From Protest Movements of the 1960s to #BlackLivesMatter: Legal Strategies for an Emerging Civil Rights Movement

April 7, 2016 10:00 am - 6:30 pm

5th Floor Moot Courtroom

4340 Connecticut Ave. NW, Washington, DC 20008

(Lunch begins at Noon & Reception begins at 5:30 pm)

Our Topic:

The Civil Rights Movement of the 1960s was an intellectual and moral movement that benefited from a strong legal strategy. Today, with communities thirsting for justice in the age of #BlackLivesMatter, some argue that for this movement to evolve and achieve meaningful results, it needs a formal legal infrastructure. The 2016 Symposium will bring together legal scholars and activists to construct new legal frameworks to advance today’s emerging civil rights movement. The Symposium will explore innovative legal strategies that address the frustration felt by many. It will also highlight innovative legal techniques employed by civil rights activists and litigators—techniques that can help inform this emerging movement. Drawing on lessons from the past to develop an outline for the future, legal academia has an opportunity, and an obligation, to articulate a vision of legal structures to facilitate this civil rights movement.
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David A. Clarke School of Law  
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**Schedule**

**10:15am-11:45am**

**Panel 1:** From the Protest Movements of the 1960s to a Coordinated Civil Rights Movement
- John Brittain: Professor of Law at the UDC, David A. Clarke School of Law, Civil Rights Litigator, and Former Chief Counsel and Senior Deputy Director of the Lawyers’ Committee for Civil Rights Under Law
- Philip Lee, Ph.D.: Assistant Professor of Law and Historian in Critical Race Theory
- Wade Henderson: President and CEO of The Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund
- Facilitator: Wilhelmina M. Reuben-Cooke, Professor of Law

**12:00pm-12:30pm**

Lunch

**12:30pm-2:00pm**

**Panel 2:** Black Lives Matter, Today’s Movement—Litigation and Organizing Strategies for An Emerging Civil Rights Movement
- Amanda Alexander, Ph.D.: Assistant Professor and Post-Doctoral Scholar in Afro-American Studies and Law
- Gadeir Abbas: Civil Rights Attorney
- Brandon Craig: Compliance Manager with Housing Opportunities Made Equal of Greater Cincinnati, Inc.
- Seema Sadanandan: Partnerships Director, Alliance for Safety and Justice
- Facilitator: Norrinda Brown Hayat, Assistant Professor of Law

**2:30pm-4:00pm**

**Panel 3:** Black Lives Matter of Tomorrow—Where is the Movement Headed And How Will It Evolve
Jonathan Smith: Former Chief of the Special Litigation Section at the Department of Justice Civil Rights Division
- Purvi Shah: Director, Bertha Justice Institute
- Iman Freeman: Law for Black Lives, Baltimore Action Legal Team
- Facilitator: Marbre Stahly-Butts, Policy Advocate for Affordable Housing and Racial Justice with the Center for Popular Democracy

**4:30pm:** **Keynote Address**

Roy Austin: Deputy Assistant to the President for the Office of Urban Affairs, Justice and Opportunity in the White House, Domestic Policy Council

**5:30pm:** **Reception**
The University of the District of Columbia Law Review at the David A. Clarke School of Law is pleased to host its 2016 Symposium, *From Protest Movements of the 1960s to #BlackLivesMatter: Legal Strategies for an Emerging Civil Rights Movement.*

**Our School:** The University of the District of Columbia David A. Clarke School of Law (UDC-DCSL) is the only public interest law school in the nation’s capital. Its student body is one of the most diverse in the United States, with significant representation by women, minorities, and older students. UDC-DCSL is ranked by U.S. News & World Report as being among the top ten law schools in the nation for clinical training. The School of Law’s practical emphasis on helping low-income and disenfranchised communities is reflected in the Law Review’s motto: *Where activism meets scholarship.*

We hope that this Symposium is the beginning of a continuing dialogue on the many roles that today’s legal professionals play in this new age of Civil Rights.

Thank you for attending!

