INTERSECTIONS RADIO

JUNE 8, 2016 -- INTERVIEW WITH TALILA LEWIS

TRANSCRIPT

SARIKA MEHTA: You are listening to KXRY Portland on 107.1 FM, 91.1 FM, and streaming online at XRAY.fm. I'm Sarika Mehta. Welcome to Intersections Radio, a new independent podcast which also airs on XRAY. Intersections Radio is the show where we geek out on all things intersectionality.

This is the second episode in a two-part series that discusses the deaf community's complicated relationship with the justice system. The deaf community is at a unique intersection of linguistic minority and disability access. This is particularly complex and dangerous when considering deaf inmates in the carceral system. Talila Lewis is an attorney and professor of law in upstate New York. Talila is also the founder of the advocacy group, Helping Educate to Advance the Rights of the Deaf, or HEARD.

Talila has been working tirelessly to advocate for the rights of deaf inmates, and overturning wrongful convictions through the volunteer efforts of HEARD. TL first educated me on some of the experiences of deaf people in prison settings, and then illustrated the Twitter conversations hosted by HEARD. This is Intersections Radio.

Talila Lewis, thank you so much for joining me on Intersections Radio.

TALILA LEWIS: Thank you for having me.

SARIKA MEHTA: First, tell us a little bit about yourself and about HEARD, which stands for Helping Educate to Advance the Rights of the Deaf.

TALILA LEWIS: So, I'm an activist, I call myself a social justice engineer. I've been working on, to try to end wrongful convictions of deaf and disabled individuals for about a decade now. In tandem with that, I've been working to try to create a criminal legal system that actually is just. At present, it isn't, which you'll notice throughout the interview I don't use the term criminal justice system at any given point unless I'm being particularly sarcastic.

So, I've been working on these cases. I've been working, I created a national database of deaf, deaf blind, hard of hearing, and deaf disabled individuals, largely because state and federal systems, carceral systems, prisons and jails, just are not tracking where deaf and hard of hearing people are in our systems. So I decided to go ahead and do that. So that's a component of the advocacy. Obviously there's a thousand other things I work to, end sexual assault and physical assault of incarcerated community members, to ensure that incarcerated community members have equal access to communication, videophones, I've been fighting for videophones for about five years now.

SARIKA MEHTA: Wow.

TALILA LEWIS: Between the Federal Communications Commission and the Department of Justice, neither agency seems to be able to get things together such that we can ensure that thousands of deaf and disabled individuals across the nation have access to telecommunications, that is functionally

equivalent to hearing people, who would use a traditional telephone.

SARIKA MEHTA: Right.

TALILA LEWIS: So that's one component, but HEARD is kind of the organization that I organized a while ago with some community members to focus on these issues. It's still an all-volunteer organization, and we really need support from the community to call attention, more attention, to these issues, and to really bring about meaningful change.

SARIKA MEHTA: I didn't realize HEARD was all-volunteer people involved, so that is a lot of work, I do understand that. Before we get to HEARD, I wanted to talk more about just deaf inmates in general, and some background, and, what are the kinds of unique challenges that deaf inmates face?

TALILA LEWIS: So, I think I'll start by what's not unique, and I think that's what's more important. Right? Every person who is incarcerated is a human first, and I think starting there is critically important. So, deaf incarcerated people, deaf blind incarcerated people, are humans, and their human rights do not end at the prison or jail gates. So, just as hearing non-disabled, or able-bodied individuals in carceral settings need access to counsel, need access to family, and loved ones, and rehabilitation, mental health services and supports, access to alarms, chow time, something as simple as food, most deaf prisoners are missing out on that. The entire, really, the entire criminal legal system, and I mean that from start to finish, whether we're talking about law enforcement, or re-entry, parole and probation is also not accessible. The entire system is audist and ableist. And that means that individuals who do not fit in the typical categories of the majority culture, able-bodied hearing status, tend to not receive the benefit of access to justice.

