

TOWARD AN ABOLITION DEMOCRACY PEDAGOGY IN CLINICAL LEGAL TEACHING

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In the spring of 2022, I was hired to create and direct a racial justice clinic at a time when many law schools had publicly identified anti-racism as a substantive gap in the legal curriculum. In the fall of 2022, I worked with four law students to design the Advocacy for Racial and Civil Justice Clinic. Early on, we determined that we would launch a clinic grounded in the principles of abolition, which I define as a clinic committed to using legal strategies to combat the legacy of slavery and white supremacy and to imagining new systems of liberation. In this article I describe what I consider to be the core components of an abolition democracy pedagogy in our clinic: (1) deep engagement with historical context to understand structural inequality today; (2) an inter-systems power analysis; (3) a place-based approach; (4) an interdisciplinary approach; and (5) the pursuit of nonreformist reforms. I conclude by offering reflections on how an abolition democracy pedagogy can better sustain future public interest attorneys committed to working in support of social movements during periods of retrenchment. Despite the prevalent backlash against racial justice today, now is a critical time for legal clinics to teach abolition and grapple with the role of litigation and policy advocacy in advancing social movements for racial justice.

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INTRODUCTION: WHY ABOLITION NOW?

We are living in a period of deep retrenchment. Efforts to address racial justice that were celebrated in 2020 are now the subject of investigation and prosecution.¹ Indeed, law clinics, once celebrated for teaching antiracism, face backlash and scrutiny today.²

I was hired to launch and direct a racial justice clinic at Penn Carey Law School in the immediate aftermath of what many called a “national racial reckoning.”³ In the spring of 2020, in the midst of widespread orders to stay in place during the COVID-19 pandemic, people across America watched video of Derek Chauvin, a Minneapolis police officer, murdering Mr. George Floyd, a Black man, by kneeling on his neck for 9 minutes and 29 seconds. The video footage seemed to suddenly shift the mainstream conversation about racism in policing, with widespread recognition of the need for radical change. Millions of everyday Americans took to the streets chanting “Black lives matter” in the largest protest in American history and worldwide.⁴ Activists described the need to fight the “pandemic” of white supremacy and there was widespread public interest in learning about institutional racism. Protestors called for the abolition of racist policing, and there were unprecedented examples of local jurisdictions shrinking police budgets and closing prisons.⁵ Demands for change spread beyond the

¹ On February 5, 2025, the U.S. Department of Justice (DOJ) issued a memorandum directing the Civil Rights Division to “investigate, eliminate, and penalize illegal DEI” programs, potentially including criminal prosecution in the private sector. Memorandum from Pam Bondi, Att’y Gen., U.S. Dep’t of Just. to All Department Employees, (Feb. 5, 2025), <https://www.justice.gov/ag/media/1388501/dl?inline> [<https://perma.cc/W7QK-BLQQ>]. Subsequently, on May 19, 2025, the U.S. Deputy Attorney General issued a memorandum directing the DOJ to pursue False Claims Act enforcement against “any recipient of federal funds that knowingly violates federal civil rights laws.” Press Release, U.S. Dep’t of Just., Off. of Pub. Affs., Justice Department Establishes Civil Rights Fraud Initiative (May 19, 2025), <https://www.justice.gov/opa/pr/justice-department-establishes-civil-rights-fraud-initiative> [<https://perma.cc/62RQ-5FS5>].

² Sara Weissman, *Congress Targets Northwestern Legal Clinics*, INSIDE HIGHER ED. (Apr. 7, 2025), <https://www.insidehighered.com/news/government/politics-elections/2025/04/07/northwesterns-legal-clinics-draw-scrutiny-congress> [<https://perma.cc/888R-HZQT>].

³ *How Biden Has—and Hasn’t—Harnesses the Reckoning on Race*, VOX (Aug. 19, 2020), <https://www.vox.com/2020/8/19/21372408/joe-biden-racial-justice-policy> [<https://perma.cc/5SHW-XGGG>] (describing the national reckoning on race following the killing of Mr. George Floyd).

⁴ Leah M. Watson, *The Anti-“Critical Race Theory” Campaign — Classroom Censorship and Racial Backlash by Another Name*, 58 HARV. C.R.-C.L. L. REV. 487, 491 (2023) (“In the weeks following Floyd’s death, approximately 15 to 26 million people in the United States reported that they protested, making Black Lives Matter the largest movement in America’s history.”); Larry Buchanan, Quoc Trung Bui & Jugal K. Patel, *Black Lives Matter May Be the Largest Movement in U.S. History*, N.Y. TIMES (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html> [<https://perma.cc/6FGQ-5VT>].

⁵ Jocelyn Simonson, *Police Reform Through a Power Lens*, 130 YALE L.J. 778, 811 (2021) (describing social movements demanding abolition).

criminal justice system. Schools and universities, private companies, and the nonprofit sector were suddenly forced to reckon with their role in creating and sustaining racial inequality and many made pledges to engage in antiracist work by adopting diversity equity and inclusion (“DEI”) initiatives, trainings, and affirmative action policies.⁶ Legal education joined the calls to reexamine our work and consider how antiracism should be incorporated into the curriculum and pedagogy.⁷

And yet, since the summer of 2020, public discourse around racial justice and the climate for enacting progressive change has fundamentally shifted.⁸ By the end of 2020, conservative activists began to express opposition to any discussion of structural racism and inequality.⁹ Activist Christopher Rufo seized on this growing resistance by strategically labeling so-called critical race theory or “CRT” as the subject of attack to mobilize parents and activists opposed to racial justice education, race-conscious policies, and other initiatives.¹⁰ During the Biden

⁶ Stephen Menendian, *The Structural Racism Remedies Project*, OTHERING & BELONGING INST. (Feb. 16, 2022), <https://belonging.berkeley.edu/structural-racism-remedies-project> [<https://perma.cc/5S3N-TBYB>] (cataloguing over 1,000 policy proposals and general recommendations for addressing systemic racism).

⁷ See Phyllis Goldfarb, Randy Hertz & Michael Pinard, *Foreword: Reflecting on Our Turbulent Times*, 28 CLIN. L. REV. 1, 10 (2021) (“Particularly since George Floyd’s murder, clinical legal educators and some law schools have taken steps to learn about antiracism.”). Further evidence of the effort to make antiracism core to legal education is the adoption of Rule 303 (c), which provides that “A law school shall provide education to law students on bias, cross-cultural competency, and racism: (1) at the start of the program of legal education, and (2) at least once again before graduation. For students engaged in law clinics or field placements, the second educational occasion will take place before, concurrently with, or as part of their enrollment in clinical or field placement courses.” ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2022-2023 Standard 303(c) (AM. BAR ASS’N 2022).

⁸ By 2021, many elected officials pointed to rising crime and called for a return to harsh criminal punishment and aggressive policing, including in some cities a return to stop-and-frisk. Mike Cummings, *Resistance to ‘Defund’ or ‘Abolish’ the Police Rooted in Policy Proposals*, YALE NEWS (Feb. 4, 2022), <https://news.yale.edu/2022/02/04/resistance-defund-or-abolish-police-rooted-policy-proposals> [<https://perma.cc/QND8-UDSZ>] (“A new study finds large majorities oppose the “defund” and “abolish” police movements because people worry that their policy goals will harm public safety.”); Char Adams, *Cities Vowed in 2020 to Cut Police Funding — But Budgets Expanded in 2021*, NBC NEWS (Dec. 28, 2021), <https://www.nbcnews.com/news/nbcblk/cities-vowed-2020-cut-police-funding-budgets-expanded-2021-rcna9864> [<https://perma.cc/HRS5-MLJ6>] (“At least a dozen cities cut their police funding or decreased officer numbers during last summer’s protests against police violence following the killing of George Floyd in May 2020. But one by one, city governments began to bolster their police budgets in 2021.”).

⁹ Dylan Saul, *School Curricula and Silenced Speech: A Constitutional Challenge to Critical Race Theory Bans*, 107 MINN. L. REV. 1311, 1322 (2023) (citations omitted).

¹⁰ While CRT is in fact an analytical framework pioneered in legal education, Rufo used CRT as code for race-consciousness or initiatives to address inequality, white supremacy and colonial power structures. At the state and local level, lawmakers adopted over 800 anti-Critical Race Theory bills and other measures that restricted discussions about so-called “divisive” or “controversial topics” in the classroom, including bias, inequality, white supremacy, and slavery. UCLA SCHOOL OF LAW CRITICAL RACE STUDIES PROGRAM, CRT FORWARD (2024), <https://crtforward.law.ucla.edu/> [<https://perma.cc/3PDZ-A483>] (tracking

administration, Christopher Rufo's war on "CRT" expanded into a more general war against DEI initiatives at the local level.¹¹ In April 2023, the Heritage Foundation released Project 2025, a radical right blueprint for the next conservative administration and called for the president to dismantle the DEI apparatus across federal agencies and eliminate references to "DEI, abortion, and gender equality from 'every federal rule, agency regulation, contract, grant, regulation, and piece of legislation that exists.'"¹² By 2024, state and local governments passed anti-DEI legislation.¹³ Rufo's agenda to ban discussions of race and progressive policies to address structural inequality had metastasized.

With the reelection of President Trump in 2025, the movement to undermine racial progress dominates the federal government and its agencies.¹⁴ DEI is essentially the boogeyman in President Trump's fight for the undoing of civil rights protections and a return to a white supremacist social order.¹⁵ The Trump Administration's

anti-CRT efforts introduced at the local, state, and federal levels). See also Kimberlé W. Crenshaw, *This is Not a Drill: The War Against Antiracist Teaching in America*, 68 UCLA L. REV. 1702, 1707 (2022).

¹¹ Adam Serwer, *The Great Resegregation*, THE ATLANTIC (Feb. 22, 2025), <https://www.theatlantic.com/politics/archive/2025/02/trump-attacks-dei/681772/> [<https://perma.cc/P4A8-D57L>] ("Like CRT before it, DEI has become conservatives' go-to cover for their discriminatory actions.")

¹² Melissa Quin, *Where Trump Policies and Project 2025 Proposals Match Up*, CBS NEWS (Feb. 3, 2025), <https://www.cbsnews.com/news/trump-project-2025-playbook/> [<https://perma.cc/QB56-W2Z2>]; *Project 2025, Explained*, ACLU, <https://www.aclu.org/project-2025-explained> [<https://perma.cc/9SGX-43ZU>] (last visited Mar. 1, 2025).

¹³ Char Adams and Nigel Chiwaya, *Map: See Which States Have Introduced or Passed Anti-DEI Bills*, NBC NEWS (Mar. 2, 2024), <https://www.nbcnews.com/data-graphics/anti-dei-bills-states-republican-lawmakers-map-rcna140756> [<https://perma.cc/S6NF-HU6T>].

¹⁴ Shortly after his election, President Trump declared that the United States would be "woke no longer" and swiftly adopted a series of executive orders in January 2025 aimed at dismantling federal DEI initiatives.

Executive Order No. 14,151, *Ending Radical and Wasteful Government DEI Programs and Preferencing*, and Executive Order No. 14,173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, and related directives seek to dismantle federal DEIA programs ("DEIA" stands for Diversity, Equity, Inclusion, and Accessibility) and impose restrictions on public and private entities engaging in DEIA-related activities. Exec. Order No. 14,151, *Ending Radical and Wasteful Government DEI Programs and Preferencing*, 90 Fed. Reg. 8339, 8339 (Jan. 29, 2025); Exec. Order No. 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, Exec. Order of January 21, 2025, 90 Fed. Reg. 8633, 8634-35 (Jan. 31, 2025).

Roseann Cattani & Myron Thompson, *What Are Woke Political Policies and What Has Trump Done to End Them?*, RECORD SEARCHLIGHT (Mar. 12, 2025) ("President Trump has signed executive orders that would bar transgender student athletes from playing women's sports, end DEI initiatives in the federal government and affirmative action in federal contracting, deny federal funding to 'sanctuary' jurisdictions and withdraws [sic] federal recognition for transgender individuals.")

¹⁵ Adam Serwer calls the return to segregation and racial oppression the "Great Resegregation." *Trump Is Banning Diversity Programs. What's Lost in The DEI Purge?*, CODE SWITCH (Apr. 2, 2025), <https://www.npr.org/transcripts/1242229709> [<https://perma.cc/7DUH-P3K6>] ("There was a conservative activist named Christopher Rufo back during the CRT

attack on DEI encompasses everything from symbolic recognition of multiculturalism,¹⁶ to the discussion of race and racism in colleges and universities,¹⁷ to a direct attack on the presence of people of color in positions of power¹⁸ and the historical record of slavery and Jim Crow held in the Smithsonian, the National Park Service, and beyond.¹⁹ Core to this agenda has been a strategic effort to undermine antidiscrimination laws, in particular the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964, by labeling them woke or DEI.²⁰ As journalist Nikole Hannah-Jones describes, what we are seeing is “agency by agency, this entire civil rights infrastructure that had been set up over decades being dismantled” under the guise of disbanding DEI.²¹ The willingness of a conservative super-majority on the Supreme Court to defy precedent,²²

moral panic who said this pretty explicitly - that that was the goal, right? He tweeted, we’ve successfully frozen their brand - critical race theory - into the public conversation and are steadily driving up negative perceptions. . . . And that’s exactly what’s happening with DEI. In part because, as we said, like, DEI is sort of vague and nebulous and expansive.”)

¹⁶ Serwer, *supra* note 11 (“In August, speaking with someone he believed to be a sympathetic donor, one of the Project 2025 architects, Russell Vought, said that a goal of the next Trump administration would be to “get us off of multiculturalism” in America. Now Vought is running Donald Trump’s Office of Management and Budget, and the plan to end multiculturalism is proceeding apace.”).

¹⁷ Laura Spitalniak, *A Surge of DEI Cuts Hits Colleges Across the US*, HIGHER ED DIVE (Feb. 27, 2025).

¹⁸ ANDERSON COOPER 360: *Whitewashing in the Name of a DEI Mandate* (CNN television broadcast, aired April 7, 2025).

¹⁹ Clint Smith, *What It Means to Tell the Truth About America, and What Happens When Empirical Fact Is Labeled “Improper Ideology,”* THE ATLANTIC (Apr. 21, 2025), <https://www.theatlantic.com/ideas/archive/2025/04/smithsonian-executive-order-nmaahc/682512/> [<https://perma.cc/SF8Y-4RMC>].

²⁰ So far, we have seen the Trump administration unwind key legal protections designed to protect people of color. This includes stripping resources from the Office of Civil Rights and Department of Justice investigating complaints of discrimination based on race, color and national origin; rolling back the disparate impact regulations designed to address race-neutral policies that have a discriminatory impact; and prohibiting truthful discussions of U.S. history and inequality in schools. *Id.* (“The term DEI, frequently invoked by the Trump administration, functions as a smoke screen... that is really about tearing anti-discrimination laws out at the roots, so that businesses and governments are free to extend or deny opportunities based on race, gender, and sexual orientation if they so choose.”). *See also* Karen Attiah, *The Assault on DEI? It’s Aimed at Resegregation*, WASH. POST (Feb. 6, 2025), <https://www.washingtonpost.com/opinions/2025/02/06/dei-gop-segregation/> [<https://perma.cc/FB5F-3D68>]; Sherrilyn Ifill, *The Other Constitutional Crisis, Trump Now Leads the Fight Against the 14th Amendment*, SUBSTACK (Feb. 17, 2025), <https://sherrilyn.substack.com/p/the-other-constitutional-crisis> [<https://perma.cc/VF6Z-64CP>] (“Trump has become a zealous and unrelenting general in the decades-long war on the promise of the 14th amendment to the Constitution.”).

²¹ Michael Barbaro, *How Trump Upended 60 Years of Civil Rights*, THE DAILY (N.Y. Times, Oct. 21, 2025), <https://www.nytimes.com/column/the-daily> (last visited Oct. 21, 2025) (“I’m noticing how in these orders and these actions, Trump is conflating DEI with civil rights.... And so it becomes pretty clear that he is using DEI to attack civil rights.”).

