

FREE FROM FEAR in the BLACK MECCA: SONG Reflection and Analysis From ATL's Recent Bail Reform Win

Spring 2018

Below is an analysis and reflection contextualizing SONG's role in the unanimous passage of municipal bail reform in Atlanta, Georgia on February 6, 2018. When SONG was founded in 1993, our founders set out to build a Southern LGBTQ organization working across class, race, gender, culture and sexuality to organize 'everywhere but Atlanta.' The sentiment and political logic made sense, given Atlanta had much more LGBTQ infrastructure--specifically progressive Black and people of color-led infrastructure--as compared to the rest of the region. Their position was that SONG must organize so that all LGBTQ Southerners are able to live and flourish in their homes and towns, and not have to move to Atlanta in order to find safety, freedom, and community. Although Atlanta is exceptional in some ways, is it still rife with structural racism, homophobia and transphobia, classism, and state violence enabled and continued through the Black led City Administration. Steps toward abolishing wealth-based detention can and will be a game changer for our communities targeted for generations by mass incarceration, the war on drugs, surveillance and economic injustice. Moreover, even though SONG's organizing intention and focus is regional, we understand that a win in Atlanta can and will have repercussions across the region, and hope that these lessons will be of use to our other SONG campaigns, sister orgs, and those fighting to #EndMoneyBail.

Background

An important question SONG has grappled with for decades is: what is Atlanta's role in shifting the South? How do we leverage Atlanta's resources (money, relationships, cultural capital, etc.) in the service of the region? How do we collectively reconcile the *incredible* differences in conditions across the region with the fact that many of our people do find sanctuary here while not glorifying Atlanta as the Black Gay Mecca? How do we orient our work in Atlanta so it is not happening in a vacuum, but we see ourselves as always in the service of the region? How do those of us who are from Atlanta, or who have been organizing here for over a decade, explain the conditions of our city in a way that is helpful for both newcomers the city and our comrades across the region?

SONG began to more actively support organizing work in Georgia in 2010. Organizing thousands across the state to oppose HB 87, SONG and sister organization Georgia Latino Alliance for Human Rights (GLAHR) formed SOMOS GA7. From there, SONG worked with GLAHR to launch the GA Not1More Deportation Coalition in order to end police and ICE collaboration across metro Atlanta. Since 2012, SONG has worked regionally to develop a campaign arm of the organization, one to engage in direct action public pressure Free From Fear campaigns to combat criminalization. We launched our first Free From Fear campaign in Durham 2015. In January 2015, the SONG ATL crew began to develop a campaign to take on the every day crisis Atlanta's Municipal Court created for Black, immigrant and working class

people. This was an issue whose devastating ripple effects were felt first-hand in SONG's base and leadership. SONG's demands were: 1) elimination of fines and fees based on income; 2) an end to Failure to Appear (FTA) warrants 3) mandatory use of a bench card for judges to determine indigency and 4) expansion of dignified community service options. We saw first-hand how communities were being targeted, slapped with fines and fees they couldn't pay, and then pushed further and further into the criminal legal system through jail time, probation and FTA warrants. The issues surrounding municipal courts and over-policing, profiling, and ticketing were also gaining national attention at this time due to the [DOJ report on Ferguson](#) and [Loretta Lynch's "Dear Colleague" letter](#).

2017 to the Present Moment

After SONG's largest regional membership meeting to date in 2017, SONG decided to test a shared regional demand: ending cash bail. We did this through the [Black Mama's Bailouts](#) in May, and the Black August Bailouts in August. The regional and national political rationale was: identify and expose the crisis of cash bail, strengthen our collective abolitionist practice, create broad entry points, organize around shared vision and love, and build momentum to end the practice of cash bail across the South and nation.