So, deaf prisoners right now are literally missing out on all of those things that I mentioned. Their basic human rights, you know, so just this week, we had a deaf person sleep through a fire drill in a jail, and obviously luckily it was a drill, because if it was the real thing, he likely would have succumbed. Right? And these are the basic issues. Most of the deaf prisoners who are coming out are bone thin because they've missed chow time. You know? It's an auditory bell. That bell, or, you know, and that's for everything. Guards will call you, if you forget to turn around or if you couldn't hear them quite, or you didn't see everyone else turning around looking, you're going to get attacked, jumped on, beaten up. And, you know, I was involved for about two years on a documentary called Deaf In Prison. It's available online and I encourage your listeners to view it. It's 25 minutes, and one of the deaf prisoners explained what I hear all the time from deaf prisoners, which is, you know, guards call him, he did not hear them because they called him from behind, and they immediately commence to beating on him.

SARIKA MEHTA: Because it looks like he was ignoring?

TALILA LEWIS: That's right. There's this assumption by law enforcement and anyone who calls themselves law enforcement that everyone should obey them post haste. Right? There's no knowledge, cultural competency, within any law enforcement, straight across the board, that maybe an individual is trying but can't for some reason. Maybe they didn't hear you, maybe they're in diabetic shock, maybe they're having an epileptic seizure. There's all sorts of things that go on, and all of those things that I've just mentioned are situations in which people with disabilities have been beaten and or killed by law enforcement, because they were experiencing disabilities or symptoms of their disabilities that made it impossible for them to actually comprehend, hear, or cooperate in the way that they're allegedly supposed to. And there needs to be room for that in our society. Right? There shouldn't be this presumption that everyone's going to behave in the same way, to listen in the same way, to think in the

same way, and so on and so forth.

And so that prisoner was explaining that the moment he got jumped, obviously you're in a prison setting. He doesn't know who's jumping him, they've jumped him from behind. He begins to fight back. And so now we have a situation that completely could have been avoided, because we could have just made sure that there were alarms or signals, flash the lights, make sure a deaf person has a pager on them so they can see the emergency situation. A deaf prisoner in California was shot on the yard for not getting down fast enough. This is across the nation, right, there's no exception, and we really have to do better.

And so, the answer to your question, frankly, is that deaf people are missing out on everything. And they literally are losing their minds in our prisons, all because the conditions of confinement and because our prisons will not follow federal disability rights and laws. And those laws have been longstanding, they've been around since the '70s in one case, the '90s in another, and there's no excuse for not being able to follow these most basic laws. And in the case of videophones, videophones are free, and so it's even more infuriating for me to have expended five years of my life to these prisoners and their loved ones, who have absolutely no communication, and we know that prisoners fare much better when they have consistent contact with the community, with loved ones, with advocates.

And I will say, the last thing I will say on this point, that I think is particularly crucial, is that people with disabilities, and, well, one, so there's two last things I'll say, I'm sorry. The first is that people with disabilities represent the largest quote unquote minority population in our prison system. Studies show between 60 and in some cases 90 percent of incarcerated individuals have a disability, whether or not that includes mental illness or addiction, which we don't discuss as a disability, but it certainly is a disability. History of addiction, etc. Sixty to 90 percent of our incarcerated population are people with disabilities, and no one's discussing that first. And second, people with disabilities are the very people who need more access to supports and access to family and communications and services. And I think that we should be emphasizing that, and I would love to see some solidarity from organizations that are fighting against this mass incarceration beast. Some folks who are fighting to abolish prisons, they largely just dismiss the component of disability, and I don't believe that we can address the mass incarceration issue without a disability justice lens.

SARIKA MEHTA: I'm so glad you brought that up. I mean, on this show we've talked to other experts, been talking about disability justice in reporting, and just how, even in the crux of other movements, such as #BlackLivesMatter, it's always central to everything that's happening, so I'm really glad you brought that up. It's an interesting segue because I was going to ask you about statistics. You said the number of people with disabilities who are in the prison system are between 60 and 90 percent on some occasions, which is huge, I mean, it's majority. I was curious, what is the percentage of deaf, hard of hearing, deaf blind, if you have a figure of how many, what percentage they make up in the prison system?