²² In 2022, a conservative majority of the Supreme Court overruled *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), denying millions of pregnant and birthing people bodily autonomy and throwing into question a critical line of

and endorse a colorblind interpretation of the Constitution,²³ has only emboldened conservative activities to push for even greater restrictions on civil rights law.

The attack on racial justice progress is overwhelming. But anyone who has studied civil rights knows this is not the first period in which progress is quickly followed by backlash and what Professor Kimberlee Crenshaw calls “retrenchment” in the face of legal reform.²⁴ Famously, the historical period known as Reconstruction was followed by the Nadir in which racial terrorism ruled and civil rights protections became hollow promises.²⁵ The historical period known as Reconstruction was a critical period of struggle to define the social, political, and legal order in the United States after slavery was legally abolished. Sometimes called the second founding of the United States, the focus of Reconstruction was on addressing the aftermath of the Civil War and slavery, including through legislation and constitutional amendments that abolished slavery, defined birthright citizenship, and expanded voting rights to include Black men.²⁶ The full promise of Reconstruction was never fulfilled. Instead, it ended abruptly in 1877 with the removal of federal troops from the South, the rise of the

legal precedent recognizing a right to privacy based on substantive due process. *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022) (overruling the right to abortion). As Professor Peggy Cooper Davis explains, the reversal of *Roe* is also an attack on the purpose and history of the Reconstruction Amendments. Peggy Cooper Davis, *The Reconstruction Amendments Matter When Considering Abortion Rights*, WASH. POST (May 3, 2022), <https://www.washingtonpost.com/outlook/2022/05/03/reconstruction-amendments-matter-when-considering-abortion-rights/> [perma.cc/98VC-YY2B] (“Speaking on the Senate floor in 1866 to the civil rights that the Reconstruction Congress meant to protect, Sen. Jacob Howard of Michigan, a member of the Committee on Reconstruction, noted that the enslaved had no right to be a spouse or parent in the eyes of the law and were ‘not at liberty to indulge the natural affections of the human heart’ for children or partners.”).

²³ *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023). The case addressed the narrow question of the constitutionality of race-based admissions policies at federally funded higher education institutions. Although the majority opinion did not explicitly overturn precedent, the majority opinion and concurrences expressed the troubling view that considering racial categories amounted to stereotyping individuals and illicit discrimination. *Id.* at 230. See Cara McClellan, *Evading a Race-Conscious Constitution*, 25 U. PA. J. CONST. L. ONLINE 1, 2 (2023) (describing cases advancing the idea of a ‘colorblind’ Constitution during the 2022-2023 Supreme Court term).

²⁴ Kimberlé W. Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331 (1988) [hereinafter Crenshaw, *Race, Reform, and Retrenchment*] (arguing that racism changes form and becomes more deeply entrenched in response to formal legal reform).

²⁵ See Barbaro, *supra* note 21 (Nikole Hannah-Jones arguing that we are currently facing a second “Nadir” or low point in civil rights for Black people).

²⁶ See generally ERIC FONER, *THE SECOND FOUNDING: HOW THE CIVIL WAR AND RECONSTRUCTION REMADE THE CONSTITUTION* (2019) (arguing that Reconstruction constituted such a fundamental period of reform that we should understand it as a re-founding of the United States and its Constitution).

Ku Klux Klan and racial terrorism, the Compromise of 1877, and critical decisions by an activist Supreme Court that gutted key provisions of Reconstruction-era legislation and Amendments designed to protect newly freed people.²⁷

As I will argue, because we are in a period of retrenchment, now is a critical time for law students to study the Reconstruction Amendments (the Thirteenth, Fourteenth and Fifteenth Amendments of the U.S. Constitution),²⁸ as well as the social and political context in which they were imagined, successfully adopted, and repeatedly undermined.²⁹ In particular, the history of abolitionist thought interpreting the Reconstruction Amendments has been kept at the periphery of legal education for far too long.

The social and political movement known as abolition advocated for the end of slavery in the United States. While in the early nineteenth century, Black and white abolitionists collaborated to form antislavery societies, Black abolitionists often advocated for societal change that was deeper and broader than the end of legal slavery, encompassing full social and political equality for Black citizens.³⁰ In his seminal work, *Reconstruction in America*, Dr. W.E.B. Du Bois described the need not only to emancipate formerly enslaved people through formal abolition, but to reshape all institutions that maintained white supremacy.³¹ He advocated for a new social order that could provide

²⁷ In *United States v. Cruikshank*, 92 U.S. 542 (1876), the Court overturned the Enforcement Acts, opening the floodgates of white mob terror and the Ku Klux Klan. James G. Pope, *Snubbed Landmark: Why United States v. Cruikshank (1876) Belongs at the Heart of the American Constitutional Canon*, 49 HARV. C.R.-C.L.L. REV. 385 (2014). Shortly after, in 1883, the Supreme Court declared the Civil Rights Act of 1875 unconstitutional in the *Civil Rights Cases*, 109 U.S. 3 (1883), ushering in nearly seven decades of the “separate but equal regime” through Black Codes.

²⁸ The Reconstruction Amendments refer to Amendments XIII, XIV, and XV of the United States Constitution passed to protect the rights of formerly enslaved people. See H.R. Rep. No. 30, 39th Cong. 1st Sess., XIII—XV (1866).

²⁹ As Professor Dorothy Roberts writes: “there is utility in applying the abolitionist history and logic of the Reconstruction Amendments to today’s political conditions.” Dorothy E. Roberts, *The Supreme Court, 2018 Term—Foreword: Abolition Constitutionalism*, 133 HARV. L. REV. 1, 122 (2019). She explains: “we should consider the abolitionist history of the Reconstruction Amendments as a usable past to help move toward a radical future.” *Id.* at 11. See also Jeff Neal, *Imagine What a Democracy Can Be*, HARVARD LAW TODAY (Dec. 05, 2023), <https://hls.harvard.edu/today/klinksy-professor-sherrilyn-ifill-imagine-what-a-democracy-can-be/> [perma.cc/2NLZ-Z9PH] (last visited Oct. 23, 2025) (civil rights leader and professor Sherrilyn Ifill argues that students should study the 14th Amendment and its many framers as the basis for a “new vision” for America).

³⁰ LIBRARY OF CONGRESS, THE AFRICAN AMERICAN ODYSSEY: A QUEST FOR FULL CITIZENSHIP, ABOLITION, ANTI-SLAVERY MOVEMENTS, AND THE RISE OF THE SECTIONAL CONTROVERSY, <https://www.loc.gov/exhibits/african-american-odyssey/abolition.html> [https://perma.cc/BUR8-UETC] (last visited Oct. 16, 2025) (“Although black and white abolitionists often worked together, by the 1840s they differed in philosophy and method.”).

³¹ See generally W.E.B. DU BOIS, BLACK RECONSTRUCTION IN AMERICA 166-170 (TRANSACTION PUBLISHERS 2013) (1935).

economic, political, educational, and social capital for all citizens and form the basis of a true multiracial democracy, a concept that he termed abolition democracy.³²

Abolition, once discussed only on the fringes of leftist activism and academic scholarship, received new attention from the media, the academy, and in political debates during 2020.³³ Of course, the 2020 discussion of abolition built on years of organizing and research efforts. In the legal academy, Professor Allegra McLeod introduced a framework for engaging with an abolitionist ethic in 2015 through what she described as gradual decarceration and positive substitution of other regulatory forms for criminal regulation.³⁴ In 2018, Professor Dorothy Roberts advocated in her Harvard Law Review Foreword for applying prison abolitionist theory to constitutional interpretation.³⁵ Professor Amna Akbar and Professor Jamelia Morgan later argued for a space within American law schools and the academy for a more radical imagining of possibilities for criminal justice and public safety in scholarship.³⁶ In the aftermath of 2020, Professor Nicole Smith-Futrell made the case for why law school criminal defense clinics should teach students to advocate for their individual clients through the lens of carceral abolition.³⁷ In short, carceral abolition has become a recognized critical lens in the legal academy and in practice more generally.

³² For Du Bois, “a host of democratic institutions are needed to fully achieve abolition—thus abolition democracy.” ANGELA DAVIS, *ABOLITION DEMOCRACY: BEYOND EMPIRE, PRISONS, AND TORTURE* 96 (2005).

³³ See, e.g., Rachel E. Barkow, *Promise or Peril?: The Political Path of Prison Abolition in America*, 58 WAKE FOREST L. REV. 245, 245 (2023) (describing the growth of the prison abolition movement in the United States).

³⁴ Allegra McLeod, *Prison Abolition and Grounded Justice*, 62 UCLA L. REV. 1156, 1161 (2015) (“When abolition is conceptualized in these terms—as a transformative goal of gradual decarceration and positive regulatory substitution wherein penal regulation is recognized as morally unsustainable—then inattention to abolition in criminal law scholarship and reformist discourses comes into focus as a more troubling absence.”).

³⁵ Roberts, *supra* note 29, at 114.

³⁶ Amna A. Akbar, *Toward A Radical Imagination of Law*, 93 N.Y.U. L. REV. 405 (2018) (arguing that legal scholarship must engage more seriously with an abolitionist horizon); Jamelia Morgan, *Responding to Abolition Anxieties: A Roadmap for Legal Analysis*, 120 MICH. L. REV. 1199, 1220 (2022) (arguing that legal educators can introduce “abolitionist—and collective—ideation into legal analysis despite its disruption of traditional forms of legal analysis”).

³⁷ Nicole Smith-Futrell, *The Practice and Pedagogy of Carceral Abolition in a Criminal Defense Clinic*, 45 N.Y.U. REV. L. & SOC. CHANGE 101 (2021). As Smith-Futrell observed, “Once viewed as an impractical and peripheral idea, carceral abolition has become a provocative and ubiquitous theory of social change. *Id.* at 164. For a discussion of how criminal defense work should adapt outside of the clinical context, see Vincent Southerland, *Public Defense and an Abolitionist Ethic*, 99 N.Y.U. L. REV. 1635 (2024) (arguing that public defender offices should adopt an abolitionist ethic in their work).

Less attention has been given to abolition as a critical lens in the context of teaching civil litigation. In general, much of the current rhetoric about abolition is centered on the prison industrial complex. This makes sense as the prison industrial complex is a site where the legacy of slavery is perhaps most persistent and pronounced today. As Professor Allegra McLeod observes, “In the aftermath of slavery in the United States, Reconstruction fell far short of this mark in many respects, and criminal law administration played a central role in the brutal afterlife of slavery.”³⁸ But the work of abolition democracy is broader than the term is often used in the popular vernacular today in relation to the prison-industrial complex.³⁹ Abolition democracy considers how structures rooted in slavery persisted and how the government failed to provide social and material resources to ensure equal citizenship for Black Americans.

This article is an attempt to distill what I consider to be an abolition democracy pedagogy in a civil rights clinic working primarily on impact litigation and policy advocacy. I define abolition democracy pedagogy as teaching students to use legal training to challenge structures of white supremacy and create liberatory systems. My core goal is to push students to consider chattel slavery as a foundational legal institution that shapes inequality today, and to imagine reforms designed to address today’s harms from their historical roots. ARC Justice Clinic is a generalist clinic in that we practice in multiple substantive areas of law, but abolition is the lens connecting all of our work. Importantly, while ARC Justice Clinic focuses on civil rights, all of the various systems that clinicians practice in are “interlocked” and so this article offers lessons for all.

Part I of this article describes the process of founding the clinic and my personal path to embracing an abolition democracy pedagogy. The next parts describe what I consider to be the critical components of an abolition democracy pedagogy in our clinic: (1) deep engagement with historical context to understand structural inequality today; (2) an inter-systems power analysis; (3) a place-based approach; (4) an interdisciplinary approach; and (5) the pursuit of nonreformist reforms. I conclude by offering reflections on how an abolition democracy pedagogy can better sustain future public interest attorneys committed to working in support of social movements during periods of retrenchment.

³⁸ McLeod, *supra* note 34, at 1163.

³⁹ As Professor Angela Davis puts it succinctly, “the prison industrial complex is the result of failure to address abolition democracy.” DAVIS, *supra* note 32, at 91.

I. BECOMING AN ABOLITIONIST⁴⁰ (CLINIC)

In the fall of 2022, I spent a semester designing the Advocacy for Racial and Civil Justice Clinic or “ARC Justice Clinic,” which officially launched in the spring of 2023.⁴¹ We marked the launch of the ARC Justice clinic in February 2023 with a day-long symposium entitled *The Unfinished Work of Abolition*. The symposium convened scholars, organizers, and legal practitioners to reflect on the current state of the post-2020 abolitionist movement’s call for a “Third Reconstruction.”⁴² In writing about the history of Reconstruction, Dr. Du Bois observed that the abolition of slavery had only been achieved in the formal sense; the positive project of building new institutions was never fully accomplished, and thus, the promise of Reconstruction never fulfilled.⁴³ During the 2020 racial justice protests, some activists advocated for a Third Reconstruction to build on the work begun during Reconstruction and the Civil Rights Movement (sometimes called the Second Reconstruction),⁴⁴ and to once again radically reimagine the change required to ensure justice in a multiracial democracy in America.⁴⁵ As a clinic, we wanted to explore how we could engage and support this current wave of racial justice activism as social movement lawyers.

The ARC Justice clinic’s launch provided an opportunity for us to interact directly with many of the people whose work we studied in designing our work and clinical model.⁴⁶ Inviting these scholars, activists,

⁴⁰ DERECKA PURNELL, *BECOMING ABOLITIONISTS: POLICE, PROTESTS, AND THE PURSUIT OF FREEDOM* (2021). This section of the article gets its title from Purnell’s work reflecting on how she became an abolitionist.

⁴¹ The author is grateful to the four students who worked with her collaboratively to design the ARC Justice Clinic: Angel Reed, Anna Rosenfeld, Margo Hu, and Michael Asparin. She also wishes to thank students in subsequent semesters who have contributed tremendously to the foundation of the clinic.

⁴² Wilfred Codrington III, *The United States Needs a Third Reconstruction: Whatever its Shape, the Era Ahead Must Rekindle the Aspiration of a Nation Molded in the Ideal of Perfect Equality*, ATLANTIC (July 9, 2020), <https://www.theatlantic.com/ideas/archive/2020/07/united-states-needs-third-reconstruction/614293/> [<https://perma.cc/87ZQ-7EZC>].

⁴³ See DU BOIS, *supra* note 31.

⁴⁴ ERIC FONER, *AMERICA’S RECONSTRUCTION: PEOPLE AND POLITICS AFTER THE CIVIL WAR* 13 (1995).

⁴⁵ PENIEL E JOSEPH, *THE THIRD RECONSTRUCTION: AMERICA’S STRUGGLE FOR RACIAL JUSTICE IN THE TWENTY-FIRST CENTURY* (2022).

⁴⁶ This included Professors Dorothy Roberts, Amanda Alexander, Purvi Shah, Saleem Holbrook, Kris Henderson, Jamelia Morgan, Alexis Hoag, Sandra Mayson, Kayla Vinson, Omavi Shakur, Sarah Camiscoli, Anjelica Hendricks, Chris Rogers, and advocates Dan Urevick-Ackelsberg and Shanee Garner. During our planning semester, we developed a reading list of critical texts written by these individuals, which we relied on in drafting the clinic’s manual. This included: Alexis Hoag, *Abolition as the Solution: Redress for Victims of Excessive Police Force*, 48 *FORDHAM URB. L.J.* 721 (2021); Anjelica Hendricks, *Exposing Police Misconduct in Pre-Trial Criminal Proceedings*, 24 *N.Y.U. J. LEGIS. & PUB. POL’Y* 177 (2021); Omavi Shukur, *The Criminalization of Black Resistance to Capture and Policing*, 103 *B.U. L. REV.* 1 (2023); Sandra G. Mayson, *Bias In, Bias Out*, 128 *YALE L.J.* 2218 (2019);

and visionaries to participate in a day of collective dreaming served as an opportunity for us to begin constructing a “political home,” or a community of people with whom we could practice and hone our theory of change by continuing to be in relationship and seek feedback.⁴⁷ To that end, we looked to the work of radical thinkers committed to examining systemic problems from their roots instead of recommending reforms that maintained current systems of power. We were deliberate in looking not only to the work of lawyers and scholars, but also to the writings and teachings of organizers, and directly impacted people, recognizing the value of diverse knowledge and lived expertise.