2015-2016 UDC Law Review Editorial Board
Participants
Amanda Alexander, Ph.D.: Assistant Professor and Post-Doctoral Scholar in Afro-American Studies and Law

- Dr. Amanda Alexander is an Assistant Professor and Postdoctoral Scholar in Afro-American Studies and Law at the University of Michigan.

- As a lawyer and advocate, she works to reduce the impact of mass incarceration on families and build thriving communities.

- During her 2013-2015 tenure as a Soros Justice Fellow, Alexander founded the Prison & Family Justice Project (PFJP) at Michigan Law, which serves families divided by incarceration and the foster care system using a combination of direct representation, know-your-rights education, targeted litigation, and advocacy. PFJP recently partnered on Who Pays?, a groundbreaking national study on the cost of incarceration on families.

- Dr. Alexander received her J.D. from Yale Law School and her Ph.D. in History from Columbia University.

- Previously she has worked with the Detroit Center for Family Advocacy, the Bronx Defenders, and the UN Special Rapporteur on the Right to Housing. She worked on alternatives to stop-and-frisk policing as an Ella Baker Fellow at the Center for Constitutional Rights.

- Before graduate school, she was a Fellow at the Centre for Civil Society in Durban, South Africa, where she researched urban land reform and facilitated trainings for community organizers.

- Dr. Alexander serves on the board of the Prison Policy Initiative, a non-profit organization that produces criminal justice research and sparks advocacy campaigns to create a more just society.

- She is an advisor to the National Resource Center on Children and Families of the Incarcerated, and regularly provides training for the legal community and broader public in support of criminal justice-involved families.

- Dr. Alexander co-facilitates the Inside-Out Theory Group at Macomb Prison, and is taking strides to broaden access to higher education in Michigan prisons.

**Gadeir Abbas: Civil Rights Attorney**

- A civil rights attorney based in Washington DC, Abbas has spearheaded major lawsuits involving constitutional issues of particular concern to the American Muslim community, including the successful landmark challenge to an Oklahoma ballot measure that would have barred reference to Islamic religious traditions in that state’s courts.

- Additionally, Abbas has litigated on behalf of American Muslims subject to the warrantless use of GPS tracking devices, placed on government no-fly lists without due process, and prevented by discriminatory zoning laws from building community institutions. He has been quoted by national and international media outlets, including the New York Times, Washington Post, Associated Press, National Public Radio, Al Jazeera, Mother Jones, and CNN. Abbas studied philosophy at Loyola University Chicago and law at Case Western Reserve University. Prior to becoming an attorney, he taught English in Mississippi with Teach for America.

- Abbas is currently in private practice and serves as an adjunct professor at the University of the District of Columbia, David A. Clarke School of Law where he teaches appellate practice. Prior to private practice, Abbas was the first ever Staff Attorney at the Council on American-Islamic Relations' headquarters in Washington, DC where he developed the organization's capacity to initiate high impact litigation throughout the country.

**Roy Austin: Deputy Assistant to the President for the Office of Urban Affairs, Justice and Opportunity in the White House, Domestic Policy Council**

- In March 2014, Roy L. Austin, Jr. was appointed as Deputy Assistant to the President for the Office of Urban Affairs, Justice and Opportunity in the White House, Domestic Policy Council. Austin coordinates the formulation and implementation of policy covering criminal justice, civil rights, housing, labor, human services, and initiatives such as My Brother’s Keeper and Promise Zones.

- Austin began his career as an Honors Trial Attorney with the Criminal Section of the Civil Rights Division, U.S. Department of Justice investigating and prosecuting hate crime and police misconduct cases around the country. After approximately five years, he joined Keker & Van Nest, LLP in San Francisco. In 2002, he joined the U.S. Attorney’s Office for the District of Columbia where he prosecuted domestic violence, adult and child sexual assault, human trafficking, homicide, and fraud and public corruption cases. He left in 2007 to become a partner at McDermott, Will & Emery. In 2009, Austin returned to the D.C. U.S. Attorney’s Office as a Senior Assistant United States Attorney and Coordinator of the D.C. Human Trafficking Task Force.
- In January 2010, Austin was appointed as a Deputy Assistant Attorney General for the Civil Rights Division.
- Austin received his B.A. from Yale University and his J.D. from The University of Chicago, and he grew up in State College, PA.