TALILA LEWIS: Right. That's a question I get often, and sadly, the answer to that is no one seems to know. And I'll give an example. I did a training for the federal Bureau of Prisons about two years ago now. I do everything for free, I just want justice, right? Like, I have no sticks in the bundle, I think this was during law school, I go down to their headquarters in the District of Columbia, sit with the leaders of each of their departments, about twelve people around the table, everyone's very receptive, and at the end, when I'm providing recommendations, one of those recommendations is precisely what you just mentioned, which makes sense to anyone, right? Like, it doesn't take a physicist to understand that data might be important in trying to figure out how to assess and address these issues. And so I said, well,

you know, the first thing I would recommend is that you all start tracking and indexing and figuring out what accommodations are required for deaf, deaf blind, hard of hearing, and deaf disabled people. And there was silence around the table, and some strange looks, and, you know, what came out of that was, well, do you mind giving us the information that you have, because right now it seems like you might have more information than we do.

Now understand this is an all volunteer organization. All of us have jobs, full-time school schedules. How is it possible that we have more data on the location of deaf, deaf blind incarcerated individuals, than the federal Bureau of Prisons? And that's just one example. Every single state, with the exception of the few who have been sued, really are lacking in this data. And I would say we need to start there. You know, we're funneling people with disabilities into the prison system, why is no one tracking? What does that call into question in terms of us as a society and a nation, and we're comfortable funneling folks there, but once they arrive, you're on your own.

SARIKA MEHTA: Yeah. I do remember from the Al Jazeera documentary that you mentioned, that there was no tracking of the data, and that some of the work that you guys do, which, it does speak to the issue when the volunteer organization is doing the tracking versus the system that's getting a lot of funding, that's a very interesting point to bring up. Because my next question, maybe it's moot now. I was curious how this population compares with inmates who may not speak English fluently, and if their needs are met, if they're receiving interpreting services or how they're treated in the system, and I'm wondering if you have any information on that.

TALILA LEWIS: Yeah. So, I think the issue of communication access is critical across the board. And one thing that people in positions of power do in carceral settings is remove the ability to communicate, you know, some say not purposefully, some say intentionally, from hearing English language learners, that's actually part of this control mechanism, which I think is important to mention. And I'll say that we have had deaf individuals, and there are a couple right now, we found some deaf individuals in ICE detention centers. And it's just compounded, right? And so this is why it's important to talk about intersectionality, because if you were to say, oh, deaf suffer more, or the immigrant community suffers less, that's not where we really want to go. Right? Everything is just compounded when you have multiple marginalized identities.

So for example, the deaf mom, her son was contacting us saying my mom's in an immigration detention facility in California. What can we do? And I said, okeh, well, maybe it's possible, could we find a Spanish speaker who's there who can maybe, he's like no, no, that won't work. So we had to go through a lot of different areas whereas other Spanish speakers who are hearing, even though they're not getting the access that they deserve, they're able to actually communicate with one another and say, dame ayuda con esa cosa, give me some help with this particular thing. Whereas the deaf individual who might not write or read Spanish, can't communicate with anyone and they can't communicate with that deaf individual. And so it's barrier upon barrier, within the prison setting and so judges and advocates, we call it a prison within a prison, because it really doesn't matter what the native family language of the deaf individual might be, or even who you're housed with, because you're still in a situation where nobody is culturally competent and no one is able to communicate with you.

SARIKA MEHTA: It's phenomenally isolating, in a system that's already testing your boundaries and your barriers of what you can take as a human.

TALILA LEWIS: Right. And I think what's sad about the prison system is that all it does is make things worse. We've been taught to believe that punishment, punishment, punishment, we are addicted to this

concept of punishment here in the United States, but what we don't realize is, what we are doing to human beings in prisons systems really speaks more about how we are as a society than it does about them. And frankly, I've learned so much from those who are incarcerated who I support. They are amazing human beings, to be able to suffer through the terrible torture that we place upon them as a society. Again, this is us, it's easy to say, oh, I wasn't there, I wasn't involved in the oppression. And that's what is typical across the board with any kind of oppression or torture or abuse, but no, we have to own this, because we are taxpayers or we are here in the United States, and those of us who are silent on this issue are complicit in the abuse and the violence that our community members are experiencing.

There's no justification for it, and we are actually doing more harm to society than good by submitting to and investing in the carceral system, the prison industrial complex, and by not fighting for those who are incarcerated, notwithstanding whatever they've allegedly done. And we have to also remember that crime is a societal construct, and that's really, really important, and I think, for example, marijuana wasn't a crime, then it was, now it is sometimes, depending on who you are, and the places where it's actually been legalized, brown and black people are still more likely to be incarcerated for it. So when you think about what that means, and when you think about the legacy of slavery and debtor prisons, and mass incarceration, and convict leasing, it's difficult not to make these connections, and for me, as a nation, for us to not have addressed the issue of racism and classism, after hundreds of years, it's really, really heartbreaking, and this is why we are where we are. That is why mass incarceration lives here.