In designing the clinic with students, my goal was to engage students in the process of not only recognizing the unfinished work of Reconstruction, but also to be directly involved in what Professor Sameer M. Ashar has labeled “pedagogy of prefiguring,” or inviting students to imagine new institutional arrangements and power relations beyond the constraints of our present moment.⁴⁸ As Professor Ashar writes, “Prefigurative projects fight the despair of ostensibly unchangeable institutional and social conditions and provide a means by which we may engage in collective utopian thinking, unfettered by the ongoing and depredating operations of capital facilitated by law.”⁴⁹

I also understood the process of launching the clinic to be an opportunity for students to learn through the collective practice of what author and organizer adrienne maree brown refers to as “collaborative

Subini Annamma & Jamelia Morgan, *Youth Incarceration & Abolition*, 45 NYU REV. L. & SOC. CHANGE 471 (2021), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4184004; JENNIFER RAE TAYLOR & KAYLA VINSON, AHMAUD ARBERY AND THE LOCAL LEGACY OF LYNCHING (2021); Christina John, Russell G. Pearce, Aundray Jermaine Archer, Sarah Medina Camiscoli, Aron Pines, Maryam Salmanova, & Vira Tarnavska, *Subversive Legal Education: Reformist Steps Toward Abolitionist Visions*, 90 FORDHAM L. REV. 2089 (2022); *A Way Out: Abolishing Death by Incarceration in Pennsylvania*, ABOLITIONIST LAW CENTER (2018), <https://abolitionistlawcenter.org/resource/a-way-out-abolishing-death-by-incarceration-in-pennsylvania/> [<https://perma.cc/L4QT-QJWT>]; Robert Saleem Holbrook, *Dismantling the Master's House*, *Abolitionist Law Center*, MEDIUM (Apr. 5, 2021), <https://abolitionistlawcenter.medium.com/dismantling-the-masters-house-by-robert-saleem-holbrook-ceb9588f7bc5> [<https://perma.cc/73JB-VEML>]; Amistad Law Project, *5 Point Program to Get Free*, <https://amistadlaw.org/5-point-program-get-free> [<https://perma.cc/Q2RK-DSKM>] (last visited Aug. 6, 2024); Purvi Shah, *Rebuilding the Ethical Compass of Law*, 47 HOFSTRA L. REV. 1 (2018); DOROTHY E. ROBERTS, *TORN APART: HOW THE CHILD WELFARE SYSTEM DESTROYS BLACK FAMILIES--AND HOW ABOLITION CAN BUILD A SAFER WORLD* (2022).

⁴⁷ See Willow Delp, *Derecka Purnell Kicks Off “Freedom Talks” With Lecture on Abolition, Organizing*, AMHERST STUDENT (Oct. 12, 2023), <https://amherststudent.com/article/author-and-civil-rights-lawyer-derecka-purnell-kicks-off-freedom-talks/> [<https://perma.cc/BK3W-GGFU>].

⁴⁸ Sameer M. Ashar, *Pedagogy of Prefiguration*, 132 YALE L.J.F. 869 (2022) [hereinafter *Pedagogy of Prefiguration*]. See also Brendan Roediger, *Abolish Municipal Courts: A Response to Professor Natapoff*, 134 HARV. L. REV. F.213, 215 (2021) (describing how dreaming or imagining ways of collective existence is part of an abolitionist law praxis).

⁴⁹ *Id.*

ideation.”⁵⁰ Collaborative ideation is the practice of multiple individuals leveraging diverse perspective and skills to develop ideas together. Movement law emphasizes collaborative ideation—in particular, a type of collaborative ideation known as the congregation of ideas through grassroots actors and lawyers working together, without lawyers dominating.⁵¹ I wanted to involve students and grassroots partners from the beginning as a way of ensuring the process of collaborative ideation was core to the clinic’s foundation, rather than prioritizing my views as a law professor above other critical stakeholders. We sought to imagine and reimagine the work of the clinic together with our grassroots partners.⁵²

Over the course of a planning semester, I worked with four law students who applied to help build the clinic. We structured our meetings as independent study credits. Each week, we met to draft core documents, such as the clinic manual and strategic plan, and to begin developing the cases that would become the clinic’s docket. I relied on guidance on best practices in designing a clinic from other clinicians to structure our process.⁵³ We also read a syllabus of foundational texts on social movement lawyering and abolition.⁵⁴

There was no expectation for students to be familiar with abolition or movement lawyering prior to joining the clinic. Indeed, I was still becoming fluent with much of this scholarship. I was trained as an impact litigator, but my exposure to movement law had really begun with the Law for Black Lives (“L4BL”) Boot Camp,⁵⁵ a crash course in movement law designed for practitioners and organizers. I borrowed

⁵⁰ ADRIENNE MAREE BROWN, *EMERGENT STRATEGY: SHAPING CHANGE, CHANGING WORLDS* 164-66 (2017).

⁵¹ Sameer M. Ashar, *Essay, Deep Critique and Democratic Lawyering in Clinical Practice*, 104 CALIF. L. REV. 201, 203-06 (2016) [hereinafter *Deep Critique and Democratic Lawyering*] (arguing for cogeneration of solutions by lawyers and communities to improve legal education); Amna A. Akbar, Sameer M. Ashar & Jocelyn Simonson, *Movement Law*, 73 STAN. L. REV. 821, 870 (2021) (“Clinical collaboration with collectives allows for cogeneration of collective understanding and strategizing for transformative change that speaks to the collective realities of poor, Black, brown, and Indigenous people.”)

⁵² Ashar, *Pedagogy of Prefiguration*, *supra* note 48.

⁵³ See, e.g., Wallace J. Mlyniec, *Where to Begin? Training New Teachers in The Art of Clinical Pedagogy?*, 18 CLINICAL L. REV. 505 (2012) (emphasizing how clinical teaching is goal-driven and based on backward design).

⁵⁴ In defining movement law, Purvi Shah, founder of Movement Law Lab has written that: “Sustainable social change occurs when directly-impacted individuals take collective action, lead their own struggles, and gain power to change the conditions of oppression.” PURVI SHAH, *MOVEMENT LAWYERING 101: TRAINING AT THE CENTER FOR CONSTITUTIONAL RIGHTS* (Bertha Just. Inst. 2013), <https://hls.harvard.edu/wp-content/uploads/2022/08/MovementLawyeringReadingGuide.pdf> [<https://perma.cc/3YHW-9ZSM>]. 2017 *Movement Lawyering Bootcamp Readings*, LAW FOR BLACK LIVES (2017), <https://www.law4blacklives.org/movement-lawyering-bootcamp-readings> [<https://perma.cc/SWA5-SPQE>].

⁵⁵ LAW FOR BLACK LIVES, *supra* note 54.

heavily from this reading list in selecting a syllabus for the four students who worked with me to design the clinic. As a young professor, and as a Black woman, I was aware that my expertise and intellect would be scrutinized, and I was anxious to demonstrate that I was a capable instructor. However, I found that by admitting how much I was still educating myself, I could facilitate collective learning as a reciprocal process between myself, students, and the partners with whom we would begin to collaborate.⁵⁶ I later heard from students that creating an environment of shared learning was especially important given that students had a range of backgrounds and knowledge coming in. Rather than assuming knowledge from the start, we endeavored to establish a shared set of values, including vulnerability, honesty, humility, and lifelong learning.

Through discussions, we defined the ARC Clinic's mission as supporting a grassroots movement for racial justice. We identified three underlying goals: to provide effective advocacy under civil rights law; to support the communities we represent in building power; and to train students to engage in strategic and collaborative case selection for systemic reform. Together, we drafted a mission statement, a set of guiding principles, and a clinic manual to orient future students and maintain a cohesive ethos. Each of these documents is a perpetual work in progress and collectively refined through subsequent semesters of students whom I constantly ask: "what's missing from this description of our work?" and "does our work reflect our stated mission?"

The weekly readings that I assigned during our independent studies semester helped to establish a shared vocabulary that could ground our discussions and scaffold our design process. What kind of racial justice clinic did we want to become? We determined that we would engage in impact litigation and policy work through a movement lawyering approach. We used Professor Lucie White's definition of impact litigation as litigation that is intended to challenge "institutional norms and practices" and designed to "advance major reform objectives and affect the interests of many people."⁵⁷ We used Professor and organizer Betty Hung's understanding of movement lawyering as "Lawyering that supports and advances social movements, defined as the building and exercise of collective power, led by the most directly impacted, to achieve systemic institutional and cultural change."⁵⁸

⁵⁶ PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* 58-59 (1989) (describing learning as a collaborative exchange between teacher and student).

⁵⁷ Lucie E. White, *Mobilization on the Margins of the Lawsuit: Making Space for Clients to Speak*, 16 N.Y.U. REV. L. & SOC. CHANGE 535, 535 n.1 (1987) (internal citation omitted).

⁵⁸ Betty Hung, *Movement Lawyering as Rebellious Lawyering: Advocating with Humility, Love and Courage*, 23 CLINICAL L. REV. 663 (2016).

As a new organization entering a local infrastructure that was already engaged in deep-rooted and sophisticated racial justice organizing, as well as robust legal services, we began designing our docket by reaching out to grassroots organizations and legal nonprofits to listen, learn, and build relationships. We did not imagine ourselves as leaders. We took the position that we should support work already underway and listen to determine where we might be able to complement existing capacity. Rather than choosing ideal cases for the clinic and searching for clients and partners to fit into those categories, we would be guided by the demands of grassroots organizations and provide legal research to suggest strategies that could further their advocacy.

We showed up for events or public gatherings to listen and take notes. We often met with other organizations without an agenda or specific ask, just to learn about their work and goals, and to understand the campaigns currently underway. We hoped that by being present in a context where we were not seeking clients, but instead building relationships and supporting others, we could make clear that we sought not to direct or coopt others, but to be partners. Building the clinic in Philadelphia during 2022, a year with both a mayoral election and city council election, allowed greater opportunity for us to attend community meetings and hear from grassroots organizations and residents about the issues that were most pressing to them. We were able to start to identify themes in residents' demands for affordable housing, education, safety, and a living wage, that came up repeatedly during election events and other convenings.

We looked to the demands of organizations like the Alliance for a Just Philadelphia, a multicultural alliance of nearly 30 grassroots organizations that had crafted what they called the 2023 People's Platform for a Just Philadelphia.⁵⁹ This alliance had a broad, multiracial membership made up of working-class, progressive voters. The Alliance for a Just Philadelphia outlines its vision for Philadelphia residents to thrive and feel safe, explaining that "elected leaders must do what's necessary to invest in the services and public institutions we all need while divesting from the broken systems that harm our communities."⁶⁰ According to the Alliance, this framework means that we don't merely put a Band-Aid on the symptoms, but deeply address the root causes of the challenges our city faces. The Alliance's demands for justice include redirecting resources from policing to services, such as housing, after-school programs, violence interrupters and credible messengers,

⁵⁹ *The 2023 People's Platform for a Just Philadelphia*, ALLIANCE FOR A JUST PHILA., <https://ajustphiladelphia.org> [<https://perma.cc/PRG5-GU7X>] (last visited Aug. 6, 2024).

⁶⁰ *Id.*

restorative justice, and mental health resources, prioritizing the zip codes most impacted by gun violence.

We also met with legal nonprofits, particularly those engaged in pro bono, direct services, like Community Legal Services and Philadelphia Legal Assistance (Philadelphia's legal aid), the Philadelphia Defenders Association, the Public Interest Law Center, the American Civil Liberties Union of Pennsylvania, the Educational Law Center, and others.⁶¹ This helped us to understand the patterns in systemic injustice and unmet legal needs that they were routinely seeing.

Through this process of listening and engaging with existing organizing efforts and legal services, we identified four priority areas where we could provide legal support:

- Education equity, including combating the school-to-prison pipeline,
- Economic justice, including ending discrimination against individuals based on race, sex, and criminal background,
- Ending over-policing and mass incarceration, and
- Health justice, including access to clean air and water.

Within these practice areas, we then began to identify issues to focus on and to identify potential litigation and policy strategies that could support existing organizing and a strategic plan to focus our work.

The common thread that emerged through this process of listening, learning, and reflecting, was abolition. The concept of abolition came up repeatedly and explicitly in the demands of residents and organizers seeking a world where loved ones and community leaders are not lost to prisons but can live healthy lives and thrive economically. In our conversations with legal service providers, the theme of constantly feeling that courts and carceral punishment were inappropriately compensating for the failures of a decimated social welfare state repeatedly arose and led us back to abolition theory. We read Amanda Alexander's article *Nurturing Freedom Dreams*, and discussed her definition of what it means to be an abolitionist organization:

[It] means we believe in the fundamental dignity of human beings and the earth. That means we are committed to the idea that no human being is disposable. We are committed to

⁶¹ Stephen R. Miller, *Field Notes from Starting a Law School Clinic*, 20 *CLINICAL L. REV.* 137 (2013) ("The best way to find the kind of clients you want to serve is to meet as many legal services providers and community leaders as you can.")

the seemingly radical notion that human beings do not belong in cages.⁶²

Indeed, this belief in fundamental human dignity and rejection of carceral responses to social problems resonated and became the thread through all our work.

Prior to launching the clinic, I would not have described myself as an abolitionist. I would say I was “abolition curious.” Like many civil rights attorneys of my generation, I had read and been moved by Michelle Alexander’s *The New Jim Crow*.⁶³ The abolitionist framework of divesting in the carceral system and investing in alternative systems of social support⁶⁴ resonated on an intuitive level with my general understanding of America’s overreliance on prisons as a racial capitalist response to the Civil Rights Movement and the need for social control of Black labor. I understood America’s divestment in the social-welfare state through the work of Heather McGee and others who documented systemic disinvestment in public services as a response to white resistance to the project of creating a desegregated, multiracial democracy.⁶⁵

However, my education about abolition has been deepened in critical ways over the past few years, as I have learned from my colleagues at the Abolitionist Law Center (“ALC”), including Bret Grote who co-taught the clinic with me and the Executive Director of ALC, Saleem Holbrook. Several years of reading abolitionist theorists like Professors Angela Davis, Mariame Kaba, and Allegra McLeod, helped me to connect current movement work to a longer historical trajectory of radical Black organizing and to reflect on my own experience as a civil rights attorney litigating under the Reconstruction Amendments and other Civil Rights-era statutes,⁶⁶ in a society where structural racism

⁶² Amanda Alexander, *Nurturing Freedom Dreams: An Approach to Movement Lawyering in the Black Lives Matter Era*, 5 HOW. HUM. & CIV. RTS. L. REV. 101, 116 (2021).

⁶³ MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* (2010) (describing mass incarceration as a response to formal civil rights reform); KHALIL GIBRAN MUHAMMAD, *THE CONDEMNATION OF BLACKNESS: RACE, CRIME, AND THE MAKING OF MODERN URBAN AMERICA* (2010) (historicizing the criminalization of Blackness).

⁶⁴ *Vision for Black Lives*, MOVEMENT FOR BLACK LIVES, <https://m4bl.org/policy-platforms> [<https://perma.cc/9EXY-P2A8>] [hereinafter *Vision for Black Lives*] (last visited October 20, 2025) (calling for “investments in the education, health and safety of Black people” and divestments from the “criminalizing, caging, and harming of Black people.”).

⁶⁵ HEATHER MCGHEE, “Racism Drained the Pool,” in *THE SUM OF US: WHAT RACISM COSTS EVERYONE AND HOW WE CAN PROSPER TOGETHER* (2021).