**John Brittain: Professor of Law at the UDC, David A. Clarke School of Law, Civil Rights Litigator & Former Chief Counsel and Senior Deputy Director of the Lawyers’ Committee for Civil Rights Under Law**

- John C. Brittain joined the faculty of the University of the District of Columbia, David A. Clarke School of Law, in 2009, as a tenured professor of law. He had previously served as Dean of the Thurgood Marshall School of Law at Texas Southern University in Houston, as a tenured law professor at the University of Connecticut School of Law for twenty-two years, and as Chief Counsel and Senior Deputy Director of the Lawyers’ Committee for Civil Rights Under Law in Washington, D.C., a public interest law organization founded by President John F. Kennedy to enlist private lawyers in taking pro bono cases in civil rights.

- Professor Brittain writes and litigates on issues in civil and human rights, especially in education law. In 2015, the Mississippi Center for Justice honored him as a "pioneering civil rights leader and esteemed law professor who has inspired a generation of young attorneys." In 2013, he was named to the Charles Hamilton Houston Chair at North Carolina Central University School of Law, established to bring prominent civil rights law professors and litigators to the law school to teach constitutional and civil rights law for a year. Professor Brittain was one of the original counsel team in *Sheff v. O’Neill*, the landmark school desegregation case decided by the Connecticut Supreme Court in 1996, chronicled in Susan Eaton’s book, *The Children in Room E4: American Education on Trial*, in which he is frequently mentioned. He is presently a part of a legal team representing private plaintiffs in a federal lawsuit against the State of Maryland for denying Maryland’s historically black institutions of higher learning – Morgan, Coppin, Bowie and Maryland Eastern Shore Universities – comparable and competitive opportunities with traditional white universities.

- He has been president of the National Lawyers’ Guild, a member of the Executive Committee and the Board of the ACLU, and legal counsel to the NAACP at the local level and national office of the General Counsel. In 1993, the NAACP awarded Professor Brittain the prestigious William Robert Ming Advocacy Award for legal service to the NAACP without a fee. The Ming award was named in honor of the African American law professor, at the University of Chicago, and brilliant civil rights lawyer who worked closely with Justice Thurgood Marshall.

- Brittain received his B.A. from Howard University in 1966 and his J.D., Howard University in 1969.
Norrinda Brown Hayat: Assistant Professor of Law—Director, Housing & Consumer Law Clinic

- Professor Hayat directs the Housing & Consumer Law Clinic at UDC David A. Clarke School of Law. Prior to joining the faculty in 2015, she worked as a trial attorney in the U.S. Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, where she led an investigation that resulted in DOJ’s first combined police practices and fair housing settlement between the United States and Los Angeles County Sheriff’s Department, United States v. County of Los Angeles. Prior to joining the DOJ, she was in private practice specializing in civil rights litigation with the firm Booth & Tucker in Philadelphia. She also practiced commercial litigation with the firms DLA Piper and Hogan & Hartson.

- Professor Hayat's litigation, teaching, and research interests lie in civil litigation on behalf of protected classes facing housing discrimination and access to affordable housing. Her research agenda seeks to contribute to the scholarly literature examining the effects of persistent segregation and shifting forms of discrimination in housing on economic neighborhood mobility. More specifically, she is concerned with identifying challenges to the eradication of intergenerational poverty among minorities living in metropolitan centers and proposing strategies for using existing civil rights laws to overcome them.

- Professor Hayat is a member of the bars of the Supreme Court of the United States, Third Circuit, Eastern District of Pennsylvania, District of Columbia, and Pennsylvania (inactive).

- Hayat received her B.A. from Dartmouth College (History) and her JD from the University of Virginia School of Law.

Brandon Craig: Compliance Manager with Housing Opportunities Made Equal of Greater Cincinnati, Inc.