In May, SONG's Atlanta Bailout crew bailed out 25 women from Fulton County Jail (Rice Street). Rice Street is one of the biggest jails in the country. It is notoriously horrific as the nation saw from [A&E's show 60 Days In](#). We were only able to bail out one woman from Atlanta City Detention Center. Because other women were either forced to plead out at first appearance, or given signature bond, or had been bound over to Fulton Co's Jail (Rice Street), or had severe mental health or physical issues, we were not allowed to even visit them. In August, we bailed out 13 more Black women from Rice Street and one more from ACDC, whose bail was \$78.

What we knew going into the bailouts is that we would be testing our regional demand to put a complete end to the policy and practice of #EndMoneyBail. After days and weeks of tears and joy and heartbreak, scrambling to supply support services, calling back many peoples' families and telling them we could not afford to bail out their loved ones, we were even more certain that this was exactly the work we needed to do and we do not want to settle for ANYTHING less.

Coming out of the bailouts, we know that ending money bail will only make a real difference if:

1. The policy change includes the elimination of cash bail for the broadest number of people
2. individual determinations for eligibility of bail are standardized by bench card or other means
3. systems-based supports are made available to answer the question 'what do people need to get back to court?' (for example, transportation assistance, clear reminders, ability to reschedule, and childcare)

4. city, county, and state INVEST in community infrastructure (housing, job training, and health and mental health support services) that stabilizes communities targeted by policing and economic injustice.
5. city, county, and state DIVEST from cops and policing budgets, jails, courts, Failure to Appear Warrants, local jails' contracts with ICE, and begin reclassifying violations as a means to prevent arrests.

After the Bailouts, the scope and cruelty of the huge crisis caused by cash bail became clear and immediate. The next question for SONG to answer was *'What will be our organizing strategy to address the policy and practice of cash bail? Do we take on the City of Atlanta, gearing up for a wild mayoral and city council race, or do we take on the Fulton County Commission who is also gearing up for a shift with the local elections?'*

While we had intervened in some arenas on the state and county-wide level, the biggest opening we identified was with the City of Atlanta. Toward the end of January 2018, [Keisha Lance-Bottoms' administration](#) made it clear that her intention was to swiftly end the practice of wealth-based detention (cash bail). Lance-Bottoms, who ran against Mary Norwood, a wealthy, white woman, narrowly won the Mayoral election runoff by fewer than 1,000 votes. Lance-Bottoms announced in a 'progressive platform' days before the runoff in December that, if elected, she would work to end wealth-based detention in Atlanta. The work that created the necessary climate for the mayor's announcement to end cash bail included: the growing national movement and shift in consciousness using litigation, communications/culture change, and grassroots pressure to end cash bail; the Black Mama's Bail Outs; successful city-wide criminal justice reforms (that Lance-Bottoms wasn't necessarily supportive of); pre-arrest diversion and marijuana declassification, which was the result of organizing and advocacy work by the Racial Justice Action Center and other grassroots groups; 11th hour progressive campaign promises made by Lance-Bottoms; and a letter that the Southern Center for Human Rights sent to the city, suggesting that they [end the practice of wealth-based detention with the implication that if they did not, they would be sued](#). We believe Lance-Bottoms also saw this as an opportunity to establish herself as a progressive Mayor, distinguishing herself from her predecessor, Kasim Reed.

Once Lance-Bottoms announced she would be ending cash bail even though it needed to go through the city council policy wise, SONG *worked to make the legislation as broad and visionary as possible, including as many directly affected people at the table as possible*, despite the push from the City administration, lawyers, and advocates to keep the circle of those at the literal table quite tight and private, by not inviting community and directly impacted folks to those meetings.

The policy development was primarily brokered through a well known-progressive private attorney, attorneys at the Southern Center for Human Rights, and the City Attorney. This also alarmed us because we could tell that the City Attorney, the city council, and the Mayor knew next to nothing about bail reform, the current crisis of cash bail, or even how bail works. The first

draft of legislation literally was the current city code/policy just with the word cash struck through.