⁶⁶ These include Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*; Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101 *et seq.*; Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 *et seq.* and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

has in many ways adapted to evade both sets of legal reform.⁶⁷ But it was through the experience of reading Du Bois's *Reconstruction in America* that I really began to understand the work of today's civil rights movement lawyers as part of a longstanding struggle to resist the afterlife of slavery and to actualize full citizenship for Black people beyond formal legal change. I came to see the demands of organizers today as rooted in the work of Black abolitionists who lived during the regime of chattel slavery.⁶⁸

Abolition provides a critical frame to understand the permanence of race and racism⁶⁹ and the struggle against white supremacy as the central work of American democracy. It pushes us to understand today's conditions as shaped by a legacy of slavery and Jim Crow and to engage in the positive creation of fundamentally new systems and relationships of power.⁷⁰ I have also come to understand abolition as fundamentally movement work because it is a collaborative process of imagining new systems through which we can all thrive.⁷¹

The section that follows describes what I consider to be the critical components of an abolition democracy pedagogy in our clinic: (1) deep engagement with historical context to understand structural inequality today; (2) an inter-systems power analysis; (3) a place-based approach; (4) an interdisciplinary approach; and (5) the pursuit of nonreformist reforms. As will be described throughout, I selected these components because of their central role in the literature on abolition and movement lawyering.⁷² I conclude by offering reflections on how an abolition democracy pedagogy can better sustain public interest attorneys

⁶⁷ See, e.g., Crenshaw, *Race, Reform, and Retrenchment*, *supra* note 24; Reva Siegel, *Why Equal Protection No Longer Protects: The Evolving Forms of Status-Enforcing State Action*, 49 STAN. L. REV. 1111 (1997) (describing the idea that in response to demands to end racial subordination, the law adapts just enough to preserve the status quo in new ways).

⁶⁸ As Saleem Holbrook, Executive Director of ALC has explained, "Abolition is about the abolishment of the social contract that has governed the United States since its founding, which is a contract based on exploitation, discrimination, [and the] failure to provide human rights to people of color [and] Indigenous populations." Ariama C. Long & Tandy Lau, *The Fight for Liberation: Modern Abolitionists Seek to End Police and Prisons*, WORD IN BLACK (June 16, 2023), <https://wordinblack.com/2023/06/the-fight-for-liberation-modern-abolitionists-seek-to-end-police-and-prisons/> [<https://perma.cc/R5RT-FU84>].

⁶⁹ DERRICK A. BELL, JR., *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1993).

⁷⁰ McLeod, *supra* note 34, at 1156.

⁷¹ PURNELL, *supra* note 40, at 20 (explaining that abolition is "an invitation to create and support a range of answers to the problem of harm in society, and, most exciting perhaps, [] an opportunity to reduce and eliminate harm in the first place.").

⁷² See, e.g., Marbre Stahly-Butts & Amna A. Akbar, *Reforms for Radicals? An Abolitionist Framework*, 68 UCLA L. REV. 1544, 1564 (2022) (drawing on prison abolition to offer a framework for radical reforms that incorporate the following features: (1) shrinks the system doing harm; (2) relies on modes of political, economic, and social organization that contradict prevailing arrangements and gesture at new possibilities; (3) builds and shifts power into the hands of those directly impacted, who are often Black, brown, working class,

committed to working in support of social movements during periods of retrenchment.

II. ABOLITION DEMOCRACY PEDAGOGY

As will be discussed in the parts that follow, an abolition democracy pedagogy provides the foundation for our clinic. A few notes about the clinic may be helpful at the outset. The mission of the ARC Justice Clinic is to provide legal support to community members in the Philadelphia region organizing to demand redress for racial subordination. Of course, as a clinic, our purpose is also to train students to advocate as frontline civil rights attorneys. The learning goals of the Clinic are for students to develop as civil rights advocates; to examine the legal and strategic considerations of lawyering in support of social change; and to critically examine the relationship between law, lawyers, and social movements. Students are trained to use a movement lawyering approach, working with grassroots partners to develop what Professor Deborah Archer has termed an “integrated advocacy strategy” that incorporates strategic impact litigation, policy advocacy, organizing, and communications.⁷³

The clinic’s course includes three components: fieldwork, seminar, and supervision. Through fieldwork, students in the clinic represent clients as Certified Legal Interns (“CLIs”) in litigation and policy advocacy in Philadelphia and the surrounding areas. We have ten students in the clinic and assign them to a docket of approximately ten cases or matters. Clinic students are assigned to fieldwork in pairs. Typically, each team is assigned to lead a case (either in court or before an administrative agency) and a policy advocacy project.⁷⁴ Students are responsible for building and maintaining client and other case relationships. In addition to federal and state litigation and administrative complaints that the clinic develops,⁷⁵ assignments include amicus briefs, drafting testimony for hearings, commenting on proposed legislation, or creating reports and other public education materials. Through the clinic seminar, students have the opportunity to connect movement lawyering theory,

and poor; (4) acknowledges and repairs past harm; and (5) improves, or at least does not harm, the material conditions of directly impacted people).

⁷³ We relied tremendously on Professor Deborah Archer’s article *Political Lawyering for the 21st Century*, which identifies the need for clinics to teach students how to deploy an integrated advocacy strategy that relies on litigation in conjunction with communications, policy advocacy, and organizing. See generally Deborah N. Archer, *Political Lawyering for the 21st Century*, 96 DENV. L. REV. 399 (2019).

⁷⁴ For a more complete overview of the clinic’s casework, see PENN CAREY LAW, YEAR-IN-REVIEW FOR RACIAL & CIVIL JUSTICE CLINIC (2023-2024), <https://www.law.upenn.edu/live/files/13068-year-in-review-with-advocacy-for-racial-civil> [<https://perma.cc/QQ9K-UDRN>].

⁷⁵ In addition to federal litigation, we also represent individuals in proceedings before the Philadelphia Commission on Human Relations and the Pennsylvania Human Relations Commission.

abolition, and foundational legal skills to their practice. In most weeks, one seminar meeting will cover new course material, and one meeting will be an opportunity to give updates on cases or explore a common issue in practice through Case Rounds. Clinic supervision occurs on a weekly basis with the team supervisor. Supervision is meant to be directed by students so that they learn how to be the front-line lawyer managing their case.

It's worth noting that although the clinic is semester-long, students work on years-long impact litigation. In general, students do not seem frustrated by the fact that they typically do not see the full cycle of a case or advocacy project. By contributing in limited, but important ways to systemic advocacy, students are forced to grapple with how deep-seeded and overwhelming systemic issues are and experience the reality that despite this, they can still contribute to making change, albeit in ways that are often incomplete.⁷⁶ I also try to provide students with the opportunity to see advocacy at different phases so that they can develop different kinds of skills.⁷⁷ In some cases, students have stayed on for additional semesters as "advanced" clinic students for one or two credits, and continue with the same case or matter.

In ARC Justice Clinic, we certainly do not all share the same beliefs or political viewpoints. Although we are a mission-driven clinic, there is no application or screening process for the clinic, as is the policy at Penn Carey Law Gittis Legal Clinics. However, I spend the first few classes orienting students to the culture of the clinic, which emphasizes in particular, respect, humility, collaboration, and cultural competency. This helps students understand that while they should show up as their authentic selves and need not subscribe to a particular ideology, a unifying set of values is required to serve our clients and our clinical mission. While not all students identify as abolitionists, the central tenets of the clinic's pedagogy provide the lens for a shared critical analysis of social justice problems.

As social movement lawyers, we are grounded in the movement for abolition and we select clients and partners based upon our commitment to furthering an abolitionist ethic. That is not to say that we always represent clients whose views align with my own or with

⁷⁶ Archer, *supra* note 73, at 427 (explaining how long-term, systemic advocacy that does not give clinic students control of a case from beginning to end reflects many modes of practice and serves critical pedagogical goals).

⁷⁷ Sarah Paoletti, *Finding the Pearls When the World Is Your Oyster: Case and Project Selection in Clinic Design*, 5 DREXEL L. REV. 423, 457 (2013)(2014) (describing how within a transnational legal clinic attention is paid to ensuring students gain exposure to different kinds of cases because "clinic design requires attention to how the selected" cases "will be strung together with seminar, simulation, and supervision to achieve the maximum transfer of the wealth of fundamental lawyering competencies").

the views of students.⁷⁸ But it is to say that we select cases where the kind of social change that the client seeks allows students to apply an abolitionist critique. The ideal project offers students the chance to work on addressing systemic racism in collaboration with a grassroots organization that is made up of directly impacted people. As Professor Morgan writes, lawyering in support of abolitionist groups is “Lawyering that works with and is led by abolitionist groups to dismantle systems of surveillance, policing, and punishment, and to build and develop systems of care and support, equitable wealth distribution, a new economic order, an inclusive social order, and more.”⁷⁹ We work with organizations on a range of racial justice issues, rather than narrowly focusing on prison abolition, given the breadth of radical institutional change that is needed to ensure abolition democracy.⁸⁰

A. *Deep Engagement with History & the Legacy of Slavery*

As Nikole Hannah-Jones has written, “slavery is a foundational American institution.”⁸¹ Despite a Civil War and Reconstruction, the legacy of slavery still reverberates throughout all aspects of American life.⁸² Today’s abolitionist projects are committed to mapping the historical continuities between chattel slavery, Jim Crow, and institutional racism today.⁸³

An abolition democracy pedagogy focuses on understanding the social conditions of today as shaped by a history of chattel slavery.⁸⁴ In addition to exposing students to current conditions of racial inequality, an abolitionist critique educates students regarding how conditions evolved historically and are preserved today.⁸⁵ My aim is to give students a framework for understanding the barriers to change as both structural and historically rooted. By coupling this theoretical education with

⁷⁸ MODEL RULES OF PRO. CONDUCT r. 1.2(b) (A.B.A. 2025) (stating, “[a] lawyer’s representation of a client, including representation by appointment, does not constitute an endorsement of the client’s political, economic, social or moral views or activities.”).

⁷⁹ Jamelia Morgan, *Lawyering for Abolitionist Movements*, 53 CONN. L. REV. 605, 612 (2021).

⁸⁰ *Id.* at 613. As Professor Morgan writes, because abolition requires us to “reimagine social and legal responses to subordination, harm, violence, and predation... abolitionist lawyering, like community lawyering, is grounded in social movements.”

⁸¹ Arun Venugopal, *‘1619 Project’ Journalist Says Black People Shouldn’t Be an Asterisk in U.S. History*, NPR (Nov. 17, 2021), <https://www.npr.org/2021/11/17/1056404654/nikole-hannah-jones-1619-project> [<https://perma.cc/CYL2-477K>].

⁸² *Id.*

⁸³ Roberts, *supra* note 29, at 38.

⁸⁴ Amna A. Akbar, *An Abolitionist Horizon for (Police) Reform*, 108 CAL. L. REV. 1781, 1839 (2020) [hereinafter *An Abolitionist Horizon*] (describing how systems of oppressions are structural and interconnected).

⁸⁵ *Id.* at 1817–25.

hands-on legal work, clinics provide the opportunity for students to apply this critique to legal advocacy and practice.⁸⁶

During orientation for the nine legal clinics at Penn Carey Law, which is a day of programming for all of the clinics together, we begin by reviewing the demographics of Philadelphia and reminding students that a race-conscious understanding of the context in which we practice is necessary to being a competent lawyer. We review demographic information, such as the racial makeup of the city, patterns of segregation, and the racial income gap. Students are often surprised to learn that the minimum wage in Philadelphia is \$7.25, the average household income in Philadelphia is less than \$50,000, and more than half of Philadelphia residents pay over 1/3 of their income on rent.⁸⁷ We discuss that while 20% of Philadelphia residents live in poverty, that number is even greater at 25% for Black Philadelphia residents.⁸⁸ We display maps showing stark patterns of racial and economic segregation in the city, to encourage students to think about how geography can be used to structure racial inequality and inequitable access to resources in the city. We push students to think about what Philadelphia zip codes they live in and occupy socially, and ask how their lives are shaped within patterns of racial segregation.

The orientation is merely meant to serve as a jumping off point to get students thinking about why a race-conscious approach is necessary to understanding clients in context in their clinical work. However, it's critical that students do not learn these statistics without discussing how we got here.⁸⁹ Otherwise, there is a real risk that they will accept these disparities as natural or inevitable.⁹⁰ Rather than simply exposing

⁸⁶ *Id.* at 1817 (“[a]bolitionist critique attempts to understand the historical, material, and ideological dimensions of how policing shapes the material infrastructure of our political, social, and economic relationships.”).

⁸⁷ PEW CHARITABLE TRUSTS, *THE STATE OF HOUSING AFFORDABILITY IN PHILADELPHIA: WHO’S COST-BURDENED—AND WHY* (2020), <https://www.pew.org/-/media/assets/2020/09/phillyhousingreport.pdf> [<https://perma.cc/EV6N-FGTK>].

⁸⁸ Sherry Stone, *What Do the Latest Findings in Pew’s State of Philadelphia Report Mean for Blacks? Leaders Weigh in.*, PHILA. TRIBUNE (May 9, 2025), https://www.phillytrib.com/news/local_news/what-do-the-latest-findings-in-pew-s-state-of-philadelphia-report-mean-for-blacks/article_efbd92c5-ed61-4352-9c91-42d7804ce805.html [<https://perma.cc/EEG6-269D>].

⁸⁹ Stahly-Butts & Akbar, *supra* note 72 (abolitionists “understand the criminal legal system as a descendent of earlier systems of racial and economic exploitation such as chattel slavery and convict leasing”).

⁹⁰ *Id.* at 1563, n.68 (citing Charles W. Mills, *White Ignorance*, in *RACE AND EPISTEMOLOGIES OF IGNORANCE* 31 (Shannon Sullivan & Nancy Tuana eds., 2007) (“The erasure of the history of Jim Crow makes it possible to represent the playing field as historically level, so that current Black poverty just proves [B]lacks’ unwillingness to work. As individual memory is assisted through a larger social memory, so individual amnesia is then assisted by a larger collective amnesia.”)).

students to racial disparities, an abolitionist critique educates students regarding how the conditions evolved.

In order to understand mass incarceration and the rollback of the social welfare state as part of the continued struggle against slavery and white supremacist systems, students must receive a historical education. In seminar, we read and discuss articles that consider the ways racial oppression has been preserved in new forms through law, from slavery, to Jim Crow, to mass incarceration, and through systems that may appear race-neutral today.⁹¹ Racial inequality is perhaps most pronounced in Philadelphia when we consider the impact of mass incarceration. Black Philadelphians made up around 38% of the City's population from 2015-2022, but accounted for 69% of people arrested and 72.5% of people incarcerated.⁹² Importantly, Black Philadelphians were overrepresented at nearly every stage of the criminal legal system compared to other residents: Black Philadelphians were stopped and arrested at disproportionate rates, charged with more serious offenses, less frequently released pre-trial, and, when convicted, were more likely to be incarcerated than other groups.⁹³ Students are often surprised to learn that the Black Philadelphia communities that experience disproportionate criminal legal involvement today⁹⁴ are the same census tracks that were redlined⁹⁵ and have experienced historical systemic disinvestment through employment discrimination, and underfunded schools.⁹⁶

Many Penn Law students have not thought about the legacy of slavery and Jim Crow in Philadelphia. Often, they have learned that the North did not have segregation and that Pennsylvania, in particular, was a free state. They think of Philadelphia as a city of progressive Quaker organizing that stood in stark contrast with the history of the antebellum South.⁹⁷ Considering slavery's afterlife in the context of Philadelphia thus provides a microcosm for exploring white supremacy and the creation

⁹¹ See, e.g., Erika Wilson, *The Legal Foundations of White Supremacy*, 11 DEPAUL J. SOC. JUST. 1, 11-12 (2018).