- Housing Opportunities Made Equal is a non-profit corporation with a mission to eliminate illegal discrimination and completely open housing market. Started in 1959, the organization was incorporated as Housing Opportunities Made Equal of Greater Cincinnati, Inc. (HOME) in 1968 following the passage of the Fair Housing Act. Mr. Craig has been with HOME since 2012.

- Before coming to HOME, he worked with LexisNexis, a Legal Research Corporation, and as an Independent Consultant with the
Office of the General Counsel for the Cincinnati Public School system.

- In his role, Mr. Craig serves as the representative for HOME in complaints filed with HUD and the Ohio Civil Rights Commission. Additionally, Mr. Craig assists the HOME’s client service specialists with fair housing complaints received. He serves as liaison on cases sent to outside counsel, assists clients and their counsels during the litigation process, and has represented both HOME and its clients during the mediation of fair housing disputes. In addition to those duties, Mr. Craig has also testified before the Ohio Civil Rights Commission; the Ohio House Committee on Financial Institutions, Housing, and Urban Development; and the Ohio Senate Committee on Civil Justice.

- Mr. Craig is a member of the Board of Trustees for the University of Cincinnati Alumni Association, where he currently serves as the Secretary.

- Craig is a graduate of the University of Cincinnati with a Bachelors Degree in Economics and a Juris Doctor from the University of Cincinnati College of Law.

**Iman Freeman: Law for Black Lives, Baltimore Action Legal Team**

- Freeman is the co-founder of the Baltimore Action Legal Team, an organization that provides legal support to Baltimore communities as they exercise their civil liberties protesting against injustices rooted in structural racism and economic inequality. She developed a passion for the legal profession at an early age after being accepted into Legal Outreach, a program that prepares urban youth from underserved communities in New York City to compete at high academic levels and pursue a higher education. She earned her Juris Doctorate from American University Washington College of Law, where she was recognized as “Board Member of the Year” while serving as the Director of Social Action for the Mid-Atlantic Region of the National Black Law Student Association.

**Philip Lee, Ph.D.: Assistant Professor of Law and Historian in Critical Race Theory**

- Philip Lee is an assistant professor of law at UDC David A. Clarke School of Law. He teaches Property I & II, Constitutional Law I, Torts II, and Race and the Law. Professor Lee has won the “Outstanding Faculty Award” for teaching. He has served as faculty advisor to the Asian Pacific American Law Students Association, American Constitution Society, National Association Against Police Brutality, and Black Law Students Association’s Moot Court Competition Team.

- Prior to starting his law teaching career, Professor Lee earned his doctorate at the Harvard Graduate School of Education, where he was a Harvard University Presidential Scholar and a student convocation speaker. While a doctoral student, he was counsel of record for an *amicus curiae* brief in support of the respondents in *Fisher v. University of*
Texas, a case before the U.S. Supreme Court that posed a challenge to race-conscious admissions in higher education. In addition, Professor Lee taught a course at Harvard titled Race, Law, and Educational Access.

- Before starting his doctoral studies, Lee was the Assistant Director of Admissions at Harvard Law School, where he was a member of the admissions committee and led the office's diversity outreach initiatives for four years. He also served as an adjunct faculty member at New England Law, Boston, teaching appellate advocacy to second year law students in the fall semesters for two years. Prior to his teaching and administrative work at Harvard and New England Law, he was a trial attorney for five years—working first as an Assistant Corporation Counsel at the New York City Law Department and later as an associate at a white-collar criminal defense boutique in Manhattan.


Wade Henderson: President and CEO of The Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund

- The Leadership Conference is the nation's premier civil and human rights coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States. Through advocacy and outreach to targeted constituencies, The Leadership Conference works toward the goal of a more open and just society. The Education Fund builds public will for civil and human rights through campaigns that empower and mobilize civil and human rights advocates around the country to push for progressive change.

- Mr. Henderson is also the Joseph L. Rauh, Jr., Professor of Public Interest Law at the David A. Clarke School of Law, University of the District of Columbia.