SARIKA MEHTA: That actually brings up a couple more questions, given this institutional history that we have, do you feel that deaf inmates of color are either over-represented in the system or are facing extra barriers? Because we're talking about intersectional identities. And secondly, something else that you brought up in the documentary was that oftentimes, the people with disabilities, the people who are deaf who are in the system, because they didn't have access to the system or things like that, maybe actually you can articulate on that better.

TALILA LEWIS: Yeah. So, I'll answer your second question first, because I think it will answer the first question as well. So the first question was about disproportionality of deaf people of color, whether that's black deaf people, or indigenous deaf people, etc. But the second question are specific examples of, kind of, what I'm actually seeing. Two weeks ago, in the state of Mississippi, a deaf mom and a deaf son went to court. The deaf son was up for a hearing. The sister is hearing, a CODA, child of deaf adults. And she joined them. They had requested interpreters for the son's case. I contact -- they first contacted me seven months ago, so for seven months, consistently, they were requesting from the clerk, please make sure there's an interpreter on the date of this case, my son or I, in the case of the son, am deaf, and we need to make sure there's functional access to everything that's going on. It's a criminal legal proceeding. Your life and your liberty are at stake here.

And they requested several times, and two weeks ago, instead of providing an interpreter, what happened was the judge, not just allowed but I would say forced the CODA to interpret for their brother, during this proceeding. The brother ended up getting time in prison. And before the CODA interpreted, she tried to explain to the judge, I'm not certified, I don't know that many words, I'm not comfortable with this, and the judge said, oh, don't you worry about it, you know, if you get confused, we'll just slow down and you can spell it out for him. And this was two weeks ago. I'm working on multiple deaf wrongful conviction cases, many are from the '90s, yes, but many are also from as recent as two weeks ago. And so that is what it looks like, and the mother knew enough to get a picture of this situation. And what I'll tell you about the picture is the defendant is black, the CODA is black, and every other person in the courtroom, all of those in positions of power, the defense attorney, the judge,

and the prosecutor, and all of the witnesses, all white. And so we have to think about how race actually impacts and plays a role in everything related to the legal system. It can't be separated.

And what we know is that children of color and people of color are more harshly punished for precisely the same behaviors, and that plays a role in who ends up in prison and who doesn't. Of our prosecutors, only five percent are people of color. And so what we're talking about is a problem that is systemic. Prosecutors hold the most power in our criminal legal system. Most people think it's the judge, it's not. The prosecutor decides who to charge, how much time to propose, whether or not to offer a plea bargain. The other thing that's important to note is that 95 to 98 percent of cases are resolved with plea bargains. They never actually see a trial. Most people are pleading guilty for fear of getting these harsh, long sentences for frankly things that they shouldn't be sentenced for anyway. Drug possession, nonviolent, alleged offenses, etc. We really have to rethink and re-imagine what justice looks like. We have to undo our understanding of crime and undo our understanding of punishment.

What we should be looking to do is to create healthy communities through rehabilitation. Our criminal legal system doesn't provide any healing really for anybody. And nobody's talking, well, people are talking about that, but not enough people.

SARIKA MEHTA: Thank you for sharing that story. It's kind of sad how common this is, actually. And I'm just looking at it from an interpreter lens, because we're always fighting to say by, you know, the Americans with Disabilities Act, you have the right to an interpreter, and the court could face a lawsuit for not providing one. But, the reality is very different.

TALILA LEWIS: Yeah. And I have to note this, that yesterday in Texas, Amber Farelly, who is a certified interpreter who's really I think the only criminal defense attorney in the nation who is also a certified interpreter, brilliant, brilliant advocate, both in and out of the court. Amber had requested that a court paid for interpreting services for a client, and a judge actually held Amber in contempt of court for not paying the court interpreter fee, but it's important to note that even advocates are being abused as a result of fighting for the rights of people who justly deserve those rights, notwithstanding the federal law, right, because we know that that's the just thing to do regardless of if a law existed. So even if the ADA wasn't passed back 25 some odd years ago, we would say, oh, you know what, equal access to the courtroom sounds legitimate and it seems like the state should pay for that. But she was literally, she had a contempt hearing yesterday with a judge, threatened her with jail time, for not paying for court interpreting services, and that's where we are in 2016.

