, as opposed to empowering
people with the rights, to insist that they are entitled
to X, Y, Z type of treatment.

And that cuts across, not just what's happening
in prisons, but much more broadly in society, and so --
yeah. I'll leave it there.

MR. TRAVIS: I'm going to tell one little story
from a trip that a number of us took to visit the German
prisons, if I might. So the -- article 1 of the German
constitution is -- states in essence that the state shall
not violate the human dignity of the people in Germany.

And what's -- one of the -- as a lawyer, you
look at that, and what is so remarkable when you visit the
German prisons, is that the federal courts are the
instrument of enforcing that right in prisons. So the --
you know, everyone we talked to and -- when we went there,
and I encourage you to, you know, go there, go on the next
VIRA [phonetic] trip.

They spoke about the federal courts as being
the -- they were answerable to. So it goes to this
accountability question that Nicole was -- what is the
accountability for the behavior of the people who worked
in the prisons and the limits on their state power?

So I'll just use one example. We took a look -- we asked questions, you know, the classic American thing about solitary confinement. And they said, yes, we have solitary confinement. How is it deployed? Well, you can see the solitary confinement cell later in this maximum security facility and we'll talk to you about it.

What are the limits? We can't use solitary for anybody longer than four weeks, because the federal courts have interpreted the first amendment to our constitution, imposed by the Americans, as a limit on our ability to put somebody in solitary, because it would be -- it would violate their human dignity.

We went to the cell, and I was there. It was empty, and stood there with -- I've forgotten Shakura's last name, and he had spent, I think, 20 years in solitary, and he didn't weep, but you could see that -- how painful that experience that was for him.

And this was an example of enforceable rights to break open this closed system called a prison using an article of the German constitution that came out of the Holocaust, just to say these, at a minimum -- these institutions have to respect human dignity.

So it is in a different construct. So thank you for mentioning the rights paradigm. Mike? Yes?
PROFESSOR WESTERN: [inaudible].

MR. TRAVIS: You got it. You got it.

PROFESSOR WESTERN: So something I'm still struggling with, thinking about the European comparison. I'm not sure it's the law there and the accountability that's produced by the law that is producing these more dignified conditions of confinement.

It's not that the prisons are doing this because they fear being sued, you know, for violating the constitution. It seems to me that there's a whole structural management in which experts actually are -- and sociologists, psychologists, judges bring leadership [inaudible].

MR. TRAVIS: I wouldn't quibble with that, because that's also true, but I think there's a, you know, relationship between this external oversight exercise by the court to very aggressively -- that requires that there be certain levels of training, certain levels of expertise within the prisons, where John was referencing, you know, the -- or maybe it was Jody saying, it's a two-year process to become a corrections officer in Germany.

Now, is that because the court requires it? Maybe not. But there is this -- the cultural expectations enforced by the German constitutional courts are quite different from anything, you know -- listen to what was
described in Plata.

Right? What a weak intervention that was, even though we celebrated it. Right? So we just have to take our next Square One trip to Europe. That's the clear idea.

PASTOR MCBRIDE: I'd like to go.

MR. TRAVIS: Well, it is -- it's sort of this --

PASTOR MCBRIDE: I'll try to do benediction.

MR. TRAVIS: Okay. Just a quick one, and then we'll come back to Jonathan and then to Bruce. Yeah. Pastor Mike?

PASTOR MCBRIDE: Well, I -- just something -- just again, the invocation of Europe. I want to caution us against censuring European examples so explicitly or even Western examples so explicitly, because I think it does continue to privilege Europeans as some type of authority or at least generator of new models.

You know, there are other civilizations that are pre-colonial days, Indigenous folks, that I think we could begin to study and invoke. That would then perhaps privilege other voices and people as we do the reimagining work.

And so that was just one thing I hadn't planned to say, but it just got invoked. Can I just say one quick
things also about --

(Applause.)

FEMALE VOICE: Amen.

PASTOR MCBRIDE: -- I -- you know, Jennifer Eberhardt, Dr. John [inaudible] and others, particularly around this issue around mind science, has been very formative in our organizing work across the criminalization with faith-based folks, multiracial, multi-faith, faith-based folks, living in different geographical places across the country.