- Mr. Henderson is well known for his expertise on a wide range of civil rights, civil liberties, and human rights issues, and is the author of numerous articles on civil rights and public policy issues. Since taking the helm of The Leadership Conference in June 1996, Mr. Henderson has worked diligently to address emerging policy issues of concern to the civil and human rights community and to strengthen the effectiveness of the coalition.
Under his stewardship, The Leadership Conference has become one of the nation’s most effective advocates for civil and human rights.

- Mr. Henderson currently serves on the National Quality Forum Board of Directors, which seeks to improve healthcare quality through performance measurement and public reporting; the FDIC Advisory Committee on Economic Inclusion, which was created in 2006 to provide the FDIC with advice and recommendations on important initiatives focused on expanding access to banking services by underserved populations; the Board of Directors of the Center for Responsible Lending, a nonprofit organization dedicated to protecting homeownership and family wealth by working to eliminate abusive financial practices; and the Board of Trustees of the Education Testing Service, a private, nonprofit organization devoted to educational measurement and research.

- Prior to his role with The Leadership Conference, Mr. Henderson was the Washington Bureau director of the NAACP. In that capacity, he directed the government affairs and national legislative program of the NAACP.

- Wade Henderson was previously the associate director of the Washington national office of the ACLU, where he began his career as a legislative counsel and advocate on a wide range of civil rights and civil liberties issues. Mr. Henderson also served as executive director of the Council on Legal Education Opportunity (CLEO).

- Mr. Henderson is a graduate of Howard University and the Rutgers University School of Law. He is a member of the Bar in the District of Columbia, and the United States Supreme Court.

- As a tireless civil rights leader and advocate, Mr. Henderson has received countless awards and honors, including the prestigious Eleanor Roosevelt Award for Human Rights. He holds an honorary Doctorate in Law from Queens College School of Law, City University of New York.

Wilhelmina M. Reuben-Cooke: Professor of Law

- Prior to joining UDC-DCSL, Professor Reuben-Cooke served as Provost and Vice President for Academic Affairs at the University of the District of Columbia from 2003 through 2007. She began her teaching career in 1986 at Syracuse University College of Law, where she became Associate Dean for Academic Affairs in 1992 and for the next two years directed its academic program. Previously, she was Associate Director of the Institute for Public Representation (IPR) at Georgetown University Law Center, having been responsible for litigation before the Federal Communications Commission and the federal courts, including the Supreme Court, at IPR and the Citizens Communication Center (CITIZENS).

- After graduation from law school, she was an Associate Attorney at Wilmer, Cutler & Pickering working in communications, antitrust, tax, securities, criminal and general corporate law. Among Professor Reuben-Cooke's many honors are election to Phi Beta
Kappa, Woodrow Wilson Fellow, John Hay Whitney Fellow, Order of the Coif, the Sojourner Truth Award from the Syracuse University Chapter of The National Association of Negro Business and Professional Women's Clubs, the C. Eric Lincoln Distinguished Alumni Award from the Duke University Black Alumni Council, and the Black Citizens for a Fair Media Annual Award for Public Interest Advocacy. She is also a Professor Emerita of Syracuse University.

- Reuben-Cook received her B.A., with distinction, from Duke University and her J.D. from University of Michigan School of Law.

Seema Sadanandan: Partnerships Director, Alliance for Safety and Justice

- Seema Sadanandan is the Criminal Justice Director at ACLU of the Nation’s Capital. She joined the ACLU-NCA in 2013 and oversees non-litigation advocacy efforts in defending civil rights and liberties in the District.

- Seema leads the organization’s efforts in combatting discrimination and addressing other issues that have a disproportionate impact on communities of color, such as the enforcement of the District’s marijuana laws and the need for decriminalization.

- Prior to joining the ACLU, Seema was a documentary filmmaker and campaign strategist for social movements in the United States and abroad.

- Sadanandan is a graduate of American University’s Washington College of Law and Tulane University.

