

ARTHUR LIMAN PROGRAM

Public Interest Newsletter

Some Challenges in Working on Behalf of Youth Sentenced to Life Without Possibility of Parole

Holly Thomas spent last year working as a Liman Fellow at the NAACP Legal Defense & Education Fund. Her project focused on issues facing youth sentenced to life without the possibility of parole. As Holly details below, she ran into unexpected challenges as she moved forward with her work.

In September 2005, I began working as assistant counsel with the Criminal Justice Project of the NAACP Legal Defense and Educational Fund, Inc. (LDF). With the support of the Liman Fellowship, I've spearheaded LDF's juvenile life without parole (LWOP) initiative. My goal was to contribute to the state-by-state research being done on juvenile LWOP



Liman Fellow Holly Thomas

by producing a report about the juveniles serving sentences of LWOP in Mississippi and Louisiana. With that information, I also hoped to assist in the effort to bring attention through media and litigation to some of these juveniles, as many lawyers have been exploring questions about the lawfulness of this form of sentencing.

One year later, these remain my goals, with a report that should be complete by the early part of 2007 and preparation for legal action also underway. The report, however, now focuses solely on Mississippi, rather than on Louisiana and Mississippi as I had planned.

Several factors contributed to the change in my fellowship plans, but certainly foremost amongst them was the tragedy of Hurricane Katrina. Hurricane Katrina made working in Louisiana a virtual impossibility in the early months of my fellowship, and made travel to the Gulf Region in general, including Mississippi, difficult at best. Only late in 2005 was I able to turn my attention back to Mississippi to begin the process

of visiting county clerk offices to gather statistics, and to conduct interviews with some of those persons serving life without parole.

What I learned was that the task of gathering accurate statistics regarding the population of juveniles sentenced to life without parole in Mississippi was not a simple one.

Specifically, before 2005, no cohesive body of statistics detailed who was serving such sentences, where they were located, and of what crimes they had been convicted. Even after Human Rights Watch gathered and published some initial data in October 2005, it became apparent that gaps and flaws remained, and that state Departments of Correction did not necessarily have accurate information.

My work in Mississippi is a firsthand example of this problem. As reported by the Department of Corrections, in 2004, seventeen persons were serving sentences of life without parole for crimes of which they were convicted as minors. However, in a response to another information request in 2005, Mississippi identified fifty-eight persons serving life without parole, but that compilation did not include all of the seventeen originally listed in 2004. Also not included were the names of persons who had been sentenced to death for crimes committed as juveniles. Given the Supreme Court's decision in *Roper v. Simmons*, 543 U.S.

551 (2005), which held unconstitutional the sentencing of juveniles to death, such individuals would likely have their sentences converted into LWOP and were people whom I needed to contact.

Ultimately, figuring out who was serving life without parole – and why no accurate figures were available – led to important insights about the nature of life without parole in general. I learned

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Arthur Liman Public Interest Program
Yale Law School
P.O. Box 208215
New Haven, CT 06520-8215
www.law.yale.edu/liman

Deborah Cantrell
Arthur Liman Program Director
Phone: 203.432.2230
Fax: 203.432.4876
E-mail: deborah.cantrell@yale.edu

Judith Resnik
Arthur Liman Professor of Law and Founding Director

Marilyn Cassella
Senior Administrative Assistant
Phone: 203.432.7740
E-mail: marilyn.cassella@yale.edu



Some Challenges

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that Mississippi's sentence of life without parole for juvenile offenders came about as the result of two separate pieces of legislation in the mid-1990s. First, Mississippi changed its laws to take away the possibility of parole for all adult offenders. Mississippi was then left with a law that indicated that anyone sentenced to "life" would be eligible for a conditional review of their sentence at the age of sixty-five, assuming they had served at least fifteen years of their term. Around the same time, Mississippi passed a law lowering from eighteen to seventeen the age at which juveniles could be sentenced as adults, and which also required that anyone thirteen or older who committed a felony using a firearm had automatically to be treated as an adult. Those changes helped to generate the confused data I obtained, as the Department of Corrections' initial list included some people serving life and some serving life without parole.

In the end, it took several months of talking to attorneys, death penalty advocates, prison officials, and the incarcerated themselves to develop an accurate list of the twenty-three persons in Mississippi who are serving sentences of life without the possibility of parole. All twenty-three of these persons are male; seventeen of them are black, and six are white. There is still much more research to be done, but after many months, the statistics I have gathered can help contribute to the ongoing nationwide count of people sentenced as juveniles to LWOP. Fortunately, I am able, post-fellowship, to continue to work with the Legal Defense Fund to publish this report and do the relevant legal and media work – all tasks which I had anticipated completing in a shorter amount of time.