⁹² PHILADELPHIA DISTRICT ATTORNEY'S OFFICE, RACIAL INJUSTICE REPORT: DISPARITIES IN PHILADELPHIA'S CRIMINAL COURTS FROM 2015-2022, at 10, 7 (June 2023), <https://phillyda.org/wp-content/uploads/2023/06/RACIAL-INJUSTICE-REPORT-2023.pdf> [<https://perma.cc/F62G-LKQS>].

⁹³ *Id.* at 9.

⁹⁴ The home addresses of Philadelphia residents incarcerated in state prisons are heavily concentrated in Black and Latinx neighborhoods. *Id.* at 21.

⁹⁵ PHILADELPHIA DISTRICT ATTORNEY'S OFFICE, *supra* note 92, at 5.

⁹⁶ Black and Hispanic students are disproportionately impacted by the inadequacy and inequity in school funding in Pennsylvania. Nearly 1 in 2 Black students and 40% of Hispanic students attend school in the poorest quintile districts, which includes Philadelphia. *William Penn School District v. Pennsylvania Department of Education*, No. 587 M.D.2014, at 677 (Pa. Commw. Ct. Feb. 7, 2023) (Cohn Jubelirer, J.), <https://pubintlaw.org/wp-content/uploads/2023/02/02.07.23-Memorandum-Opinion-Filed-pubintlaw.pdf> [<https://perma.cc/3T6E-UMET>].

⁹⁷ Home to the Philadelphia Antislavery Society, and later the Pennsylvania Abolitionist Society, Philadelphia was a bastion of the antislavery movement. Michael Reardon,

of systems of oppression beyond the formal enslavement of Black people. As the first state to adopt gradual abolition,⁹⁸ the legal process for ending slavery gradually over time, Pennsylvania, and in particular Philadelphia, became a haven for free Black people. Indeed, the Black population in Philadelphia grew by 500% between 1790 and 1800, as Black people fleeing slavery sought refuge in Philadelphia.⁹⁹ And yet it was also a critical site for developing the infrastructure for backlash and the maintenance of white supremacy without formal legal slavery.¹⁰⁰ Philadelphia became a key location for the enforcement of the Fugitive Slave Law, with hearings held at Independence Hall.¹⁰¹ It is also no coincidence that Pennsylvania was one of the first states to adopt “Black codes” that criminalized “vagrancy” and other behavior by Black people, and then sentenced people into prison labor.¹⁰² Indeed, Philadelphia is home to the first penitentiary in the country: the Eastern State Penitentiary, and historians view its creation as a direct reaction to the 1780 Abolition Act, which gradually ended slavery in Pennsylvania.¹⁰³ In 1837, Pennsylvania adopted a constitutional amendment prohibiting Black people from voting in the state.¹⁰⁴ In 1862, Frederick Douglass observed:

Philadelphia and the End of Slavery, 4 PERCEPTIONS 1 (2018), <https://tuljournals.temple.edu/index.php/perceptions/article/download/52/73/167> [<https://perma.cc/6TBB-FN4Z>].

⁹⁸ *Pennsylvania - An Act for the Gradual Abolition of Slavery, 1780*, AM. BATTLEFIELD TRUST, <https://www.battlefields.org/learn/primary-sources/pennsylvania-act-gradual-abolition-slavery-1780> [<https://perma.cc/D2VK-EUH7>] (last visited Oct. 14, 2025).

⁹⁹ Samantha Melamed, *Inventing Solitary: In 1790, Philadelphia Opened the First American Penitentiary, with the Nation's First Solitary Cells. Black People Were Disproportionately Punished from the Start*, PHILA. INQUIRER (June 8, 2022), <https://www.inquirer.com/news/inq2/more-perfect-union-philadelphia-solitary-prison-population-incarceration-20220608.html> [<https://perma.cc/ES29-YFGF>] [hereinafter Melamed, *Inventing Solitary*].

¹⁰⁰ For example, in Philadelphia, a series of race riots and anti-abolition violence took place from 1828-1840, continuing into the years after the Civil War, including the 1838 attack of an abolitionist meeting in Pennsylvania Hall and the 1842 Lombard Street Riots. See *Mapping the Mob Attacks*, 1838 BLACK METROPOLIS, <https://www.1838blackmetropolis.com/mobattacks> [<https://perma.cc/FGT7-2AN7>] (last visited Aug 7, 2024).

¹⁰¹ *Black Founders Big Idea 3: African American Freedom and Community, 1780-1813*, MUSEUM OF THE AM. REVOLUTION, <https://www.amrevmuseum.org/black-founders-big-idea-3-african-american-freedom-and-community-1780-1813> [perma.cc/K7HQ-MK92] (last visited Oct. 14, 2025).

¹⁰² MUHAMMAD, *supra* note 63 (documenting how crime became linked with Black identity in cities including Philadelphia through unfounded social theory and public policy); SADIYA HARTMAN, *WAYWARD LIVES, BEAUTIFUL EXPERIMENTS* (2019) (historicizing how Black women who did not conform to stereotypical social norms about morality and femininity were criminalized through social vice laws and other policies in Philadelphia and New York).

¹⁰³ Samantha Melamed, *Inventing Solitary*, *supra* note 99. [<https://perma.cc/ES29-YFGF>].

¹⁰⁴ RICHARD S. NEWMAN, *BLACK FOUNDERS: THE FREE BLACK COMMUNITY IN THE EARLY REPUBLIC* 33 (Library Co. of Phila. 2008), <https://www.librarycompany.org/paah/blackfounders.pdf> [<https://perma.cc/3Z2Z-4T7B>].

There is not perhaps anywhere to be found a city in which prejudice against color is more rampant than in Philadelphia. Hence all the incidents of caste are to be seen there in perfection. It has its white schools and its colored schools, its white churches and its colored churches, its white Christianity and its colored Christianity, its white concerts and its colored concerts, its white literary institutions and its colored institutions.¹⁰⁵

In short, even as enslaved people were emancipated, a new system of segregation, incarceration, forced labor, and limitations on education and economic opportunity in Black neighborhoods ensured that racial oppression in Philadelphia persisted.

As a clinician training students to apply the Reconstruction Amendments in litigation, I believe it is critical to understand the historical context in which a new Constitution was adopted after the Civil War, as well as the ways slavery and a racial hierarchy were systematically maintained after and despite emancipation and legal reforms. Directly connected to an abolition democracy pedagogy is the importance of studying Reconstruction as the critical period when foundational civil rights laws were adopted.¹⁰⁶ Many Penn Law students and law students in general have also not learned about the Reconstruction Period. In fact, the Zinn Education Project conducted a study of state educational standards, a national survey of teachers, and an assessment of a sample of district curricula across the country, and concluded that incorrect and often racist approaches to teaching Reconstruction are still prevalent.¹⁰⁷ Reconstruction offers important lessons for students struggling to make sense of backlash and find the hope to persevere. With the end of formal slavery, Reconstruction was a time when it was possible to imagine a new paradigm for race relations in America.¹⁰⁸ Ultimately, Reconstruction is also a story of backlash, violence, terrorism, and retrenchment of racial progress that offers critical lessons today.¹⁰⁹

¹⁰⁵ Frederick Douglass, *A Recent Visit to Philadelphia*, IV DOUGLASS' MONTHLY NO. IX (Feb. 1862), https://transcription.si.edu/view/13141/ACM-2007.19.21_01.

¹⁰⁶ Paul Butler, *The System Is Working the Way It Is Supposed To: The Limits of Criminal Justice Reform*, 104 GEO. L.J. 1419, 1476–77 (2016) (calling for abolition as a core component of a “Third Reconstruction”).

¹⁰⁷ ANA ROSADO, GIDEON COHN-POSTAR & MIMI EISEN, ERASING THE BLACK FREEDOM STRUGGLE: HOW STATE STANDARDS FAIL TO TEACH THE TRUTH ABOUT RECONSTRUCTION, ZINN EDUCATION PROJECT (2022) (discussing a national analysis of teaching of the Reconstruction era, including a state-by-state assessment of state standards, course requirements, frameworks, and support for teachers in each state).

¹⁰⁸ *Id.* (Reconstruction “is full of stories that help us see the possibility of a future defined by racial equity.”).

¹⁰⁹ Gilda Daniels, *Ending the Cycles of Voter Suppression*, 60 HARV. C.R.-C.L. L. REV. 373, 379 (2025) (“The progress of Reconstruction was met with a cacophony of congressional

The abolitionist movement laid the foundation for radical reforms to become possible.¹¹⁰ In our seminar, I encourage students to learn about and connect with the history of abolitionists organizing in Philadelphia that is the foundation for the Reconstruction Amendments.¹¹¹ This includes getting students physically outside of the law school to see the spaces where history took place through tours. One highlight of the course has been the chance to explore the pivotal role Philadelphians played in furthering abolitionist movements, including a walking tour of “Black founders” in Philadelphia that focuses on Black leaders who contributed to the development of the Constitution.¹¹² Similar lessons can be drawn from the fight for abolition and resistance to progressive ideas about Black citizenship in other places.

I believe that this historical education is not merely academic; it should inform our practice as social movement litigators. An abolitionist critique can help students understand legal claims in new ways. Students have remarked how learning about the history of slavery’s afterlife in Philadelphia allowed them to more deeply understand the need for disparate impact liability, which recognizes how policies that are facially race-neutral have an impact that can constitute discrimination. For example, housing and employment restrictions that prohibit access for people with a criminal background may seem to be race-neutral, but when one considers the criminalization of Black Philadelphia residents that dates back to gradual emancipation, the broader historical context forces students to grapple with whether a policy that considers a criminal record can ever be race-neutral.

I have found that a semester is often insufficient to cover the necessary material for the clinic. After the first three semesters of teaching the clinic seminar, I concluded that there was not enough time in the clinic seminar to teach the history surrounding the doctrinal law that students needed to understand to deeply engage with their cases. In the fall of 2024, I designed and began teaching a new seminar entitled the Unfinished Work of Reconstruction to provide law students with a foundational understanding of the Reconstruction Amendments. The course explores the historical context in which the Reconstruction Amendments were adopted, and the central role courts have played in

compromises, Supreme Court decisions, terroristic acts, violence, and state legislative maneuvers that effectively eliminated the gains of the short-lived multiracial democracy.”) (citing ERIC FONER, RECONSTRUCTION: AMERICA’S UNFINISHED REVOLUTION, 1863–1877, at 354–55 (1988)).

¹¹⁰ See generally MANISHA SINHA, THE RISE AND FALL OF THE SECOND AMERICAN REPUBLIC: RECONSTRUCTION, 1860–1920 (2023) (documenting how abolitionist visions reshaped the American Constitution).

¹¹¹ HOW WE STAY FREE: NOTES ON A BLACK UPRISING (Christopher R. Rogers, Fajr Muhammad, and the Paul Robeson House & Museum eds., 2022).

¹¹² NEWMAN, *supra* note 104.

interpreting the Amendments, often limiting their reach in ways that fall short of the fundamental goals of Reconstruction. While this seminar is not officially a pre-requisite to the clinic, I designed it to be taken prior to students enrolling in the clinic so that students enter the clinic with the same baseline knowledge. By offering this doctrinal course as a recommended precursor to the clinic, my hope is that the clinic seminar can focus more deeply on applying this context to case discussions and skills training.

B. Attacking Interlocking Systems of Power

In the summer of 2020, in the aftermath of Mr. George Floyd's murder by police, calls for abolition centered on the need to reimagine the criminal legal system and policing. However, abolitionists have long called for a broader, radical remaking of all American institutions to ensure equal citizenship.¹¹³ Thus, the work of abolition extends beyond transforming our criminal justice system; it includes all other social institutions. In this section, I will explain why an abolition democracy pedagogy requires an inter-systems approach. Put simply, we must not separate our attempts to challenge the criminal and civil systems that are intertwined in how they oppress our clients.¹¹⁴ While in the past, clinics have often been limited in focusing on criminal law or specific civil issues, an abolition democracy pedagogy requires a multi-systems docket that facilitates students exploring the interlocking nature of systems and their connections.¹¹⁵ In particular, teaching abolitionist principles in a civil litigation clinic allows students to understand abolition through a frame that is broader than carceral abolition, which focuses on the prison and penal contexts. Defining abolition around the goal of eliminating the vestiges of slavery forces us to critically examine all American institutions that have ties to the American slave system.

Over the course of the clinic's first three years, I worked with clinic students to construct a docket that includes advocacy challenging housing, employment, education, and health inequality, as well as litigation challenging the carceral system. In the clinic's second semester of operation, I began co-teaching with Professor Bret Grote, Litigation Director of the ALC. Professor Grote's background challenging

¹¹³ Long & Lau, *supra* note 68 (“Abolition is not just about abolishing police and prisons as if those are two anomalies within American society. It’s about dismantling the entire white supremacist project.”).

¹¹⁴ Yael Cannon & Vida Johnson, *Advancing Racial Justice through Civil and Criminal Academic Medical-Legal Partnerships*, 30 CLIN. L. REV. 29, 54 (2023) (students work to “understand the local mechanisms and impacts of racism,” including asking the question “how is it operating here?”) (citing Dina Shek, *Centering Race at the Medical-Legal Partnership in Hawai‘i*, 10 U. MIA. RACE & SOC. JUST. L. REV. 109, 114 (2019)).

¹¹⁵ *Id.*

prison conditions and litigating against the police has been a critical complement to my background as an education and economic justice attorney. Co-teaching with Professor Grote, a white man with deep abolitionist commitments, has also allowed students to get to see us engage in a cross-racial collaborative relationship grounded in mutual respect and a shared vision of racial justice as part of an abolition praxis. Indeed, modeling relationships that disrupt traditional white supremacist and hegemonic power dynamics is central to abolitionist work.¹¹⁶ I try to offer students as many opportunities as possible to see the leadership of Black and other directly impacted people in our work, but also to see examples of cross-racial allyship so that they can reflect on the role of cross-racial collaborative relationships in their own work.

An impact litigation clinic is especially well-suited to apply an abolitionist ethic because of our focus on structural reform in different contexts. Through a multi-systems docket, students working on challenging the failure to enforce the city's lead ordinance can make connections between the government's failure to invest in housing infrastructure, and the ways Black people have been stereotyped as prone to commit crime without any acknowledgment of the economic and environmental harm done to communities that impact crime rates.¹¹⁷ A multi-systems docket also allows us to explore connections between subjective policies, stereotypes, and implicit bias, that lead to overly punitive and criminalized treatment of Black youth in school, Black mothers in hospitals, and Black men and Black trans people on the street through stop-and-frisk. Rather than treat discrimination in different sites as isolated forms of bias, we use our class discussions to explore the core ways that white supremacy surfaces in familiar and consistent ways between contexts through false narratives about Black criminality and social deviance that date back to slavery, convict leasing, and sharecropping.¹¹⁸

One example of challenging interlocking systems is in our work to combat the school-to-prison pipeline. Students in the clinic have worked with the ACLU of Pennsylvania to end the practice of issuing adult criminal charges through the education system. Summary citations,

¹¹⁶ Patrisse Cullors, *Abolition and Reparations: Histories of Resistance, Transformative Justice, and Accountability*, 132 HARV. L. REV. 1684, 1694 (2019) (describing the importance of relationships to abolitionist values).

¹¹⁷ See, e.g., James Forman & Kayla Vinson, *The Superpredator Myth Did a Lot of Damage. Courts Are Beginning to See the Light*, N.Y. TIMES (Apr. 20, 2022), <https://www.nytimes.com/2022/04/20/opinion/sunday/prison-sentencing-parole-justice.html> [perma.cc/2KKT-4KPG] (describing how an increase in impulsive behavior in youth during this period was linked to increased exposure to lead and other toxins, but not addressed, while youth were dehumanized and stereotyped as inherently criminal).