And we are appreciating how language deeply impacts our formation, and this is where I find your introduction of decency, or you know, other words that are not commonly used in the lexicon of criminal justice reform or of prosecutorial, or you know, just other kinds of words that perhaps one of our projects could be as well, is creating a dictionary or a lexicon from the Square One justice space over time that we can be infusing broadly, influencing candidates who are running for office.

We've met with a couple of the candidates, you know, somewhat offline, except when they post on Instagram, I guess. And some of them were very compelled by notions of belonging. Right? Like, this idea that perhaps the response to this kind of divisiveness era is
to talk about unity.

But unity feels so overused. What's another way to talk about unity, and just changing that to belonging, it unlocks and different imaginative space in the hearts and the minds of people. And so I do think that there is an important opportunity around seeing the power of language as formation, and appreciating as well that there is a role for rage in this work.

And that was -- I mean, if I -- one regret about yesterday is we did not get a chance to really see the black rage that often is a part of our organizing work here, and a few of our folks couldn't make it, and I was the moderator, so I couldn't talk -- go back and forth, because I do play that role sometimes.

MALE VOICE: Yes, you do, Doc. Yes, you do.

PASTOR MCBRIDE: But I think, you know, there is this sense, as for nonsense, that to be -- to have rage is part of what it means to be human. Right? And so we are asking people who have and are still, you know, pushing through some of the worst expressions of systemic and structural violence, and some would say terror, and we're asking them to do it without rage, and to show up in rooms with people who superintend those systems and don't show rage.

It is almost as if we're asking people to have
a conversation that is palatable to the dominant drivers of terror or at least the stewards of it, versus making sure we create space for those who are indeed aggrieved and continue to be aggrieved every single day, meaning many of us will leave this space today and still be at risk of being accosted by the system but not have rage.

And so I do think there is a really important role for us to continue to keep imagining, how do we really make room for language and emotion across a different spectrum, rather than just continue to make it more palatable to our pace of experience.

MR. TRAVIS: Jonathan, what have you heard that you'd like to respond to? And then we'll turn it back to Bruce.

PROFESSOR SIMON: Lots of rich material. Let me just hold up Pastor Mike's point about what I was calling indignance yesterday. I'm going to -- you can call it anger, but I think when it's indignance, it's not coming from personal affront, but a sense of shared moral values that have been offended by institutional behavior.

And you know, I feel a great amount of personal anger at the political leadership of our state here in California, because they've -- in my book, I describe California as the Mississippi of mass incarceration, because I think, even though we don't have the numbers
that reflect Louisiana or Texas, our shift from relatively small and relatively humane prison system in the '60s and '70s to a really barbaric one in the 20 -- you know, 2000s, is one that, you know, was underwritten by both parties, by leaders across the state, and there's never been any accountability.

I've never seen Kamala Harris apologize for appealing Plata. I've never seen Jerry Brown apologize. I -- the -- Governor Newsom is, I think, opening up a new door, his speech on the death penalty, his willingness to take that issue on of violent crime in the most core part of it shows that maybe that's changing in the state right now.

But one of the things -- other things I wanted to -- because I do think California maybe can play a pivotal role. We're a nation of multiple states. We're not going to get a single answer for the country. I think California because of its terrible record during the mass incarceration period and because it has such progressive leadership now that could take steps that would be, you know, a way, a kind of legal form of valorizing ritual.

So one idea I've had for a while -- you know, the movement toward human rights, it began with the Universal Declaration of Human Rights, and you know, both the winning Soviet and American sides theoretically bound
themselves to it, but not very much.

Right? But at least there was the aspiration there. But Europe in many ways has created the most fulsome system. And I do think it kind of gets to Keith's point, because it's not all litigation-driven, because you have standards and effectively regulation being done by expert, that has the imprimatur of, you know, the Committee for the Prevention of Torture, the ministerial body that writes the prison rules.

So there's -- it's not all the adversarial legalism that Keith is describing. And the problem with rights is that they intend to be the floor, but they become the ceiling in most bureaucratic institutions, and we need to change the culture.

So I do think, you know, one thing we could do here in California would be to change our Constitution which has only the 18th-century language about cruel and unusual punishment, and replace it with the modern language of human rights codes, about dignity, about -- instead of just saying, no cruel and unusual punishment, we could say, you know, no cruel -- what's the phrasing that's used in the Universal Declaration?