A Summer of Public Interest Engagement

In 2006, twenty-five students from six schools (Barnard, Brown, Harvard, Princeton, Spelman, and Yale) participated as Liman Summer Fellows, spending ten weeks at public interest law organizations across the country. They worked on civil legal services, indigent criminal defense, felon disenfranchisement, civil rights, domestic violence, juvenile justice, community economic development, and workers' rights. A list of the Summer Fellows with the advisors from each school who guided them is on page three. We also have posted many of the Summer Fellows' reports on our website. Below are three excerpts to provide a window into what they learned and contributed.

Nina Keough

Brown '06

Rhode Island Right to Vote Campaign

I spent my summer working for the Rhode Island Right to Vote Campaign, which was in the final months of a three-year struggle to dismantle Rhode Island's felon disenfranchisement law. The current law stipulates that any individual convicted of a felony cannot vote while they are in prison and moreover, that they are disenfranchised even when they are out in the community on probation and parole.

My involvement with the Right to Vote Campaign began three years ago. As part of an internship at the Rhode Island Family Life Center, I co-authored a report examining the impact of Rhode Island's felon disenfranchisement law on Rhode Island's cities, towns, and neighborhoods. The findings of our report shocked policy makers, community leaders, and prison reform advocates. Although Rhode Island has one of the lowest incarceration rates in the country, it has one of the highest rates of disenfranchisement. Currently, 15,000 Rhode Island citizens who have completed their time in prison do not have the right to vote.

Research indicates that the average length of time an individual is on probation and parole for a felony in Rhode Island is between seven and fourteen years – meaning many ex-

offenders have to wait over a decade for their voting rights to be restored. But felon disenfranchisement does not only impact individuals; it diminishes the political power of entire communities. Statewide, one out of every five Black men is disenfranchised, as is one out of every eleven Latino men. For white men, the rate of disenfranchisement is one in fifty. In some parts of Providence, over forty percent of black men between the ages of

18-34 do not have the right to vote.

Following the report's release in 2004, a coalition of community advocates, faith leaders, and formerly-incarcerated individuals launched the Right to Vote Campaign to end felon disenfranchisement in our state. After one incredible year of advocacy, the Right to Vote Coalition secured

a ballot referendum, "Question 2," that would restore the right to vote for citizens who have completed their prison time and are out in the community. I spent the summer working to ensure Question 2 would be passed in November.

My summer work with the Right to Vote Campaign enabled me to step out of the world of policy research and into direct political organizing and advocacy. My responsibilities for the campaign included recruiting and training volunteers, preparing weekly canvasses in the neighborhoods and at community festivals and events, and working with Right to Vote's coalition partners to increase the urban voter turnout by



Summer Fellow Nina Keough

A SUMMER OF PUBLIC INTEREST ENGAGEMENT (CONTINUED)

16,000 votes.

Of all of the individuals I came to know at Right to Vote, the ex-offenders, many of whom are still disenfranchised, made the deepest impression on me. One of the most moving moments in the campaign was sitting in on a meeting for formerly-incarcerated individuals. I sat, quietly taking notes, as each individual expressed what moved them to come to the meeting that night and why they joined the Right to Vote Campaign. Their stories shared certain elements: a desire to give back and help all of the people that they saw struggling (both inside and outside of the prison), a certainty in their own ability to make change, and the recognition that they were, ultimately, the only ones truly capable of carrying on this fight.

Through the campaign, I came to know a fellow Brown student, whose sophomore year at Brown followed a seven-year prison term (he cannot vote for the next thirty years), a Rhode Island College student who wrote a play about the prison system that has been performed in six venues across the state, a nonviolence street worker who spends four evenings a week out in the neighborhoods resolving conflicts and preventing youth violence, and a community activist who was an accomplished organizer both inside and outside of the prison. The heroics of these individuals could never be overstated.

We are happy to report that “Question 2” was approved on November 7, 2006 by Rhode Island voters. Further, Nina is not the only Fellow concerned about felony disenfranchisement. Larry Schwartztol, one of our new Law School Fellows for 2006-2007, is addressing the issue at the Brennan Center for Justice at NYU School of Law.

Below we list each school's Fellows and their summer placements.