¹¹⁸ See generally DOUGLAS A. BLACKMON, *SLAVERY BY ANOTHER NAME: THE ENSLAVEMENT OF BLACK PEOPLE IN AMERICA FROM THE CIVIL WAR TO WORLD WAR II* (2009).

also known as non-traffic tickets, are adult criminal sanctions. Yet, in some Pennsylvania schools, summary citations are issued for minor infractions that involve typical youth behavior without regard for the long-term consequences that citations impose on students and their families. For example, Disorderly Conduct, Harassment, Assault, Use of Tobacco on School Property, or Vaping are all offenses that can commonly result in summary citations. Summary citations may be issued at schools for incidents or infractions even where an officer is neither present nor involved. Summary citations push students into the criminal legal system for minor infractions. Further, because summary citations are adult criminal offenses, they remain in a student's record and must be reported on job and college applications, adding challenges to students' future academic and employment prospects. Across the state, the collision of the criminal and education system through the use of summary citations disproportionately impacts Black students and often Black students with disabilities. For example, in one school district, during the 2021-22 school year, 89% of all summary citations were issued to Black students, and Black girls had the highest number issued to them, with nearly 40% issued to Black girls, compared to zero citations issued to white girls in the same year.¹¹⁹ Clinic students worked with our partners at the grassroots organization 412 Justice in Pittsburgh and the ACLU-PA to write a demand letter outlining how the racially disparate impact of the school district's summary citation policy raises violations of federal civil rights law. In response, the school district has issued a moratorium on issuing citations in schools. Still, residents remain concerned that the moratorium has not stopped the issuing of suspensions and expulsions, which continue to disproportionately push Black youth outside of school.

A multi-systems docket allows us to learn shared lessons in designing remedies because it is clear that the harm we are attacking is racism and the legacy of slavery and Jim Crow, not dysfunction in a particular system. Indeed, students notice how the reforms suggested to address patterns of racially disparate school discipline in schools, or racially disparate family policing, often mirror failed reforms in the criminal justice context and vice versa. We tend to be wary of remedies that focus on allowing decisionmakers to exercise more discretion within existing rules, as discretion often allows for stereotypes and bias to seep into the decision-making processes and often fails to address the racial disparity. On the other hand, we tend to avoid remedies that sound in

¹¹⁹ Data from HAROLD JORDAN & GHADAH MAKOSHI, *STUDENT ARRESTS IN ALLEGHENY COUNTY SCHOOLS* (ACLU of Pennsylvania, Jan. 2022) (“[T]here is strong evidence that Black youth are disproportionately punished, both inside and outside of schools, for what are typical adolescent behaviors.”).

new hard and fast “zero tolerance” rules that often result in draconian outcomes and fail to consider the unique circumstances of individual experiences.¹²⁰ As will be discussed in more detail in the final section, in designing remedies for systems that harm our clients, we are focused on nonreformist reforms to address structural change from the root, such as abolishing summary citations for youth in all contexts, rather than tinkering around the edges of existing policies.

C. “Freedom is a Place”¹²¹

Prior to starting the ARC Justice Clinic, I was a staff attorney at NAACP Legal Defense Fund (“LDF”). As an LDF attorney, I had the privilege of representing clients that I deeply admired and working with some of the most brilliant legal minds in the country. LDF does not have practice areas, and often people would ask if it was difficult to shift between different areas of law. In fact, I enjoyed the chance to move between substantive areas: from voting, to education, to criminal justice. It helped me understand more deeply how seemingly distinct systems of law and policy were interconnected in their ability to maintain and preserve inequality. Systems of inequality are, after all, interlocking. What I found most challenging about my work as an LDF attorney was not moving between different substantive areas of law but moving between different geographical locations. As a national civil rights organization, we depended on local counsel and longstanding community trust to fill the gaps in our local knowledge. But truly understanding the local history and community that shapes civil rights cases often requires something much deeper than annual or even monthly work trips could possibly allow. Learning about the distinct places that provided the setting and context for our cases was a challenge that I constantly struggled to meet as an LDF attorney, and one that I believe limited our ability to fully engage with the local movements that were interconnected with our cases.

Beyond the nuances of specific legal proceedings, I have come to understand abolitionist work as fundamentally place-based work. Place-based advocacy allows for a deeper connection with the spaces in which systems operate. It facilitates deeper understanding of interlocking systems, the people who lead them, and the people who are impacted. As adrienne marie brown writes, abolitionist thinking is not a “one-size-fits-all solution.” Instead, she argues that change is made up of fractals and many intentional micro movements create momentous reactionary change.¹²² Systems and patterns result from simple, local interactions.

¹²⁰ LEIGH GOODMARK, *IMPERFECT VICTIMS* 181 (2023).

¹²¹ RUTH WILSON GILMORE, *ABOLITION GEOGRAPHY: ESSAYS TOWARDS LIBERATION* (2022).

¹²² BROWN, *supra* note 50, at 164-66.

From this perspective, systems change begins with shifting the interactions and relationships of power we encounter in our everyday lives. Place-making is thus critical to prefiguring liberation as we experiment within smaller ecosystems that create the building blocks for broader radical change. In order to advocate with a community, we must attend to a local, spatial context in which the problem occurs, and look to the people most familiar to design solutions. Rather than attempting to reconstruct the criminal legal system in the United States, as a clinic, we are supporting the work of youth in local schools demanding the end of police and criminal sanctions, and offering alternative visions for what it means to be safe at schools.

As Ruth Gilmore has written: “freedom is a place,” which is not merely to say that freedom is a location, but the people and history that define it.¹²³ A place-based approach invites students to connect with the unique liberatory work of the place where they practice. Philadelphia has a rich history of civil rights advocates who have struggled for freedom. Today’s movement to address racial injustice in the criminal system in Philadelphia has direct roots in historical abolitionist movements that pointed out the ways racial subordination was preserved after emancipation. In seminar, we highlight the work of organizations centering Reconstruction in their organizing and political education, such as the W.E.B. Du Bois Movement School for Abolition & Reconstruction.¹²⁴ We also study the “unsung heroes” of local organizing through a tour led by The Black Journey, and through an orientation at the Paul Robeson House & Museum, which is a hub for local organizers. Students read a collection of essays by radical Black organizers in Philadelphia who advocated for change during the racial uprisings of 2020.¹²⁵

As a native Philadelphian, I am often disappointed by how much the city is introduced to students at the University of Pennsylvania as a cautionary tale. For some students, Philadelphia is reduced to Penn’s campus, the wealthy “Center City” district, and surrounding poor neighborhoods where campus security advises not to go. I try to disrupt this deficit framing as early as possible, encouraging students to become familiar with Philadelphia neighborhoods and the unique culture, food, music, parks, and community life they offer. One need not be from Philadelphia to learn about the city in an authentic way. In my introductory session to the clinic, I always ask students the icebreaker

¹²³ GILMORE, *supra* note 121.

¹²⁴ W.E.B. DU BOIS MOVEMENT SCHOOL FOR ABOLITION & RECONSTRUCTION, ABOLITION AND RECONSTRUCTION: AN EMERGENT GUIDE FOR COLLECTIVE STUDY (Sept. 2025), https://www.commonnotions.org/abolition-and-reconstruction?srsId=AfmBOop0v4bLy35JdWMI9yrmH3dWQFASFoEQXBH_A4ZZ5y3KFQ2GZvJC [https://perma.cc/7APC-SG6T].

¹²⁵ HOW WE STAY FREE: NOTES ON A BLACK UPRISING, *supra* note 111.

question: what do you like about Philadelphia? This helps to early on establish an assets-based lens to our discussions of Philadelphia.¹²⁶

A place-based approach allows us to appreciate how people in a community are impacted by oppression, without being defined by it. We must understand our clients as valuable because of who they are *and* where they are from. As Nik Heynen and Megan Ybarra write: “The alternative is to define communities by the shared violence they suffer—racism, capitalism, and settler colonialism—rather than the places they have made for themselves.”¹²⁷ As social movement lawyers, understanding place also helps us know to whom we are accountable and to be in relationship with them. As attorneys representing communities, our job is to be in close relationship with our clients and to represent our clients on their own terms. It is difficult to imagine how that can be done without learning about the place where a community is built.

Early in the semester, I assign students to read the Nikki Giovanni poem, *Nikki Rosa*, as a tool for exploring what it means to understand a client in context. In the poem, Giovanni describes memories from her childhood in Woodlawn, a predominantly Black suburb of Cincinnati. She acknowledges the economic hardship her family experienced, but also the love and strong sense of community that shaped her. She ends the poem with the words: “and I really hope no white person ever has cause to write about me” observing that they will likely emphasize her family’s poverty and struggle, but fail to see how much her home was a place with “happy birthdays and very good Christmases.”¹²⁸ While through a white gaze her biography is reduced to the social conditions in her neighborhood, in particular poverty, from her perspective, “Black love is Black and wealth.”¹²⁹ I teach this poem to remind students that our job as movement attorneys is not to create a victim-narrative that depicts our clients as devoid of joy, strength, talent, and other gifts.¹³⁰ Our clients are people who have created community and beauty within the locations where they exist. There is power in advocating for clients through a lens that celebrates the places and people that have shaped them. How can we ask judges or juries to fully recognize the communities that we represent if we do not even know where they are

¹²⁶ See, e.g., HERE TO HERE, THE HERE TO HERE LANGUAGE GUIDE: A RESOURCE FOR USING ASSET-BASED LANGUAGE WITH YOUNG PEOPLE (July 2020), [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.sccoe.org/arts/yas/Documents/H2H-Language-Guide_2020.pdf](https://www.sccoe.org/arts/yas/Documents/H2H-Language-Guide_2020.pdf) (“We avoid words and phrases that look at situations or people from a “deficit” lens that prioritizes what’s missing or what’s wrong. Instead, we prioritize language that focuses on strengths and potentials.”).

¹²⁷ Nik Heynen & Megan Ybarra, *On Abolition Ecologies and Making “Freedom as a Place,”* 53 ANTIPODE 21 (2021).

¹²⁸ Nikki Giovanni, *Nikki-Rosa*, in THE COLLECTED POETRY OF NIKKI GIOVANNI (2003).

¹²⁹ *Id.*

¹³⁰ *Id.*

from beyond a victim framework? Indeed, getting decision makers to recognize our clients and the places they come from as valuable is a key part of getting a decisionmaker to fully recognize the discrimination or other harm they experienced and that deserves redress.¹³¹

This is not to say that we ignore the socio-economic challenges that exist or the crime that Philadelphia residents are facing.¹³² Nor is it to suggest that students should start to overidentify and view themselves as “of” the same place as our clients. I believe firmly that as attorneys we should not underestimate the inherent distance that comes with entering into a profession that is built on maintaining elite status and access to power. Indeed, I try to remind students that simply by being associated with the University of Pennsylvania Carey School of Law, amongst other sources of privilege, we are not “of” the communities we represent.¹³³ Despite our physical proximity, the distance between our clinic and the community groups we work with is often marked by wealth and privilege. Getting to know and understand our clients in context and the space that we occupy is a method for bridging, not erasing, the divide. I am also wary of students beginning to think that they are so closely connected to clients that they are able to substitute their own views for those of our clients or that they lose the ability to be independent advisors.¹³⁴ We must constantly grapple with what it means to be a legal clinic at a wealthy research institution that is the largest employer in the city, and part of an institution that has driven racial inequality in the areas surrounding campus by displacing poor communities and by not paying property taxes.¹³⁵

Finally, an abolitionist approach must consider the ways voices are excluded from spaces due to mass incarceration. While a full discussion of the inherent contradictions of “academic abolition” or teaching abolitionist principles in a legal academic space is beyond the scope of this article, it is

¹³¹ Heynen & Ybarra, *supra* note 127.

¹³² Kenny Cooper, *Philadelphia Is ‘America’s Poorest Big City.’ Here’s What That Actually Means*, WHYY (Jan. 10, 2024), <https://whyy.org/articles/philadelphia-americas-poorest-big-city-poverty/> [<https://perma.cc/FE4W-V82D>].

¹³³ See GERALD P. LÓPEZ, *REBELLIOUS LAWYERING, ONE CHICANO’S VISION OF PROGRESSIVE LAW PRACTICE*, ch. 1 (1992) (describing how a Black attorney from the neighborhood where he practiced had privilege that separated him from his clients).

¹³⁴ Derrick A. Bell, Jr., *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 *YALE L.J.* 470 (1976).

¹³⁵ As a nonprofit, The University of Pennsylvania does not pay property taxes, and also does not choose to make payments in lieu of taxes or “PILOT taxes” to compensate for the massive property tax revenue lost due to its tax exemption. This is significant because the university currently owns \$3.2 billion of property that is not taxed. Laura McCrystal, *\$29.6 Billion of Philly Real Estate Is Exempt from Property Taxes. Should Nonprofits Be Asked to Pay Up?*, PHILA. INQUIRER (Sept. 30, 2019), <https://www.inquirer.com/news/philadelphia-nonprofit-exempt-property-tax-pilots-penn-aramark-20190930.html> [<https://perma.cc/KU29-7TGM>]. This loss of tax revenue has tremendous implications for the daily lives of Philadelphia residents.

critical that law students recognize that “Using the language of abolition without this critical introspection of one’s own personal and institutional limitations will undoubtedly result in an empty co-option of the principles of abolition.”¹³⁶ As Stephen “Stevie” Wilson and Joy James remind us, any discussion of abolition is incomplete without the inclusion of imprisoned Black radical intellectuals whose voices are often too removed from elite academic spaces.¹³⁷ In seminar, we try to center the intellectual work of the Incarcerated Black Radical Tradition, such as political activist Mumia Abu Jamal, while recognizing that a course taught entirely on the outside will always be incomplete in its mission to teach abolition.

D. *An Interdisciplinary Approach*

An abolition democracy pedagogy requires interdisciplinary tools in its pursuit of a structural analysis of power.¹³⁸ Indeed, an interdisciplinary approach is necessary to map the conditions of racial inequality that often exist in subtler forms today. The complex social and institutional challenges we seek to tackle are deep-seated, and have evolved in response to legal protections under the Reconstruction Amendments and the civil rights legislation of the 1960s.¹³⁹ In seeking change through civil rights cases and policy reform, our role is often to help decisionmakers (judges, juries, political leaders) understand why the treatment that our clients experience is race-based.

To connect the dots that allow a decisionmaker to “see race” as a causal factor, we often draw on the extensive social science research that exists today, including both quantitative and qualitative studies documenting systemic racism in different arenas of American life. Today’s civil rights attorney must work closely with experts in all fields of research to unearth and root out racism in the diverse and multifaceted ways it occurs. For a civil rights clinic, being embedded in a research university offers unique opportunities to build on the cutting-edge research in different departments to ensure data and theory inform the legal strategies we are developing to further social movement work.

One of the most important contributions our clinic has made is through research educating the public about how laws and policies that may appear race-neutral on their face have racially disparate impacts.

¹³⁶ Nicole Smith-Futrell, *supra* note 37, at 178.

¹³⁷ Joy James, *The Alchemy of Abolitionism*, INQUEST (Mar. 28, 2023), <https://inquest.org/the-alchemy-of-abolitionisms/> [<https://perma.cc/7348-J8X9>].

¹³⁸ Kara R. Finck, *A Robust Defense: The Critical Components for a Reimagined Family Defense Practice*, 20 CUNY L. REV. F. 96, 109 (2017), <http://www.cunylawreview.org/reimagined-family-defense-finck/> [<https://perma.cc/B4EVUA5G>] (“Interdisciplinary practice is a general term referring to a range of models for lawyering, legal offices, and practice that incorporate other professionals and disciplines.”).

¹³⁹ See Crenshaw, *Race, Reform, and Retrenchment*, *supra* note 24.