But it's basically cruel, degrading, inhuman treatment. Right? That's a much broader concept than cruel and unusual punishment. So we could do something
like that. Lifting the veil -- I mean, one of the reasons I was so excited about Plata is I thought, these pictures are mind-blowing.

Right? I mean, the Supreme Court doesn't usually attach pictures to its Supreme Court decisions. And here -- you're right -- that picture of the dry cage -- if you listen to the oral argument, when Justice Breyer takes that out and he actually has California's lawyer look at it.

And he says, you've seen it. I've seen it. What would you have me say now? And his voice is indignant. He's full of emotion at that moment. And so I thought that would really happen. And maybe it's just taking a longer time.

But I do think pictures are really important. The fact that we've got much more journalism about conditions in prison, much more documentaries about it -- I think that part is happening. I guess the last thing I'd say is I do think that we need to go beyond procedural justice, but that it's not incompatible with the kind of things we're talking about.

The problem with procedural justice is that again it puts it down, as you said, to the level of the individual interaction, to the level of the individual training of the officers, et cetera. You need to begin,
and I think the head of the International Association of Police Chiefs of Police did this a couple of years ago, where they actually came out and tried to make apologies to black communities for the role that policing has played in damage to their -- I thought that that was a very important statement.

I -- you know, follow that up with, you know -- why don't we ritualize that in ways? We were talking about rituals. You know, maybe we need a wall here in California in the Capitol with the names of all the prisoners that died of unmet medical needs, or all the people that have been shot by police, and we need to monumentalize this in ways that will, you know, change the discourse.

And finally, health. The other thing that made me so excited about Plata is when you start thinking about health, people become humanized. Their humanity comes to the fore. It's one of the things that fascinated me in history, is the history of the International Committee of the Red Cross, because in the middle of the 19th century, in the middle of the European civil wars, the spectacle of unmet need on the battlefield actually led to the Geneva Convention on the first, kind of, statutory human rights claim.

So there was something about seeing people in
suffering that made even the enemy soldier a human being
deserving of worth and protection. So I do think,
focusing on health, that the prisons are engines of
chronic health.

It's fascinating that John Howard designed our modern prisons to protect against essentially infectious disease, which they don't do very well either, but in terms of chronic illness, which is the modern plague for our modern societies, prisons are not only not robust tools, they're actually destructive. They're cooking chronic illness in the people that are stuck in them.

So let me just stop and leave it there, leave it up to Bruce to say something inspiring.

MR. TRAVIS: The pressure's on here, Bruce.

PROFESSOR WESTERN: I've got the first -- the next flight out of here, too. So I want to start -- I'm going to start somewhere --

MR. TRAVIS: Bring the mic a little closer to you.

PROFESSOR WESTERN: I'm just going to summarize. I think that's the best I can do at this point, and try to pull out a few major themes. I want to start -- I don't know about you all, but I've felt at different times over the last two-and-a-half days this conversation has been very heavy and very moving, and I
think that is a measure of how much each of you have
brought into this room, and I thank you all for that.

I feel everyone has really brought their full
selves into this room, and a large part of the success of
the conversation is due exactly to that, in addition to
the wonderful papers and all of the brilliance around the
table.

So this was kind of a conversation in two
phases, I think. Right? We started with the challenge of
Square One, and the first phase was kind of diagnosis.
What do we want to turn a page on? What do we want to
rethink the foundations of?

And the second part, is the Square One
Project -- is the reimagining of justice. So in the first
part, I'll just pull out three things very quickly. We
started with Khalil and with history, and he reminded us
that this was a republic rooted in violent conquest, and
this is the dominating fact of our history, and we cannot
escape it.

It's presently manifest in myriad forms of
justice and inequality, but also in our criminal justice
system. It's a history of violence. The second thing I
would pull out -- is the violence in American society.
And in many cases, it is collective violence.

And it's the collective violence of slavery,
the collective violence of lynching. And so we think about -- when we think about violence, we often think about violence as interpersonal violence, but the truly historically significant violence in the context of our discussion is collective violence.

And the third important part of our definition of the landscape that we're trying to redefine is the contemporary project of criminalization, and criminalization, punitive excess, the degradation of court procedure, these are a significant most recent manifestation of the collective violence that characterizes American history.

Nicole's paper, I think, graphically, powerfully in the discussion that flowed from that, showed us all of the racialization, the overt racism, so close to the surface. Right? It is overt. It is not a deep or a subtle process that is woven into so much of the everyday practice of how our criminal justice institutions operate, and that everyday racism is itself a form of state violence.