Barnard College

Sara Colon, '06, *Harlem Community Advocacy Project, NYC*

Emily Donaldson, '07, *NARAL Pro-Choice NY, NYC*

Holly Snow, '06, *Indiana Domestic Violence Coalition & Prevention Network, Indianapolis*

Advisor: Associate Dean Christina Kuan Tsu

Brown University

Charles Cummings, '06, *Campaign for Educational Equity, NYC*

Vanessa Huang, '06, *Justice Now, Oakland*

Nina Keough, '06.5, *Rhode Island Right to Vote, Providence*

Benjamin Miller, '07, *ACLU of Maryland, Baltimore*

Felicity Rose, '06, *The Sentencing Project, Washington, DC*

Advisor: Senior Associate Chaplain Alan Flam

Harvard University

Tatiana Chaterji, '08, *Women's Refugee Project, UC Hastings School of Law, San Francisco*

Andrea Halpern, '07, *Gay & Lesbian Advocates & Defenders, Boston*

Michael O'Rourke, '08, *Medical-Legal Partnership for Children, Boston*

Cindy Tan, '08, *Legal Aid Society, NYC*

Advisor: Director Amanda Sonis Glynn

Spelman College

Ashlee Caligone, '06, *Juvenile Public Defenders Office, Austin*

Brittany Armstrong, '06, *National Center for Youth Law, Oakland*

Advisors: Dr. Desiree Pedescleaux, Counselor Dennis Lindsay

Princeton University

Valerie Atkins, '07, *Kansas Legal Services, Topeka*

Tiffany Bergin, '07, *Center for Community Alternatives, NYC*

Sara Holloway, '06, *Beyondmedia Education, Chicago*

Michael Murray, '06, *Legal Aid Bureau, Annapolis*

Graduate Fellows:

Deborah Becher, Ph.D. candidate, *The Reinvestment Fund, Philadelphia*

Stephanie Greenwood, MPA/JD candidate, *Tenants & Workers Support Committee, Alexandria*

Advisors: Professor Kim Lane Scheppele, Director Kathleen Applegate

Yale University

Elizabeth Ashamu, '06, *Defense for Children International, Togo, West Africa*

Tess Korobkin, '06, *Youth Rights Media, New Haven*

Carly Rothman, '06, *The Star-Ledger, New Jersey*

Matthew Wansley, '07, *ACLU National Capital Area, Washington, DC*

Daniel Winik, '07, *Public Defender Service for the District of Columbia*

Advisor: Professor Richard Schottenfeld, M.D.

A SUMMER OF PUBLIC INTEREST ENGAGEMENT (CONTINUED)

Sara Holloway

Princeton '06

BeyondMedia Education, Chicago

While it wasn't exactly Hollywood, my summer fellowship with BeyondMedia Education in Chicago did draw on elements of the dual legacies of the Liman family – public service law and movie-making. BeyondMedia is a not-for-profit organization with a mission to provide media literacy education to women and children and to work with them to help them create their own forms of media.

BeyondMedia's work emphasizes the importance of media as a tool for social justice and the role social documentation plays in advocacy efforts.

I worked on the Organization's Women and Prison project. That project developed as an effort to share the trials, tribulations, and triumphs of incarcerated and formerly-incarcerated women with the general public. The project is a comprehensive effort, including media education workshops, documentary making, public art displays, and panel discussions. The project on which I was most involved used the internet as an advocacy tool.

The Women and Prison website, entitled "A Site for Resistance," provides incarcerated and formerly-incarcerated women, as well as others, a space to share their stories and reflect on their experiences. In doing so, it makes public the experiences of this often hidden and stigmatized population. Included on the website are interviews with one woman who was forced to give birth while shackled to a hospital bed and another, whose illicit activities began when her mother sold her to a pimp at age twelve. The website includes artwork and poems submitted by women currently in prison,

as well as video clips of spoken word performances by formerly-incarcerated women. While the website emphasizes the personal narratives and reflections of incarcerated and formerly-incarcerated women, it also provides a space for more traditional forms of assistance and advocacy. For example, there is a link on the website to a comprehensive list of resources for women caught in the criminal justice system and links to articles by scholars and lawyers.

My time at BeyondMedia was primarily spent in front of a computer. At first I

was rather disappointed because I had been looking forward to conducting my own interviews, yet I soon realized that the organization already had a large amount of information that needed to be transferred to the website. It was beneficial to me to read all the available information and gain a much more comprehensive understanding of an issue I

knew little about. I also did a significant amount of research intending to find academic reports on the issue of women's incarceration. I was particularly pleased that I was able to rely on my past research on immigrant detention and deportation by posting a few articles on this topic on the website. I also watched a great deal of interview and lecture video footage, much of which I transcribed to be included on the site. I chose video and audio clips from this footage to put on the website to make it more interactive and interesting.