And we have to be able to name that, and people need to do something about it. Because we can only do so much as individuals, we're exhausted. Amber and -- we're beat, we're spent. The community's got to really step up and start doing a lot more than we are doing.

SARIKA MEHTA: Yeah, I remember seeing that headline, and looking into that story, and -- it's unbelievable and at the same time, you and I are inundated with this information so it isn't surprising, it's just disappointing. I have one last question that's a little bit unrelated but related. Though you work in the legal system, and I'm an interpreter, and so I always have this on my mind, because neither of us look like our professions, let's just be honest with that. So, the accessibility component of having interpreters present for deaf inmates or for defendants, or whatever the case is. Let's say, hypothetically, on a great day, there was an interpreter available. The fact of the matter is, most interpreters are white women. That's the majority of the field. It's a wide majority. Do you feel that there's anything to be said about the representation, about the interpreters who are working in this legal courtroom law enforcement system? Do you have any comments about that, is really what I'm getting at.

TALILA LEWIS: Oh, I have tons of comments. I'll just speak to this issue, both in the court context and in the prison context, but the broad answer to your question, broad but direct, is representation matters. And it is so critically important that our interpreters are culturally competent, not just in deaf culture, but in the culture of the defendant, the family, the doctor if it's a doctor they're interpreting with. Whoever we're talking about, right? It can't just be, oh I'm certified and qualified in this particular area, legal, medical, science, whatever it is. It's much deeper than that, and I think that it's important that you bring this up, because so often it's missed. It's not discussed. Because again, people in positions of power in the interpreting community are largely white as well.

And I have to mention this right now, my organization had a conversation with the Registry of Interpreters for the Deaf just last week. It seems as though they're working on a policy that they're calling the, I might get this wrong, but it's a policy to vet people with felony convictions out of the profession, essentially. So, they've set up some sort of a policy where a person, an interpreter candidate or person who is like submitting application -- I don't know --

SARIKA MEHTA: For a certification or for a job, or ...?

TALILA LEWIS: For certification through RID. So, whether or not you're a first time applicant or you're just resubmitting your petition to make sure you're in good standing or what have you, they're presenting this policy. And it is so not in line with where we're moving as a nation. Now, as a nation, you've seen that we're moving towards second chances. We're moving toward banning the box.

SARIKA MEHTA: I was just going to say.

TALILA LEWIS: The equal opportunity, EEOC, has issued guidelines on how to reintegrate returning citizens into the work force. President Obama has issued a fact sheet and other information about how we can do better as a nation. Clemency, he's recently approved clemency petitions for a number of folks who are convicted of drug felonies who've been incarcerated for decades, most of them. So that, I mean, as a nation, evolving standards of decency, obviously, are moving in one direction, and folks in positions of power who are not connected to a lot of the issues, who are not on the ground working on most of these issues, seem to be comfortable with making decisions that actually, again, as we were discussing at the beginning of this conversation, go against the grain, and then go against healthy communities.

So what we know as reintegration is what makes our community stronger. Supporting people who are coming home to us is what makes our community stronger. What we also know is that 95 percent of those who are incarcerated are coming home, and right now we have 2.5 million incarcerated people, and 7 to 9 million people on some sort of supervision. And it doesn't make sense to make life more difficult for those, if we're expecting good outcomes for them, and for their families and for our communities. And so I just want to put that on the table as one example of why representation matters. I think if we had solid representation in large organizations that are serving all of our populations, because it's not just within the deaf community, but the disability community, writ large, all of the different disabilities, are having similar struggles, wherein most of their resourced organizations don't have any representation or have very little representation or have token representation of marginalized communities or marginalized voices, whether it's trans people, people who come from lower and middle income backgrounds, people of color, black, and indigenous people, etc.