We were also part of an ad-hoc coalition of attorneys and community-based organizations whose goal was for the bill to pass. Over the course of three weeks, SONG mobilized tremendous turnout at both the Public Safety work group meeting and the full city council meeting. Over the course of two meetings, we succeeded at setting the tone and course of the debate and sent the message that wealth-based detention, and the will to end its existence in our city, was deeply and widely felt by Atlanta's residents, which ultimately resulted in our [WIN!](#)

What We Learned or Were Reminded About Ourselves:

1. SONG must build its member-led organizing team and better train its members in organizing as a methodology for change.
2. We need to elbow out room for our rightful seat at the table and SLOW the process down - policy makers, politicians, and lawyers are happy with closed-door meetings and accelerated processes that WE can't keep up with. This results in watered-down policy and is in opposition to our values.
3. Rapid response is also difficult for members to load into because of their own responsibilities and often results in staff leading a lot of the work. If we had moved differently when Lance-Bottoms announced that she wanted to end bail, we could have set a different pace.
4. We need shared regional and local message discipline, we had too many messages + no capacity to initiate our own media strategy. Because we were moving so fast we weren't able to leverage some of our other national relationships to make it a larger national fight.
5. Our read was confirmed that lawyers and legal shops consider themselves experts and consider SONG rabble-rousing outsiders. Lawyers will often tell us that our demands and dreams are unreasonable, but we believe and know grassroots and directly affected people hold the true solutions and should set the parameters of what's possible. Not them.
6. The city council knew NOTHING about bail - or how the process from charge to court happens. The Chief of Police said, "that's a good thing you don't know."
7. This is a huge culture change opportunity and need, which goes back to a massive reframing of the conversation about public safety and 'violence.'
8. The role of Atlanta's city council must also be examined. While the bleaching of our city has occurred for over two decades, it has accelerated in recent years. As a result, white and non-Black people of color are replacing Black city council seats. The majority of the Black members who remain on the city council are either inconsistent in their voting or they use the legacy of "Black Atlanta" and their own Blackness to support policies that are harmful to homeless, poor, and working class Black people. As a multiracial organization, SONG has a political imperative to interrogate ways of intervening our city council's policies that do not rely solely on the accusation of racism and bring a strong class analysis to the fight and to our demands and strategy.
9. We set ourselves up for the next leg of the fight and now we have to execute it.

Key Considerations for Other Crews or What We Wish We Had Done:

1. Strong frame and position around 'red herrings' of domestic violence, what is considered violence, who is a criminal, and what people's 'motives' are. We must work to avoid passing bail reform that is for 'non serious crimes' which means the 'real criminals' will be kept safely in cages.
2. Lay out the vision - we have the vision - the lawyers, the advocates, the policy makers don't.
3. Clarity as a team doing reform work as abolitionists - *What compromises are we willing to make? What are our bottom lines? How do we set our timeline and demands - to slow the process of developing policy down so our people can fully lead and participate and not accommodate the lawyers timeline/preferences when they also 'hold the relationships'*
4. Make it a street fight - bring it back to the people regardless of what the lawyers and policy wonks want to do.
5. Sit with the Domestic Violence groups beforehand so they don't just get mobilized by the Bail industry.
6. Further Refine our Insider / Outsider Strategy: Need to continue to build stronger relationships across the city and sector so we can shift the balance of power - so insiders (advocates, lobbyists, legal and policy people) see themselves as on-assignment and not doing the grassroots a benevolent favor by letting us in.
7. Fortify our policy demands since we know that this is going to take multiple pieces of legislation and massive culture change. We know some players will be pleased with one piece of legislation.
8. Stuff to explore: In addition to the demands listed previously, demanding a distinction and policy around willful vs. non willful FTAs, people receive systems-based supports without the leash of the courts (Ex. If you miss your court date you don't have access to mental health services etc.), bench card, growing the Public Defenders budget etc....
9. Need: further discussion with other national forces (Civil Rights Corps) who are supportive to ending money bail but because they are legal shops sometimes move much much faster than the grassroots.