While it sounds rather banal, the aspect of my position at BeyondMedia that marked me most profoundly was transcribing interviews conducted with women formerly involved in the sex industry. Although I was not speaking to the women directly, the casual format of the interviews and the repetition of watching the same clips over and over again allowed me to gain a sense

of intimacy with the women being interviewed. They told their stories in a very honest manner, and while they appeared uncomfortable and even ashamed at times, their strength in sharing their experiences demonstrated their dedication to reforming the sex industry and helping other women still involved in prostitution. It was also very moving to see this group of former sex workers go to the state capitol and lobby for alternative sentencing and the removal of prostitution from their records once they have served their sentences. The legislation these women advocated passed in the House. At the time of this report, it has yet to pass in the Illinois Senate.

Daniel Winik

Yale '07

Washington DC Public Defender Service

I spent my summer as an intern investigator with the D.C. Public Defender Service (PDS). With a hundred staff attorneys and countless investigators and support staff, PDS is among the nation's leading providers of indigent defense services. The agency represents most defendants charged with serious felonies in the District of Columbia. PDS's internship program, run by two full-time staff members, supplements the agency's investigative resources with about sixty intern investigators who work in pairs under the close direction of one or two staff attorneys.

As intern investigators, my partner and I handled much of the case preparation work for our two assigned attorneys – everything short of writing motions and determining legal strategy. When one of our two attorneys picked up a new case, we would begin by sitting in on the initial meeting with the client. We would then visit the police district station to obtain the report filed on the incident. These reports gave us a basic summary of the incident (with all witness names



Summer Fellow Sara Holloway

A SUMMER OF PUBLIC INTEREST ENGAGEMENT (CONTINUED)

omitted) and the name, phone number, and address (sometimes omitted) of the complaining witness. Under the District of Columbia's criminal discovery laws, the defense is entitled to virtually nothing until the later phases of indictment and trial. Other than a brief statement of facts provided at the time of arraignment, these police reports were all we had.



Summer Fellow Daniel Winik

We generally began by trying to interview and take a statement from the complaining witness. Aside from the inevitable challenges of trying to locate someone with only a name and contact information that was often out of date, we had to persuade complainants to speak with us even as they knew we represented the people accused of robbing or beating or shooting them. In many cases, we had to deal with hostile friends or family members even before making contact with the complainants themselves. This was the most challenging facet of our jobs but also the most important: written statements from complaining witnesses are often essential to securing a dismissal, a favorable plea bargain, or an acquittal at trial. They are among the most effective means by which the defense can expose weaknesses in the government's theory of the case.

After having taken a statement from the complainant (or having tried and failed to locate the complainant), we would turn to other facets of information gathering: canvassing the alleged crime scene for other witnesses, photographing and diagramming the scene, taking statements from other government witnesses, locating and interviewing defense witnesses, and so on. We also spent a good deal of time preparing and serving subpoenas – for police records, radio runs, arrest photographs, medical records, educational and employment files, and so on.

There were cases that reminded me of the painful injustice at work in America's criminal justice system. At one point, I had to sit in the courthouse all day with two young men who were potential defense witnesses in an ongoing trial. As we sat and talked for a number of hours, I began to realize (trite though it may sound)

that these men weren't all that different from me. Both were within a year or two of my age. They were intelligent and intellectually engaged: one was prepared to enroll in a GED program after having been expelled from high school, and the other hoped to write a book on street life in D.C. They liked to hang out with their friends.

The difference between their neighborhood and mine, however, is that anyone hanging out on a stoop in their neighborhood can be targeted by a police jump-out vehicle. These cars roll around the more drug-ridden areas of the city, and when one of the officers inside sees what the officer judges to be a suspicious scene – generally, a group of young black males minding their own business – the officer jumps out to investigate. In this case, the officer had seen our client holding his side and walking oddly. This behavior, which would have drawn no notice in Georgetown or Cleveland Park, here earned our client a beating and landed my young friends in court as witnesses. I could not help but regard this situation and think, "There but for the grace of God go I."

Activities at the Law School

This year at Yale Law School we have five students who held Summer Fellowships before coming to Yale. Three students had been Summer Fellows from Harvard's Phillips Brooks House: third year Alvaro Bedoya and second years Benjamin Siracusa and Michael Tan. Two first year students, Sarah Chang and Josh Johnson, had been Summer Fellows from Yale College.