For example, our clinic released a report on a little known-state law, Act 135 or the Abandoned and Blighted Property Conservatorship Act, a Pennsylvania law enacted in 2008 that allows individuals and organizations to petition a court to be appointed as conservators of blighted properties.¹⁴⁰ Act 135 was intended to address blighted and abandoned properties in the city by allowing them to be taken over by a nonprofit entity or person living nearby who can serve as a conservator. However, as Professor Deborah Archer writes, blight is a term that has been racialized, purporting to focus on clearing blighted areas and slums, but in fact disproportionately displaced Black homeowners.¹⁴¹ As she observes, “It was no secret that ‘blighted neighborhoods’ and ‘slums’ were euphemisms for Black neighborhoods.”¹⁴²

After speaking with residents who had been subjected to petitions under Act 135, we became concerned that despite the law’s intention to further community-led development, the law was having a racially disparate impact and displacing vulnerable residents. We worked with students at Wharton and the Penn School of Urban Design to conduct an analysis of all Act 135 petitions filed in Philadelphia from October 2009 to February 2024. We used this analysis to determine if Act 135 petitions were filed at different rates in areas where the majority of residents are white as compared to areas where the majority of residents are Black or people of color.¹⁴³ We found that conservator petitions were more likely to be filed against properties that are owned by Black property owners. Act 135 petitions were also filed more often in Census block groups that were majority Black or majority nonwhite compared to Census block groups that were majority white. Clinic student Lizzie Shackney, pursuing a joint degree at the law school and school of design, was able to create a map showing that there are observable concentrations of petitions

¹⁴⁰ 68 Pa. Stat. Ann. § 1101–1111.

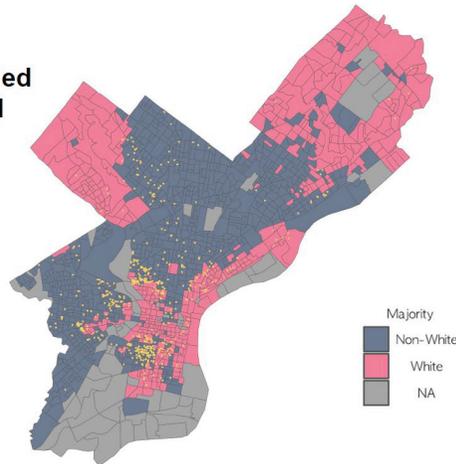
¹⁴¹ DEBORAH N. ARCHER, *DIVIDING LINES 26-27* (2025) (“In theory, urban renewal is the process by which the government works to improve neighborhoods by seizing and demolishing decaying private and public property and building new and improved buildings in their stead, including affordable housing.” However, in practice, “[t]he federal government essentially empowered local governments and private companies to develop downtown neighborhoods and disproportionately displace the most poor residents of color who lived there.”).

¹⁴² *Id.* at 27. *See id.* at 28 (“‘Blight’ was also used to describe the impact that predominately Black communities could have on white neighborhoods, if those white neighborhoods were not somehow kept in check.”).

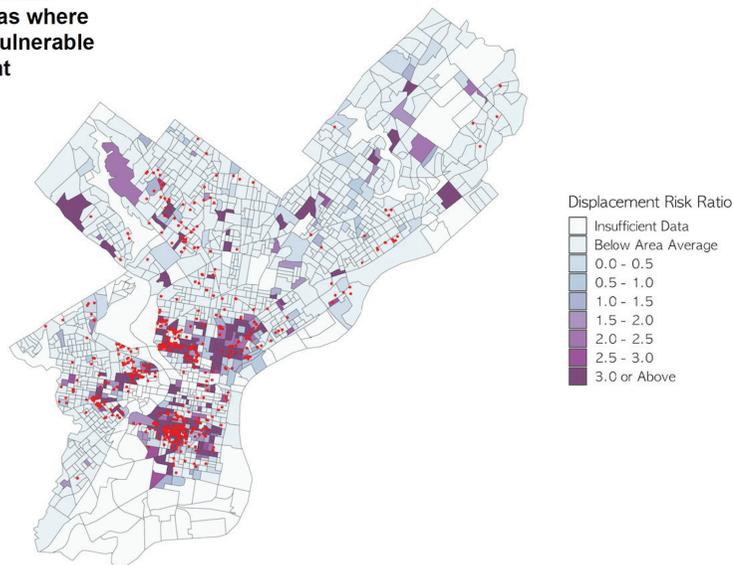
¹⁴³ To assess whether the use of Act 135 has had any impact on vulnerable communities, we relied on the Reinvestment Fund’s “Displacement Risk Ratio,” a tool that measures how housing prices are appreciating in relation to the incomes of longtime residents across Philadelphia at the census block group level (the smallest publicly available geographical unit available to Census data users). Emily Dowdall, *Measuring Displacement Risk in Gentrifying Neighborhoods*, REINVESTMENT FUND (May 16, 2016), <https://www.reinvestment.com/insights/measuring-displacement-risk-in-gentrifying-neighborhoods/> [<https://perma.cc/VF3R-5672>].

in Philadelphia's areas where demographics transition from majority-white to majority non-white. In short, an interdisciplinary approach was required to understand that claims of racial bias were not merely a hunch, but were demonstrated by data showing the law's "socio-spatial impact" through mapping that showed that Act 135 was exacerbating racial inequality and displacement in vulnerable neighborhoods. Below are some of the maps that Lizzie created in the report. Citing our report, the Philadelphia City Council held a hearing on the impact of the law in 2024 and is currently considering legislative reform.¹⁴⁴

Petitions are disproportionately filed in majority Black and majority non-white neighborhoods



Petitions are filed in gentrifying areas where residents are vulnerable to displacement



¹⁴⁴ Aaron Moselle, *Philly City Council Probes Blight Busting Law with Hopes for Change*, WHYY (Mar. 22, 2024), <https://whyy.org/articles/philadelphia-city-council-blight-busting-law-change-act-135/> [<https://perma.cc/6STY-KYFV>].

Our work on Act 135 has not always aligned perfectly with the position of some of the grassroots organizers with whom we align on other issues. Remediating abandoned buildings is an intervention that some organizations have pushed for as a research-based approach to addressing gun violence.¹⁴⁵ We have generally supported the work of groups like the 57+ Block Coalition in Philadelphia, which advocates for an approach to reducing gun violence through targeted investment of resources, including addressing housing and vacant properties.¹⁴⁶ Their work aligns with an abolitionist ethic because they argue that addressing crime requires a shift from overpolicing to directly addressing the ways that systemic racism has resulted in long-standing disinvestment in Black neighborhoods. While we share this structural critique, our analysis of Act 135 suggests it has not generally served this purpose because it is easily misused. Some felt that by focusing on the abuses of Act 135, the clinic would discourage more positive use of the law as a strategy to address abandoned properties, which is sorely needed in communities plagued by high levels of gun violence and crime. Ultimately, we determined that releasing the report and making the data publicly available was an important step to ensuring that the stories of vulnerable homeowners were not overlooked in the public discourse about Act 135 as a tool. Many of the individuals that we heard from in researching the issue were Black families who had refused to sell their home to a developer and then subsequently lost their family home due to an Act 135 petition for which they received no compensation. By telling these stories, we hoped that legislators would consider remedies that provide resources for vulnerable homeowners to remediate blight without facing displacement and losing ownership of a critical asset. The clinic felt that we could offer this critique, while simultaneously advocating for needed resources for vulnerable communities impacted by systemic racism and neglect.

In 2024, the clinic began building an institutional relationship to ensure that our interdisciplinary lens is embedded in our work going forward. Through a course taught by Professor Lance Freeman, a professor of sociology and urban design, the clinic collaborates with students in other departments to conduct research to assess social science questions identified by grassroots organizers, often helping to analyze whether racially disparate treatment is occurring in different contexts. This inter-disciplinary course partnership helps prepare students as

¹⁴⁵ Eugenia C. South, John M. MacDonald, Vicky W. Tam, et al., *Effect of Abandoned Housing Interventions on Gun Violence, Perceptions of Safety, and Substance Use in Black Neighborhoods*, 183 JAMA INTERNAL MEDICINE (Dec. 5, 2022), <https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2799226> (last visited Oct. 22, 2025).

¹⁴⁶ 57+ BLOCKS COALITION, <https://57blocksphilly.org/> (last visited Oct. 22, 2025) [<https://perma.cc/U72J-F2PC>].

future civil rights attorneys who will work closely with experts and need to become fluent in the language and methods of researchers who serve as experts.

The clinic also uses right-to-know litigation to write interdisciplinary reports as tools to challenge the secrecy often built into systems that drive inequality through the public's limited access to information compared to powerful state actors. For example, police use of technology often goes under the radar as the city of Philadelphia rarely advertises that it has acquired new technological tools (often through private funding), nor made clear how the tools are employed, their reliability and accuracy, or their impact. As a result of a series of public information requests, we discovered just how pervasive the Philadelphia Police Department's use of technology is. Philadelphia is blanketed in cameras, microphones, and other tools of surveillance accessible to PPD officers through Google-like searches across interconnected police databases, managed by the police department's Real-Time Crime Center.¹⁴⁷ Clinic students created a white paper informing the public about how the city of Philadelphia is using facial recognition technology and acoustic gun detection that is highly unreliable and costs the public millions of dollars. Students then worked with a communications specialist on staff in the Penn Gittis Legal Clinics to design graphics to hand out at meetings and to use on social media. Below is one example of a graphic.

Philadelphia taxpayers pay **millions** for **surveillance of residents:**

- Nearly 7,000 cameras monitored up to 4,600 times a week
- Automatic License Plate Readers tracking millions of plates
- Flawed & biased Facial Recognition Technology

 Penn Carey Law | Advocacy for Racial and Civil (ARC) Justice Clinic
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¹⁴⁷ Samantha Melamed, *Philly Narcotics Cops Secretly Used Surveillance Cameras. Video Proved Some of Their Testimony False*, PHILA. INQUIRER (May 9, 2024), <https://www.inquirer.com/news/philadelphia/philadelphia-police-video-surveillance-drug-arrests-20240508.html> [<https://perma.cc/N82B-SPAX>].

Because of unequal power dynamics, many racial justice issues are also issues where there is little public transparency. It is impossible to engage in movement lawyering around issues that people do not even know about due to a lack of transparency and information. Reports exposing discrimination can lay the groundwork for organizing and subsequent legal advocacy. Civil rights clinics, especially clinics that use a movement lawyering model, can play a critical role by collecting data through public information act requests, conducting interdisciplinary research, and making the analysis public. This furthers an abolition democracy pedagogy by training students to examine patterns of structural racism as a tool for pursuing radical reforms.

E. The pursuit of nonreformist reforms

Finally, an abolition democracy pedagogy pushes students to consider how to design nonreformist reforms. In the context of the criminal legal system, a reformist reform accepts the criminal legal system as a given rather than considering how to prevent criminalization in the first place.¹⁴⁸ Abolitionist organizers have defined nonreformist reforms in the criminal legal system as reforms that consider how “to divest resources, legitimacy, and power from the criminal legal system.”¹⁴⁹ While a reformer considers how to get the existing carceral system to function better, an abolitionist understands the system itself as fundamentally at issue and focuses instead on imagining solutions that get to the root of institutional bias.¹⁵⁰

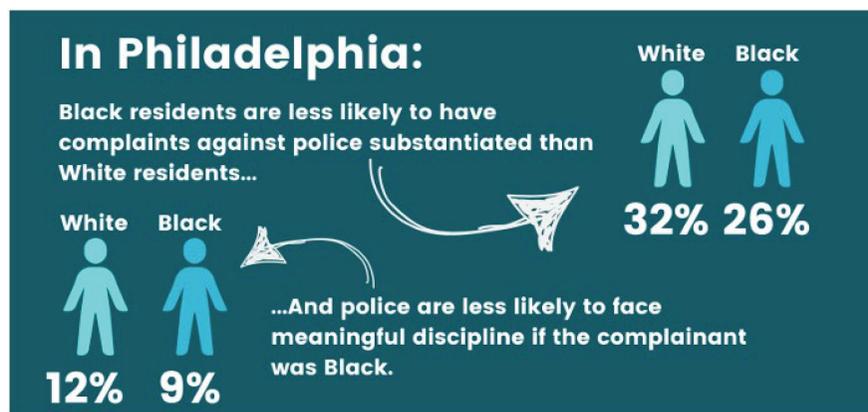
A commitment to pursuing nonreformist reforms informs our selection of litigation and advocacy projects. For example, in December 2024, the clinic was asked by the Philadelphia Law Department to file an amicus brief in the Pennsylvania Supreme Court, encouraging the court to adopt a new standard for reviewing police discipline arbitration decisions. In seminar, we discussed whether to take on this assignment. Students generally agreed that police discipline was a reformist reform in that it reinforced the legitimacy of policing and suggested that the change that is needed simply involves punishing bad apples. We debated whether

¹⁴⁸ See also LEIGH GOODMARK, *supra* note 120, at 182 (explaining that “by leaving the basic structure of the criminal punishment system intact, reform legitimates that system and stymies more radical change.”)

¹⁴⁹ See CRITICAL RESISTANCE, REFORMIST REFORMS VS. ABOLITIONIST STEPS IN POLICING, https://static1.squarespace.com/static/59ead8f9692ebee25b72f17f/t/5b65cd58758d46d34254f22c/1533398363539/CR_NoCops_reform_vs_abolition_CRside.pdf [https://perma.cc/ME4E-P5H5] (last visited Aug. 8, 2024).

¹⁵⁰ ALEX VITALE, *THE END OF POLICING* (2017) (“What differentiates an abolitionist from a police reformer is that a police reformer typically thinks that we just need the police to enforce the law in a more professional and less biased manner. The abolitionist looks to reduce the power and scope of those institutions in every way we possibly can. One step at a time.”).

the amicus brief could be used strategically to pursue an abolitionist horizon.¹⁵¹ According to Professor Akbar, a “reform rooted in an abolitionist horizon aims to contest and then to shrink the role of police, ultimately seeking to transform our political, economic, and social order to achieve broader social provision for human needs.”¹⁵² Could we, for example, write a brief that would document for the public more generally how police discipline systems reinforced structural racism? We decided this strategy was worth pursuing. Students worked with the Quattrone Center, a criminal justice research and policy hub at Penn Carey Law School, to offer a new analysis of the racial disparities that exist in police discipline decisions.¹⁵³ Specifically, data demonstrated that Philadelphia police officers are less likely to be disciplined when the resident bringing a complaint is Black. When discipline does occur, it is also more likely to be overturned on appeal when the complainant is Black. Moreover, Black people are more likely to be subject to police abuse and violence that give rise to complaints in the first place. The clinic students writing the amicus brief worked with Anthony Marqusee, the communications specialist on staff at the clinic, to create an explainer (with a graphic included below) to use on social media and to provide to the press to break down the issues. We considered this to be an abolitionist step in that our research and argument challenged the legitimacy of the police discipline system, rather than merely suggesting that a more stringent standard of review for police discipline on appeal would solve the underlying problem of racism in policing.



Read our amicus brief for police accountability and Act 111 reform:
<https://bit.ly/act-111>

¹⁵¹ Akbar, *An Abolitionist Horizon*, *supra* note 84, at 1783–84.

¹⁵² *Id.* at 1787.

¹⁵³ See *Amicus Explainer*, ADVOCACY FOR RACIAL & CIVIL JUSTICE CLINIC, <https://www.law.upenn.edu/live/files/13248-act-111-amicus-explainer> [<https://perma.cc/Y8CB-DXGU>] (last visited Oct. 9, 2025).