Purvi Shah: Bertha Justice Institute Director

- Purvi Shah is the Bertha Justice Institute Director at the Center for Constitutional Rights. As the Director of CCR’s new training institute, her work focuses on deepening the theory and practice of movement lawyering across the United States and the world. Through the Institute, Purvi supports lawyers at every stage in their careers—as students, emerging lawyers, and senior lawyers—to both develop a deeper understanding of the connections between law and social change and to gain the practical skills and expertise to be effective advocates.

- Purvi's current projects include designing CCR’s internship and post-graduate fellowship programs, including the Ella Baker Program; publishing educational resources and training materials on the theory and practice of movement lawyering; designing and facilitating national and international conferences, trainings, and CLEs; and building
national and international networks to increase collaboration, innovation, and strategic thinking within the progressive legal sector. She builds partnerships with bold legal organizations across the world: on the frontlines of workers’ rights in New Orleans, education reform in South Africa, land rights in Haiti, youth movements in Miami, and landless movements in Brazil. Most recent, she co-founded the Ferguson Legal Defense Committee—a national network of lawyers working to support the Ferguson movement and the growing national #BlackLivesMatter movement.

- Prior to coming to the Center for Constitutional Rights, Purvi spent a decade working as a litigator, law professor, and community organizer. At the Community Justice Project at Florida Legal Services—a project she co-founded and started—she litigated on behalf of taxi drivers, tenants, public housing residents, and immigrants in a variety of class actions and affirmative damages litigation. She was an adjunct clinical professor at the University of Miami School of Law, where she co-founded the Community Lawyering Clinic. She graduated from Northwestern University and the Berkeley School of Law at the University of California. Her honors and awards include the Ford Foundation’s New Voices Fellowship, the ACLU of Florida Rodney Thaxton Award for Racial Justice, and the Miami Foundation’s 2009 Miami Fellowship. Her work has been featured on MSNBC and in The Nation.

Marbre Stahly-Butts: Center for Popular Democracy, Policy Advocate Affordable Housing, Racial Justice

- Stahly-Butts joined the Center for Popular Democracy as a Soros Justice Fellow in Fall 2013. Her Soros Justice work focuses on organizing and working with families affected by aggressive policing and criminal justice policies in New York City in order to develop meaningful bottom up policy reforms. She also works extensively on police and criminal justice reform with partners across the country.

- While in law school, Stahly-Butts focused on the intersection of criminal justice and civil rights and gained legal experience with the Bronx Defenders, the Equal Justice Initiative and the Prison Policy Initiative. Before law school Stahly-Butts received her Masters in African Studies from Oxford University and worked in Zimbabwe organizing communities impacted by violence and then in South Africa teaching at Nelson Mandela’s alma mater.

- Stahly-Butts graduated summa cum laude from Columbia University, with a BA in African-American History and Human Rights. She received her Juris Doctorate from Yale Law School in May 2013.
Jonathan Smith: Former Chief of the Special Litigation Section at the DOJ Civil Rights Division

- Jonathan Smith became Associate Dean of Experiential and Clinical Programs at the University of the District of Columbia David A. Clarke School of Law in 2015.

- Prior to joining the School of Law, he was the Chief of the Special Litigation Section of the Civil Rights Division of the United States Department of Justice. During his four-and-a-half-year tenure, the Section completed 18 investigations of civil rights violations by law enforcement, including the civil investigation of the Ferguson, Missouri Police Department in the wake of the Michael Brown shooting. He was involved in the ground breaking investigation of gender bias in the handling of sexual assaults by the University of Montana, the Missoula Montana Police Department and the Missoula Montana County Attorney, which resulted in model reform agreements. During his time in the Civil Rights Division, the Section expanded its work on juvenile justice reform, including the first Civil Rights Division findings that a juvenile court operated in violation of the United States Constitution and federal law. That investigation led to the landmark agreement to address equal protection, due process and Sixth Amendment violations in Shelby County, Tennessee.

- While he was Chief, the Section entered into five state-wide agreements to ensure that persons with disabilities are not unnecessarily segregated in institutions in violation of the Americans with Disabilities Act. Under these agreements, thousands of persons with mental illness or developmental disabilities are now living in the community and receiving necessary services to live, play, and work with their non-disabled peers.