So I want to speak to that and I want to affirm what your gut feeling is, which is, it's important to have

people who look like your defendant, who sign like your defendant, who know the background and maybe come from the community of your defendant. That's super important. It can't be understated. And the second thing I'll say, I wanted to mention, was about prison. Because interpreting communities are what you've just described, largely white women, but certainly mostly white, there has been what I have seen over the past ten years, a pattern in practice of interpreters or even interpreting agencies refusing to take jobs inside of our prisons. Now obviously, there's, there are issues with prisons not inviting interpreters in, and that's one issue. But we also have prisons and jails where they're saying, look, we need interpreters, and the interpreters in the area are refusing to go, for whatever reason, and we don't even need to get into that.

The impact of that is, prison communities setting up interpreting communities within the prison, which is largely, it's a huge problem, it's very dangerous in many cases, and it's a violation of the Americans with Disabilities Act. In tandem with that, what we're seeing, especially down south, is that a lot of the prisons where the prisoners have not seen community members in years, they've actually developed their own language. So not just like some prison signs, that's one thing, but like, have developed their language, similar to segregated deaf schooling, sign is a living language and of course it's going to be developed in whatever vacuum it happens to be in, whether that's self-imposed, or imposed by society, or imposed by your department of corrections, or contributed to by community members refusing to provide support to those who are incarcerated.

And so there have been instances where prisoners can only communicate with other prisoners, effectively, which would make another prisoner a qualified person, and this is the result of years of neglect by our community, because folks in those large resourced organizations have known we've had prisoners in these locations for decades, for longer than I've been alive, and have still taken no action or very little action, or nothing meaningful, to actually address the fact that our community deserves access. So that's what I'll say to that.

SARIKA MEHTA: Well, thank you for articulating that. It's a really important point. And, it's complicated. I'm not saying it's an easy fix, I'm not saying, you know, oh duh, just go interpret in the prison, I mean, there's a lot that goes behind that, including the qualification, to have the legal language and things like that. It's incredible that, because of that structure not being in place, there's a whole new language being developed in the prisons, and that's putting everybody at risk, and that's a really important point.

TALILA LEWIS: I mean, one more thing. I wanted to speak to, while we're talking about representation, the other super critical representation component that often gets left out is the importance of having certified deaf interpreters or deaf interpreters. So, most of our prison population and many of our defendants actually don't need a hearing person to serve as the only interpreter. What's needed is a cultural mediator who is deaf themselves. And that could, usually a deaf person of color etc. I think we should be having more discussions about that as well. And I don't want to miss an opportunity to share my perspective on that as an advocate who has seen the impact of having all hearing people in the system for so many years that many of the deaf folks who had an opportunity to have equal access didn't, simply because we ignored the hearing deaf component of what representation looks like.

SARIKA MEHTA: I just want to put a pin in this for a second, because I don't want us to leave the interview without talking about HEARD, which is your baby, your organization, and where you put so much of your work, and it's volunteer-based, so, tell us how you founded the organization first.

TALILA LEWIS: So, the short of it is, I was an intern during my undergraduate, my last undergraduate year at the public defender service for the District of Columbia. Amazing organization, some of the best public defenders in the nation. I was responsible at the time for responding to mail from prisoners all across the nation. And, a letter came in from a person who was deaf, and in his best attempts at English he was attempting to say he shouldn't be incarcerated, etc., and I immediately noticed it, went to my boss and said hey, you know, this is a deaf person, they seem to be saying they shouldn't be there. And I remember her saying, oh, wow, they've been writing for years, and handed me this large folder. And I started to look through the letters and he's writing -- I mean, very similar things, and as a person who's in the deaf community, it was easy for me to understand what he was trying to say.

And of course, back then I didn't really know that much about the criminal legal system. I was an intern, just there to learn. But I thought, why not just take a look at it? And I walked to the courthouse and pulled his case jacket, and immediately noticed that law enforcement in the District of Columbia had interrogated him about a heinous crime with a cop who could finger spell.

Now, obviously, if he can't read and write some, I guess at that time, 14 years later, he's been incarcerated since the early '90s. He's still incarcerated, I'm still working on his case. He couldn't read the finger spelling of a police officer, and now you're an interpreter, so I don't have to break that down for you, but obviously ASL is a full language. And it doesn't include actually finger spelling at anyone, it's a full language with its own grammar and syntax and structure. That was the first red flag, and as I kept reading it just went downhill from there. And I couldn't stop myself, I just started investigating this case on my own. I had three jobs, was a full time student, and then this internship, but, you know, when you see injustice, at least when I see injustice, it really consumes me, I can't just sit back and say, oh well, not my issue, oh well, you know. Shouldn't have gotten in trouble, which is what a lot of people say, well, you should have stayed out of the legal system. But that's not really how it happens in most cases.