During the fall, the Liman students have been meeting monthly with faculty who have special expertise on public interest law. In September, the students met with Princeton Professor Kim Lane Scheppele, a comparative constitutional law scholar who has recently focused her work on the law governing war and torture, and who heads Princeton's Summer Fellowship program, and with Professor Heather Gerken, a constitutional law scholar at Yale who writes about diversity, democracy, and local governance. In November, the group was joined by Professor Michael Wishnie who heads the Law School's clinics related to workers' rights and post-9/11 issues.

The students finished the semester in conversation with two visiting faculty, Professor Florence Roisman, a housing law expert, and Professor David Super, an expert on government benefits.

Liman Summer Alums

Mateya Kelly graduated from Yale College in May of 2005 and spent her summer as a Fellow with the Illinois Coalition for Immigrant and Refugee Rights in Chicago. Mateya has now joined the staff of Maryland Senator Paul Sarbanes. She recently wrote to us about how her Liman Summer Fellowship informs her current work.

I used to joke about writing my Congressman. Neighbor's dog left a present on my yard? "Dear Congressman..." Hometown gazebo looking in need of a paint job? Sounds like a job for my Congressman! I'll get him on the line.

Turns out, if I got 10,000 or so others to contact him about that gazebo, my Congressman might actually do something about getting it painted.

I imagine most of you are already in on this joke. But I was laughing for all the wrong reasons when, in my first week as a 2005 summer fellow with the Illinois Coalition for Immigrant and Refugee Rights, I was asked to participate in a mass phone "action" on our Senators. Commitments to human dignity and centuries of economic dependence on cheap labor, new energy and new ideas in need of recognition? Maybe we should see about getting that gazebo painted. I called



Summer Fellow Alum Mateya Kelly

in anyway to express my support for "comprehensive immigration reform," in action with thousands of others.

About a year after the day I first called "Washington" with the coalition, I called the coalition from Washington. I was interning on Capitol Hill; watching the end of the Senate Judiciary Committee's

markup of something like what we'd been fighting for; waiting for Senator Durbin to introduce the DREAM Act, another dear bill, as an amendment; and holding copies of the arguments he might pursue should opponents challenge it when the amendment passed in about a minute. The whole bill passed from committee and the gavel sounded. I called a coalition friend. We got giddy.

But this isn't a story about my going from political absurdist to idealist. I have always thought our government good and useful – despite its continuing inability to

legislate coherent immigration policy, ever, or even to pass the DREAM Act into law, yet. It's a reflection, a year after my Liman summer and out of college, on rounding the table, rolling from what I thought was one side of the policy world to what I thought was the other, constituent to Congress, Congress to constituent.

These days I spend much of my time answering mostly earnest letters to my Senator. I have been tremendously impressed by my long-serving Senator's interest in what constituents say. Surely their thoughts are rarely decisive; nonetheless they have dynamic roles to play – especially if they bring will, skill, mass (of some sort), or ready answers to new "problems," like ideas about a DREAM Act to "immigration reform."

Yes there really are people called Congressmen. They really do listen and write laws. And upon a bit of reflection, so far, the policy table really does look round. (And if it doesn't, try contacting your Congressman with a few thousand others. . . .)

CELEBRATING OUR 10TH ANNIVERSARY

SAVE THE DATE • MARCH 1, 2007

The year 2007 marks the tenth anniversary of the Arthur Liman Public Interest Program. Reflections on the decade past are in order.

In 1997, the Liman Program funded one post-graduate Fellow. In 2007, the Program has seven Fellows. Since 1997, thirty-eight Yale Law School graduates have been awarded Liman Fellowships.

In 1997, the Liman Program funded one school, Harvard, to offer summer fellowships to undergraduates at Philips Brooks House. That summer, Philips Brooks House supported four students. In Summer 2006, six schools (Barnard, Brown, Harvard, Princeton, Spelman, Yale) participated in the Summer Fellowship Program, and twenty-five students received summer grants. In total, more than seventy-seven students have been Liman Summer Fellows.

Join us on March 1, 2007, to celebrate the growth of our program as it expands its inter-generational fellowship enabling many to contribute to the development of public interest law.

Your financial support of the Arthur Liman Public Interest Program means that more attorneys and students will be able to work on pressing legal issues in the public interest. We ask that you contribute to the dedication and energy of those benefited by the Liman Fellowship and Fund.

Please consider the following donations:

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