- Mr. Smith has an extensive career in civil legal services prior to his government services. He was the executive director of the Legal Aid Society of the District of Columbia, the Public Justice Center in Baltimore, Maryland, and the DC Prisoners’ Legal Services Project. He started his career as an associate to Virginia civil rights lawyer Victor Glasberg.

- Mr. Smith served for five years on the District of Columbia Access to Justice Commission. He is also a member of the American Law Institute and the DC Bar Judicial Evaluation Committee. He is the recipient of the UDC David A. Clarke School of Law Advocate for Justice Award, the Meyer Foundation Exponent Award, the Washington Council of Lawyers President’s Award, the Council for Court Excellence Justice Potter Stewart Award, the Center for Non-Profit Advancement EXCELL Award, the United States Attorney General’s John Marshall Award, and the Executive Office of United States Attorneys Director’s Award.

- Smith received his B.A. from University of Maine and his J.D. from Antioch School of Law.
Abstracts of Papers Presented

Law for Black Lives: Values for Movement Lawyering
Amanda Alexander and Purvi Shah

In July 2015, over 800 lawyers, law students, legal workers, and ex-jailhouse lawyers gathered in New York to find strategies to support the growing movement for Black Lives. At Law for Black Lives and in the months since, a new collective understanding began to emerge of how legal advocates can build the power of movements. This paper will explore real-time lessons and begin to identify a north star that can guide the strategies of movement lawyers in this moment. While legal advocates across the country are collaborating with organizers in many different ways—from defending the civil rights of protesters to drafting transformative local and federal policy to innovative international human rights advocacy—we can already identify a set of values and intentions grounding our diverse efforts.

In planning Law for Black Lives, lawyers and advocates identified nine values to guide their efforts in building a more cohesive legal arm for the movement for Black Lives. Among these values are: a commitment to the liberation and self-determination of Black people through an intersectional, anti-racist practice; a commitment to hold ourselves accountable to support all parts of the current movement for Black lives including organic uprisings; a belief in democratizing access to the law and legal strategies; and a belief in an internationalist approach. Within this framework, movement lawyering is a political project that demands creative and collective efforts to use the law in support of activists’ and organizers’ political choices.

How do these values play out in practice? How are they complicated and challenged as we build deeper relationships with organizers and activists? Our paper will delve into these values and fill out their content with more detail, using interviews and conversations with Law for Black Lives advocates from across the country. We will identify the how, what, and why of movement lawyering right now, and provide a platform for diverse voices and thought leadership.

- Amanda Alexander is Assistant Professor and Postdoctoral Scholar in Afro-American Studies and Law at the University of Michigan.
- Purvi Shah is Director of the Bertha Justice Institute, Center for Constitutional Rights.

Black Zip Codes Matter: Fighting Housing Discrimination in the 21st Century
Brandon R. Craig

On April 11, 1968, President Lyndon Johnson signed legislation that remains a paramount tool in the fight for civil rights. The Civil Rights Act of 1968, otherwise known as the Fair Housing Act, provided a mechanism to enforce housing rights granted in the Civil Rights Act of 1964. Following the passage of the Act and the Amendment to the Act in 1988, advocates used the legislation to ensure equal
housing opportunities and give citizens a means to protect their rights. However, the days of “White Only” at the entrance to an apartment gave way in many parts of the country.

While litigation removed many traditional forms of discrimination, it did not remove discrimination from housing. In current society, discrimination occurs differently and requires different tools to enforce equal housing opportunities. In 2015, the Supreme Court, in Texas v. ICP, upheld the inclusion of the disparate impact theory under the Fair Housing Act. Disparate impact focuses on the disproportionate effect of a rule, policy, or practice, on a protected class rather than the traditional intent of the actor. Now the fight led by groups like Black Lives Matter must target the less direct forms of discrimination. They must address disparities in economic and social opportunities that far too often can be mapped more by the zip code than most other factors.