It's -- and the criminal justice system becomes a vehicle of violence in that way. I think there was a definition. I think this may have come out of Jennifer's discussion. There was a definition of criminalization as a project of moral degradation and exclusion, exclusion,
casting people out of the social compact.

And it's dehumanizing. It makes people less than fully human, less deserving of dignity. And that applies both to the people that are subject to the authority of criminal justice institutions, and to the people who staff those institutions.

That is degrading work the people are doing. And I think we shouldn't lose the thread that Eric and Nneka gave us, that this is especially complicated, especially challenging for people of color who work in the system.

And their place in the system is very tenuous. The turnover is greater. The burnout is greater. And I think as Square One needs -- that has to be part of the Square One conversation as well, I think. History, violence and criminalization, that was part of this first phase, sort of mapping the landscape.

So the Square One Project, reimagining justice. What does it consist of? I think it consists of three things in the discussion that we've had. I'll start with Jonathan. Reimagining justice is elevating the project of dignity.

And it is a universal principle, right, and as a universal principle, it has tremendous emancipatory potential. Everyone is owed the expectation of dignity.
I think -- you know, thinking about Geoff's paper and Geoff's intervention just in this last discussion, we can think about dignity projects that are local, local in space, that speak to the specific historical experience of specific communities in certain places and certain times.

And that's real, concrete and tractable. It's not pie-in-the-sky, abstract stuff, and part of it is language and a lexicon, and I think we're thinking a lot of that. And I think part of our work over the last two days has been to make progress on, you know, what would we be this new language of dignity?

Again, very concrete, very tractable, that people can use in public conversations, in political conversations, about justice that expands our imagination. Right? Dignity. Second thing, we didn't talk about in the dignity discussion that we just had, but it was -- it came up a little bit, but we spent a lot of time on it yesterday -- was accountability.

What does accountability look like? You know, what does the acknowledgment of harm look like? What do the acts of repair look like? And maybe this is where there's a role for rage in processes of accountability where people get to describe the harms that they've suffered at the hands of the system.

Dignity and accountability, these are two parts
of a new Square One project in our conversation. The last part, and this came up in all sorts of ways, is democracy. I think Jonathan said, small-d democracy, and this means organizing in part.

This means partly perhaps organizing court watchers to make court processes accountable. It probably means -- probably -- it means, I think, subjecting criminal justice agencies to oversight, and I think particularly, you know, police departments and correctional authorities which are very, very closed institutions.

Partly it means, too, reorganizing elite spaces, like this one, having different voices at the table. That's a democracy. That's a democracy project as well. And I think we need to think in a very intentional way about proliferating the kinds of activities that we can do to -- you know, to open up the space of this conversation.

And I think this democratizing effort is entirely a -- is part of the dignity project as well, actually. Right? It's the elevation of voices that have been suppressed. And so our Square One Project, where we landed, is dignity, accountability, democracy, and so I'll close with that.

MR. TRAVIS: Thank you.
MR. TRAVIS: Before we bid farewell, I want to ask our colleague, Katharine, to talk a bit about where -- now that we have the topics we're working on, where are we headed, just so people get a sense where Square One is going, and then I'll have some final observations.

MS. HUFFMAN: Thank you, Jeremy. And thank you to all of you all. There are insufficient words to say how much we appreciate the time and the commitment and the thinking that's come into this space over the last few days, and that we will be continuing to connect with going forward.

To let you all know a little bit about kind of where we're headed for now. It's come up a little bit. As you know, this is the second in a series of five Roundtables. Our next one will be taking place in Detroit in October, and the final, final dates are TBD, but we'll be sharing that information with all of you all, and letting you know, we're going to be partnering with the Damon J. Keith Center for Civil Rights at Wayne State University Law School there, and some amazing partners on the ground, Amanda Alexander and the Detroit Justice Project, and others who've been working in Detroit to visit that space, to think about violence, and as Bruce said, not just interpersonal violence and community
violence, but structural violence and the violence of absence and ways in which that plays out.

We will be following up with all of you all after this conversation to elicit some of your feedback on both these days and this process, very concretely, everything from, you know -- there should have been more chocolate to, you know, these are the themes that we missed, or these are things that we should be digging in more deeply on.

