

MOVING BACK TO CENTER

***Remarks of Teresa Cosby, Executive Director
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Once upon a time I was on the outside looking in. From this view legal services programs in America appeared to be keepers of the social justice agenda. Imagine my surprise when I came in and found a system in shock.

For background consider this poem by Langston Hughes as he gives voice to the disenfranchised people of America:

I, TOO

*I, Too Sing America.
I Am The Darker Brother.
They Send Me To Eat In The Kitchen
When Company Comes,
But I Laugh,
And Eat Well,
And Grow Strong.*

*Tomorrow,
I'll Be At The Table
When Company Comes.
Nobody'll Dare
Say To Me.
"Eat In The Kitchen,"*

*Besides,
They'll See How Beautiful I Am
And Be Ashamed—*

I, Too, Am America.

I came to legal services in 1997 after experiences as a private attorney, a law clerk for a federal magistrate and a government attorney. While I plowed this legal career, I always cast a glance at legal services and considered the type of advocacy for people the attorneys there engaged.

Having been a product of Howard University Law School, civil rights advocacy, if not the bedrock, was surely the foundation of my legal education. It was there that I first heard of the Reggie program while walking Houston hall and taking classes from Herbert O. Reid, Sr. At Howard we were trained to return to our communities as more than lawyers but as social justice advocates, that was the true principle of Houstonian Law.

So, I came to Legal Services Agency of Western Carolina. What I found was a program in shellshock and stasis following the Gingrich congress's attempt to cadaver programs throughout the country. That was my first introduction to the concept of restrictions and the enigmatic question of "what is a case?" At that very point, visions of grand class action work and social engineering vanished from my head just as Christmas rounded the bend.

And while I held firm to the belief that the best these programs could do was "one-on-one" advocacy, the issues of poverty and racial justice presented itself to our

clients in grand fashion. Sure, we can argue that these issues were not as evident during the Clinton era and the boom economy of the 90's; nonetheless, a gossamer film was layering itself over the hopes of poor people.

While this was going on, we were commanded to boardrooms and community centers to begin an activity affectionately called "state planning." We all groused and grumbled and talked about how state planning deterred us from doing the real work of serving our clients. Personally I lamented the fact that someone who once lived in courtrooms, now lived behind a desk and became incensed when someone kindly referred to me as (an) efficient bureaucrat.

But out of state planning came a decision in our state to incorporate strategic advocacy systems into the basic design of the program. Also, national discussions were emerging identifying how programs can provide 100 percent advocacy and how to do that. At that point the film that had clouded my eyes and mind started lifting as the national conversation began the subtle shift from whether we should do it to how we do it.

At that point, the training agendas moved away from CSRs and how to count cases. We started seeing topics ranging from education issues, land loss, mental health, predatory lending, welfare, consumer and others.

As a director, I have stopped pretending that these issues do not exist, or that they will be addressed by legislative action. Instead I pay close attention to the problems of

sister agencies and the cries of our communities. As a watchdog these are some of the issues I discovered are out there:

In South Carolina, probate court orders of commitment for mentally ill citizens are being wholly ignored. Mental health clients are being sent to emergency rooms where patients have sat for as long as 12 days due to administrative decisions of the department of mental health and funding cuts by the legislature.

Through a state administrative action, school based counselors can now treat student patients for psychological conditions for a period of nine months before they must seek guidance from a psychiatrist. These counselors are not required to have advanced degrees in psychology or related fields.

Due to a lack of school nurses and a no-needle policy, diabetic students in rural schools must have a parent come to the school to give them daily injections of insulin. This policy adversely affects poor families because affluent families can afford a diabetic pump.

Nationally, there are more black men in jail than in college. In 2000, 791,600 African-American men are incarcerated, while 603,000 are in higher education. After completing these sentences some states have permanently stripped them of their fundamental right to vote.

Black girls ages 12-18 are two times as likely to be victims of violence than any group of young people. The disproportionate number of black girls living in poverty compounds this problem.

Blacks are more likely than whites to live near areas polluted by power plants. 71 percent of blacks live in counties that do not meet federal air pollution standards compared to 58 percent of whites. This pollution explains why asthma hospitalizations for blacks is 35.6 percent per 100,000 admissions, which is three times the admission rates of whites at 10.6 percent.

At one time in America blacks owned a large amount of land in south. This ownership consisted of farmland and coastal property. The loss of this land is one of the largest transfers of wealth presently occurring in the country.

Minorities, blacks, Hispanics and Asians, make-up 30 percent of the nation's population but represent only 12 percent of newsroom employment. Thus, they do not play a role in shaping the national discussion.

These are some of the emerging issues facing our clients along with the continuing issues of predatory lending, homelessness, housing, fair lending practices, welfare, unfair employment practices and farm worker issues.

South Carolina is developing strategies to address social justice issues facing in our communities. In the coastal areas, we received funding from the Ford Foundation to

collaboratively address the issue of land loss among African-American coastal landholders.

In the western region of the state a lawyer is funded 100 percent by the United Way to concentrate her practice on school issues for children. It is our plan to develop an education specialty statewide.

We have also developed a strategic litigation protocol to identify and address issues that need to be addressed systemically.

In light of the recent political changes, and the culture sure to develop, it is imperative that we move back to the center in this fight. In depressing economic times, legal services programs must become reenergized and active. We must return to our roots in developing advocacy strategies.

We are the ones to focus on issues of race and poverty in an era where politicians in the south and other regions ignore these issues and where in most southern and rural states we are the only game in town.

In doing this we cannot allow issues of funding or the present climate affect these decisions. At one time the climate was that you would be hung. When considering whether to engage in major litigation let lady justice decide. Place the number of people affected by a positive judicial out come on an issue affecting thousands be placed on the

right side of justice's scales and let the single issue of one client be placed on the left, then let the scales make the argument.

In closing, last week we stood witness to the possible re-emergence of a social agenda which again threatens a war on poverty. We also watched the development of a dangerous phenomenon of drive-by politicking where the interests of minorities, the poor and urbanites were wholly ignored to pay special attention to the issues of suburbanites, until, when it was too late, the politicians stopped, looked back and asked the forgotten to vote for them, just because. Many of us did, holding our noses, even when none of our issues were addressed – but perhaps this failure of vision introduced a new era where the lesson learned is that the twins, democracy and justice, must themselves be addressed holistically, including the issues of all Americans as we fashion a quilt of true equality. In this pursuit, legal services programs must become the standard bearer. We should lead the charge in identifying and defining the issues of race and the conditions of poverty. And we must do this aggressively and systemically. I'll leave you with this thought from another Harlem renaissance poet, Arna Bontemps:

MIRACLES

*Doubt No Longer Miracles,
This Spring Day Makes It Plain
A Man May Crumble Into Dust
And Straightway Live Again*

*A Jug Of Water In The Sun
Will Easy Turn To Wine
If Love Is Stopping At The Well
And Love's Brown Arms Entwine.*

*And You Who Think Him Only Man,
I Tell You Faithfully
That I Have Seen Christ Clothed In Rain
Walking On The Sea.*