Going forward, the use of disparate impact theory is one tool needed in the evolution of fair housing. Today discrimination may come with a smile and a handshake, but it is no less devastating for the recipient. Housing providers use occupancy standards and background checks to do what redlining and “No Colored” signs did in the past. Zoning ordinances and economic development patterns are the new tools of segregation for many cities. Advocates must also investigate discrimination in a different way. Litigation going forward must evolve to include both impact of discriminatory intent and the discriminatory impact of laws. The methods of proving both in the current housing market must evolve to reflect the nature of what housing discrimination means in 21st century civil rights. Advocates must consider both disparate impact and intentional discrimination as they craft investigations.

Law for Black Lives Matter

Lauren Dollar, Iman Freeman, Seema Sadanandan

In legal literature on law and social movements, law itself is a central change-agent. Whether via impact litigation or large-scale policy initiatives, scholars debate whether the social movement shaped the law or vice versa—but nevertheless the change in law represents either the impetus of change or the codification of it. But what happens when the law is the problem? How do lawyers support a social movement that rejects an entire legal system, when lawyers by necessity move within it and legitimate it?

The current legal system codifies and legitimates oppression of black people on multiple fronts. By necessity the (albeit decentralized) #BlackLivesMatter movement calls into question the entire legal system’s legitimacy. Lawyers seeking to support a radical stance on #BlackLivesMatter present a conundrum.

#Law4BlackLives-DC is a small group of legal workers in the District committed to supporting our local Black Lives Matter advocacy groups in the region. We want to help bridge the gap between the law and the community it should serve. We are often faced to develop ways to support our colleagues, given the legal system that exists is what we have (for now).

Part I of the paper would outline historical models and strategies to lend legal support to civil rights social movements. Part II would explore the challenges of working to support the BlackLivesMatter movement as a “lawyer” when our partners do not see a legal solution as one that effectuates change because the system was never designed to work in favor of communities seeking justice. Part III would explore our group’s current model of serving the grassroots organizations in DC by, for example, working in coalition and democratizing the legal and policy-making process. The section will explore the challenges we have faced such as sharing information without co-opting messaging. The
section will also examine other groups in other cities, such as Up Against the Law in Philadelphia and Baltimore Action Legal Team. Finally, Part IV will focus on the foreseen challenges and opportunities for the future.

**No Fly List No More: Litigating an End to Government Imposed Flight Bans**

Gadeir Abbas

Over the last 14 years, the United States added approximately 47,000 individuals to the No Fly List—an increase of 293,650 percent as compared to having only 16 on the list on September 11, 2001. And unfortunately, the political branches appear unwilling to roll back the federal government’s use of the No Fly List. The only remaining place that civil rights activists can hope to accomplish change is via the judicial branch.

But beyond the sheer number of people blacklisted, the United States has expanded the objectives of the No Fly List in ways that would have been inconceivable even in the immediate aftermath of 9/11. What began as a policy aimed at protecting commercial aircraft from bombings and hijackings has evolved to address a broader and more dubious concern: the movement of individuals, almost all of them Muslim. Needless to say, the civil rights implications of the government regulating the movement of the mostly Muslims listed are profound.

The growth of the No Fly List’s size and scope, however, opens up new avenues of legal challenge that could prevent the government's use of the list against United States citizens. While much litigation to date has focused on creating a meaningful process whereby individuals can challenge their inclusion on the list, this only mitigates the injustice of the No Fly List on a case by case basis. The limits of procedural due process simply do not keep the federal government from broadening the No Fly List and the range of consequences imposed.

To move past these limits, this article argues that the No Fly List clearly violates the fundamental right of movement, a right that can be traced back to the Magna Carta and that underpins many of the liberties the Bill of Rights establishes. Because of this, litigation seeking to constrain the No Fly List should be based on substantive due process concerns. And by basing litigation on this fundamental right, civil rights activists can achieve more than the post-deprivation process that existing litigation is trying to accomplish. We can end the No Fly List's historic injustice, which has been imposed almost exclusively on American Muslims, for more than a decade now.
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