I've already started to talk with a few of you all about specific things that that might lead to, and I would invite you all to continue thinking about that as you digest over the next day and weeks your thoughts about how you might continue to contribute to this work and how we might follow your lead on that.

We welcome that. And then the last thing I'll mention is that, you know, as Jeremy alluded to, you know, this is part of a project that goes over the course of a years and is interested in thinking about how we can be informing narrative change, culture change, political change, in all of its different manifestations.

And so the different mechanisms for sharing that information and for gathering that information are myriad, and not only our Executive Session and our Roundtables, but other types of gatherings and convenings
and visits and learning that we can do, are going to be coming as well.

So again, inviting input and advice and thinking about that, and also, we'll be coming to you with requests for feedback and even participation, potentially. The last thing I'll say is, you know, there have been several things that have come about, sort of, wanting to share out more information, everything from -- let's, you know, compile the list of books that have mentioned over the course of the last few days to -- Eric has something coming up next week that I think a lot of us would like to be supportive of, and think about how we can elevate.

So we will certainly be sharing contact information for everyone here. If you don't want your contact information shared, please let me or Sukyi know right away, so that we can respect that. Or if there's a better or different thing that we should be using, phone, email, whatever, of course.

But we'll also be -- we would like to continue to play a role for that as a -- sort of a platform for sharing that information, and so don't hesitate to call on us to ask, you know, can you share this with others who were part of this Roundtable, who were part of the last Roundtable, all of that.

So with that, I will -- oh, and Bruce has one
more thing to say.

PROFESSOR WESTERN: I want to offer two folks
of thanks, one to Katharine for her extraordinary and
gracious leadership of Square One. She makes everything
[inaudible].

(Applause.)

PROFESSOR WESTERN: And to Jeremy, whose
masterful facilitation, I think, is just the foundation
for this conversation.

(Applause.)

MR. TRAVIS: Bruce, thank you. Some other
thanks to offer are to Anamika over here and Sukyi for the
Roundtable management visioning, and it's just brilliant
what the two of them do to support this enterprise. So
thanks to both of them.

(Applause.)

MR. TRAVIS: And I'm not sure who to address
this to, but to the college and to our colleagues in
Oakland, this has just been a totally different
experience. Imagine if we'd met in a hotel room
somewhere? Can you do this comparison, this mind games,
what if?

You know, what if we wrote the Constitution,
this -- what if we had -- the idea of being on a college
campus, in touch with the aspirations of the next
generation -- I'm not sure who I'm addressing this to, but pass it along.

And to, again, have Huey Newton looking down on us, and to have the Oakland experience coming into the room, is -- just gives this a sense of complexity, reality, history, that makes our experience here totally -- oh, there you are.

I'm sorry. I didn't see you. Thank you so much. To the observers who have been patient, and I know you are all folks who are working on these issues, to my team at Arnold Ventures, thank you for all that you do. But mostly, my thanks are to the people around this table.

We have high hopes for these sessions when we set them up. Those hopes were far exceeded by the caliber and the passion and the honesty of the discussion that we've had over the past two days. The paper writers have been just beyond brilliant, and those who do what I call the hard work -- not to denigrate anybody's work -- but the hard work of doing the advocacy, doing the on-the-ground work, doing the work that folks like Eric and John and Nneka in her current and former life do, we are hats-off to you.

We are -- just to borrow a phrase from Khalil, we are in this for the long haul. We don't know what that looks like yet. We know what the next three years looks
like. That's fairly linear. But we are hoping that out of discussion like this, we can generate a number of ancillary, supportive -- who mentioned the arts?

You know, what -- where is the role of the arts in the work that we're doing? Where is the role of community organizing in the work? What does Square One look like if we think of it as being organic and not linear?

Why are we doing this? Maybe it's against hope. Maybe it's against history. And maybe we should just take those cautionary words that we can't develop a new vision of justice in a system of injustice -- maybe that's true, against the history, but we are living in that hope.

At least while we are here, for this period of our time and our careers, we can be those folks who are witnessing and speaking out, and trying to do something that elevates the -- both the history and at the same time the aspirations of our community, our democracy, and the people that we treasure and we hold dear.

Thank you all. Hope to see you soon. Let's stay in touch. Thanks.

(Applause.)

(Whereupon, the Roundtable was concluded.)