Despite our commitments, we are not immune from the traps that might lead to more limited reforms. We often face pressure to identify “ideal clients” or politically popular stories to advance causes, and must grapple with how a potential legal strategy could reinforce ideas about who is deserving and undeserving of the harms associated with the criminal legal system and structural disinvestment.¹⁵⁴ For example, in the clinic’s advocacy to end the death penalty in Pennsylvania,¹⁵⁵ we work to use language that does not suggest that life without parole is a legitimate alternative to capital punishment, because that would reinforce ideas that some people deserve to spend their lives in prison. Instead, we seek to emphasize that life is valuable and the carceral apparatus cannot provide true healing, thus linking the abolition of capital punishment to the need for broader institutional change rather than shying away from the radical reform implications that flow from accepting that the death penalty’s racist roots. Professor Angela Davis observes, “If we think about capital punishment as an inheritance of slavery, it’s abolition would also involve the creation of institutions about which Du Bois wrote.”¹⁵⁶ An abolitionist frame considers not only transformation of the carceral state, but also of interlocking systems, as discussed *supra*.¹⁵⁷ Likewise, an abolition pedagogy must train students to consider nonreformist reforms, not only in the criminal legal context, but in advocacy to build a new vision for social justice in education, housing, and health care. Students must be exposed to the process of applying a “deep critique,” in multiple institutional contexts.¹⁵⁸

In assessing whether a particular advocacy strategy is an abolitionist step, we often return to the divest/invest framework.¹⁵⁹ Divest/invest is a strategy advocating for the redirection of resources away from the prison industrial complex and towards community-based initiatives that promote safety, well-being, and social justice. As organizers often point out, the real work of abolition happens in state and local budgets.¹⁶⁰

¹⁵⁴ LEIGH GOODMARK, *supra* note 120.

¹⁵⁵ See, e.g., Letter from ARC Justice Clinic to Majority Chairman Briggs re H.B. 999 (Oct. 30, 2023), <https://www.law.upenn.edu/live/files/12838-arc-justice-clinic-letter-in-support-of-hb-999> [<https://perma.cc/QBZ8-H2SB>].

¹⁵⁶ DAVIS, *supra* note 32, at 92.

¹⁵⁷ Stahly-Butts & Akbar, *supra* note 72, at 1551 (explaining that an abolitionist future includes “both an end to our reliance on prisons, police, and surveillance, and a vision to build alternate modes of social provision and norms, collective self-governance, and fundamentally different economic relationships.”).

¹⁵⁸ Ashar, *Deep Critique and Democratic Lawyering*, *supra* note 51 at 218.

¹⁵⁹ *What is Divest/Invest?*, FUNDERS FOR JUSTICE, DIVEST/INVEST: CRIMINALIZATION, <https://divest-ffj.org/#what-is> [<https://perma.cc/XHL6-4BTC>] (last visited Oct. 9, 2025).

¹⁶⁰ Brian Highsmith, *On Reimagining State and Local Budgets in an Abolitionist Moment*, LAW & POLITICAL ECONOMY PROJECT (June 15, 2020), <https://lpeproject.org/blog/on-reimagining-state-and-local-budgets-in-an-abolitionist-moment/> [<https://perma.cc/69Q3-WZ7Q>].

When it comes to our police surveillance work, discussed *infra*, our clinic's strategy has been to document the bias and unreliability of new policing technology, with the goal of redirecting the funding that has been put toward acquiring new technology toward more community-based solutions for crime, like investment in health and social welfare.¹⁶¹

As litigators, we grapple with whether remedies can be reformist reforms in the context of a lawsuit that relies on the adversary court process. Often, our analysis of whether our approach supports an abolitionist ethic turns on the kinds of remedies sought through litigation or policy advocacy. For example, we have worked with our partners at the ALC on litigation to end solitary confinement. While the ultimate goal is to abolish solitary confinement entirely, we recognize that a court may balk at such a request in a complaint. During case rounds, we have carefully weighed what remedies might serve as a tool of harm reduction if the practice of solitary confinement is not abolished entirely. Should we focus on ending the practice in a prison that has a particularly egregious record when it comes to the racially disparate assignment of solitary or the cruel treatment of individuals in solitary? Does this line of argument reinforce that solitary confinement is a legitimate practice when doled out in a more racially equitable way or in a less cruel fashion? Our goal is not to make solitary confinement better. It is to abolish the practice entirely. Toward that end, we seek to use litigation to undermine the legitimacy of solitary confinement as a tool in all of its forms. ALC has pursued this goal through a multi-prong attack on solitary confinement in order to chip away at the practice, as remedies are ordered through advocacy using different pathways, from local and state litigation using different legal theories, to policy advocacy, and organizing.

Professor Jamelia Morgan and I have written recently about how the settlement reached in the *Smith v. City of Philadelphia* lawsuit represents an example of seeking non-reformist reforms because it identified a community-led remedial process.¹⁶² That case challenged the Philadelphia Police Department's excessive and unwarranted use

¹⁶¹ As Professor Vincent Southerland has written, there is a tension between advocating to improve new police technology, which risks legitimizing surveillance technologies in police hands, and an abolitionist approach that instead aims to relieve police of their surveillance tools entirely. Vincent M. Southerland, *The Master's Tools and a Mission: Using Community Control and Oversight Laws to Resist and Abolish Police Surveillance Technologies*, 70 UCLA L. REV. 2 (2023), <https://www.uclalawreview.org/the-masters-tools-and-a-mission-using-community-control-and-oversight-laws-to-resist-and-abolish-police-surveillance-technologies/> [https://perma.cc/59ZN-G8YB]. Our focus has been on highlighting the cost that could be invested in other needed services.

¹⁶² Cara McClellan & Jamelia Morgan, *Toward Abolitionist Remedies: Police (Non) Reform Litigation after the 2020 Uprisings*, 51 FORDHAM URB. L.J. 635, 670 (2024), <https://ir.lawnet.fordham.edu/ulj/vol51/iss3/1> [https://perma.cc/85ZB-G5GV].

of force against protestors and residents in a predominately-Black neighborhood in West Philadelphia during the George Floyd protests on May 31, 2020.¹⁶³ At the request of our clients, the clinic worked with our co-counsel to design a remedy that went beyond individual damages to provide injunctive relief in pursuit of an abolitionist horizon. One key aspect of the settlement was the West Philadelphia Community Fund, a one-time fund that made \$500,000 in grants of \$20,000 to hyperlocal movement organizations in that section of West Philadelphia. Community-based groups applied for grant funding to build resilience and improve the quality of life in the West Philadelphia community; or to provide culturally responsive, community-based mental health and wellness services to individuals in the West Philadelphia community.¹⁶⁴ The West Philadelphia Community Fund represents a non-reformist reform because, unlike traditional remedies in police reform litigation, which often invest further in policing despite being the system that caused harm, the West Philadelphia Community Fund shifted funding to alternative systems of care.

Moreover, nonreformist reforms must be concerned not only with outcomes, but with process.¹⁶⁵ The West Philadelphia Community Fund represents a nonreformist reform because it employed a process led by directly impacted communities. The community-based grant fund was administered through a committee of West Philadelphia residents who designed a selection process for determining where the money should be invested. This was not easy; it took nearly a year for the committee to make selections and there were disagreements. But it was an entirely community-led process without the attorneys or other outsiders imposing their views. Through our work on the West Philadelphia Community Fund, clinic students were reminded that self-determination for directly impacted people should drive litigation remedies or policy.

The fact that the West Philadelphia Community Fund went directly to Black-led grassroots organizations serving people in West Philadelphia was a critical feature of the reform. Many of the groups that were funded through the West Philadelphia Community Fund understood their work as mutual aid because they believed that government had failed to meet the basic needs of community members. This is epitomized in the facts that gave rise to the case: police use of

¹⁶³ See generally Am. Compl., *Smith v. City of Philadelphia*, No. 20-03431 (E.D. Pa. Sept. 16, 2020), <https://www.naacpldf.org/wp-content/uploads/As-filed-AmendedComplaint.pdf> [<https://perma.cc/9973-ZKNF>].

¹⁶⁴ For a full description and list of organizations that received funding, see *West Philadelphia Community Fund*, BREAD & ROSES COMMUNITY FUND, <https://breadrosesfund.org/grants-scholarships/west-philadelphia-community-fund/> [<https://perma.cc/BZ7S-RHE7>] (last visited Aug. 8, 2024).

¹⁶⁵ Stahly-Butts & Akbar, *supra* note 72, at 1560.

excessive and militarized force against Black protestors and residents. One organizer who received grant funding put it simply through the refrain: “we keep us safe.” For example, one of the groups that received funding is the People’s Fridge, which was founded by neighbors in response to food insecurity during the pandemic and sustained through a network of volunteers who donate cooked meals and groceries. In choosing to invest directly in local, Black-led, grassroots nonprofits and mutual aid, the West Philadelphia Community Fund is an example of how law can be used to shift power by centering Blackness.

Finally, an abolition democracy pedagogy requires students to consider what it would mean to provide reparations to Black Americans.¹⁶⁶ This is because Du Bois’s concept of abolition democracy pushes students to grapple with the ways that the promise of social and economic support was never provided to ensure equal citizenship for Black people. It is because material resources have not been provided and systems rooted in slavery have persisted that the prison-industrial complex has thrived.¹⁶⁷ As future lawyers, clinical students are being trained to consider how to remedy legal harms. An abolition democracy pedagogy fundamentally asks: what is the repair for the ways the legacy of slavery has harmed generations of Black residents? In Philadelphia, City Council voted in June 2023 to authorize “the creation of a Task Force to Study and Develop Reparations Proposals for Black Philadelphian Descendants of Enslaved Africans in the United States.”¹⁶⁸ The goal of the task force is to establish a public, mass accounting of the lasting harms of enslavement and institutional racism in Philadelphia’s history and to craft repair. The Clinic is contributing to this effort by collecting testimony based on the advocacy of grassroots organizations, like the descendants of the Black Bottom neighborhood who seek financial compensation for the impact of “urban renewal,” on their community.¹⁶⁹ The Black Bottom was a neighborhood in West Philadelphia that was displaced in the 1960s to make way for the expansion of Penn, Drexel and the University of the Sciences.¹⁷⁰ The vast majority of those who had been living in this neighborhood and who lost their homes were

¹⁶⁶ Cullors, *supra* note 116, at 1686 (“Abolition calls on us not only to destabilize, deconstruct, and demolish oppressive systems, institutions, and practices, but also to repair histories of harm across the board.”)

¹⁶⁷ DAVIS, *supra* note 32, at 92.

¹⁶⁸ *Philadelphia Reparations Task Force*, PHILADELPHIA CITY COUNCIL, <https://phlcouncil.com/reparations/> (last visited Oct. 22, 2025) [<https://perma.cc/JKN2-T48G>]. I serve on the task force as the Criminal Legal chair.

¹⁶⁹ See LAURA WOLF-POWERS, *UNIVERSITY CITY: HISTORY, RACE, AND COMMUNITY IN THE ERA OF THE INNOVATION DISTRICT* 1-18 (2022).

¹⁷⁰ *Philadelphia: Black Bottom*, SEGREGATION BY DESIGN (last visited Oct. 22, 2025), <https://www.segregationbydesign.com/philadelphia/black-bottom>.

African-American.¹⁷¹ In drafting the reparations report, we are led by the solutions that community organizations have already identified for themselves to address structural racism, like housing assistance, education funding, and other forms of communal compensation. As Professor Norrinda Brown Hayat argues, “In an antiracist clinic, remedies should be based on the goals Black people have articulated for themselves.”¹⁷² She further explains that the next generation of social justice lawyers should be taught to “center Blackness in a way that will allow them to advocate for positions that support Black people’s vision for themselves as liberated, full citizens.”¹⁷³

CONCLUSION:
PROGRESS, RETRENCHMENT, & THE ARC OF JUSTICE

For law students committed to racial justice work, the retrenchment we are witnessing is both discouraging and disorienting. As Professor Janel George has eloquently described, as clinicians, we can and must train students to bravely work toward racial progress in the midst of resistance.¹⁷⁴ Especially in moments of backlash, we must push students to employ new legal strategies for systemic change through what Dr. W.E.B. Du Bois called an abolition democracy.¹⁷⁵ In the context of a civil justice clinic, an abolition democracy pedagogy can be taught through (1) deep engagement with historical context to understand structural inequality today; (2) an inter-systems power analysis; (3) a place-based approach; (4) an interdisciplinary approach; and (5) the pursuit of nonreformist reforms.

Many law students today are struggling with whether the law can be used as a tool for racial justice, in particular because they see how the Supreme Court legitimizes inequality by failing to acknowledge systemic injustice while creating the veneer of law and order.¹⁷⁶ An abolition democracy pedagogy can help to fortify future public interest attorneys precisely because it is both historically grounded and focused on building radical change through micromovements in the here and now. Abolition offers a way to connect the challenges of today to

¹⁷¹ *Id.*

¹⁷² Norrinda Brown Hayat, *Freedom Pedagogy: Toward Teaching Antiracist Clinics*, 30 CLIN. L. REV. 149, 162 (2023) (arguing that clinicians should commit to antiracism and center Afrofuturism).

¹⁷³ *Id.* at 152.

¹⁷⁴ Janel George, *Reflections on the Launch of a Racial Justice Clinic and the Bravery of Lions*, 30 CLIN. L. REV. 1, 151, 154 (2023)

¹⁷⁵ See generally W.E.B. DU BOIS, *BLACK RECONSTRUCTION IN AMERICA* (1935).

¹⁷⁶ See, e.g., Brandon Hasbrouck, *The Antiracist Constitution*, 102 B.U. L. REV. 87, 115–26 (2022) (describing how the Supreme Court has furthered anti-Blackness through the procedural barriers in criminal and civil cases).

generations of movement work. It helps us to interpret today's demands for change within a larger context of progress, resistance, and resilience.

Moreover, an abolition democracy pedagogy helps us to stay focused on the goal of working to dismantle white supremacist systems in solidarity with those who are most impacted. My students often remark in awe at how, despite pervasive challenges, Philadelphia residents continue to organize, imagine, and demand solutions for equitable economic prosperity, transformative education, dignity, health, and approaches to public safety that protect us all. Such relentless resilience cannot be taught only through theory; it must be learned through trusting and accountable relationships with clients and partners, and with a recognition that it is a privilege for us to learn from their freedom dreams.¹⁷⁷ Training students to be led by and accountable to directly impacted people and their visions for abolition allows us to create relationships that are sustaining.

For many of us teaching law clinics, summoning the courage to advocate for racial justice is uniquely challenging today. As legal clinicians, we are both academics and lawyers, two professions that have been uniquely targeted by the Trump administration.¹⁷⁸ We have a responsibility to model what it means to advocate for justice, but doing so puts us at personal risk for discipline, loss of funding, or for many of us who are untenured, losing our jobs. Although political interference with law clinics is not new,¹⁷⁹ the pressure to select clients, cases, and reading materials that will not be politically controversial is unprecedented, despite principles of academic freedom. This implicates every aspect of an abolition democracy pedagogy. I am still grappling with the reality that using the law to challenge racism, sexism, homophobia, transphobia, and other forms of oppression make me and the clinic a target in President Trump's crusade against DEI and "wokeism." But when we continue speaking honestly about history, and working in solidarity to combat its legacy, clear-eyed about reality, and still fierce in our commitment to racial justice, our students experience what it means to pursue abolition democracy in the face of retrenchment.

¹⁷⁷ Robin D. Kelly, *Finding the Strength to Love and Dream*, 48 CHRON. HIGHER EDUC. 39 (2002).

¹⁷⁸ Ryan Lucas, *Experts Say Trump's Targeting of Law Firms Is Unprecedented*, NPR, March 19, 2025, <https://www.npr.org/2025/03/19/nx-s1-5323890/experts-say-trumps-targeting-of-law-firms-is-unprecedented> [<https://perma.cc/39XG-SWS6>]; *How Trump's College Crackdown Is Raising Concerns About Free Speech and Academic Freedom*, PBS NEWSHOUR, May 6, 2025, <https://www.pbs.org/newshour/show/how-trumps-college-crackdown-is-raising-concerns-about-free-speech-and-academic-freedom> [<https://perma.cc/5DAF-W634>].

¹⁷⁹ See generally, Robert R. Kuehn & Peter A. Joy, *Lawyering in the Academy: The Intersection of Academic Freedom and Professional Responsibility*, 59 J. LEGAL EDUC. 97 (2009); Robert R. Kuehn & Bridget M. McCormack, *Lessons from Forty Years of Interference in Law School Clinics*, 24 GEO. LEGAL ETHICS 59, 59-60 (2011).