So I started looking into his case, and I drafted a long memo about why I believed this individual was innocent, started peddling it to law firms, to anyone I could get to, Innocence Project. And what I found was that law firms and innocence projects, as amazing as they are, one, they're really behind, and low resources, you know. Some of the innocence projects are ten years behind on cases because our criminal legal system is so terrible. Right?

SARIKA MEHTA: Yeah.

TALILA LEWIS: And so, and not only that, but when I called they'd be like, oh my god, that's fascinating. What's deaf culture? You know, and I'm like, oh, no. And I get it, but I -- it would require a whole new component added to their repertoire, and I don't think that they were there. And then with the organizations that claim to serve the deaf, they said, oh, you know, kudos to you for taking this on. Understand, at this time, I hadn't even gone to law school, wasn't an interest of mine, but the organizations allegedly serving the deaf said, oh, we don't do prison cases, maybe you should reach out to the law schools in your area. Which is amazingly frustrating and I don't even, I don't want to get into that right now. But, obviously there was a huge gap in what needed to be done, and whether it was for a lack of resources or a lack of will, it wasn't going to get done if someone didn't take the stand and do something.

So I reached out to some community members, interpreters, deaf community, and said, would you all mind helping me start an organization? And kind of the shorter of it is, as I was investigating that case and some other people handed me some other cases as I was investigating that case, that all looked the

same, you could literally change the name, change the year and, I mean, pretty much the same thing. I wasn't able -- I was issuing FOIAs as a concerned citizen, Freedom of Information Act requests against the Federal Bureau of Investigation, the FBI, the Metropolitan Police Department, and some other police departments. And I found that when I was calling, they would say silly things, like, are you an attorney? And I'd say no, no, I'm not an attorney. Are you with an organization? No, I'm not with an organization. And then, oh, we'll get back to you later on on your FOIA request. And I realized I needed to just create something to get movement on just getting information. And it shouldn't be that way but unfortunately that's the nation we live in.

And so that's kind of the combined backstory of HEARD. And it was about three years into me working on these other wrongful conviction cases that we finally set up HEARD, because I realized that really no one was going to be able to do it but for our community. So we are our own savior, and we don't need anyone riding in on horses. We need to, we need support, yes, we need allyship, yes, but we can save ourselves. And what we do need is to dismantle all of these oppressions, and that's a collective movement that's needed. So, that's the backstory of HEARD.

SARIKA MEHTA: That's incredible. You were an intern, and when you take something and run with it, it's amazing what can be done. So, since HEARD was established, can you tell us about either some of the changes you've seen, success stories, or other kinds of challenges?

TALILA LEWIS: One of my biggest frustrations that I think I want to mention is large resourced organizations, whether those are civil rights organizations or disability civil rights organizations, are often not as involved as they should be. They prioritize things that probably could be put on the back burner. They prioritize things that are important to the people in positions of power in the communities that they represent, or claim to represent. And then at the same time, they go about erasing the work of myself and other advocates who are on the ground, which is truly detrimental to the efforts that we've put forward, particularly in light of the fact that we are volunteers.

And I'll give you an example. Obviously I've been working with my organization to rally support for videophones all across the nation. I don't believe there should be a prison setup that doesn't have a videophone at this point. I just think that that's unconscionable in 2016. And so I've been fighting with volunteers, with deaf community members, both in and outside of the prison system. We rallied over a hundred deaf prisoners to actually submit comments to the Federal Communications Commission back in March of 2013. We've rallied the community to submit comments. We've created videos that I've captioned and made accessible to the community to educate people on what's going on. I've submitted seven comments to the Federal Communications Commission, and one community sign-on letter with over 800 signatures. And this is what we called the deaf prisoner phone justice campaign.

And fast forward to this year. A case that happened in Delaware that myself and other HEARD volunteers supported, but we couldn't get support from a large resourced national organization serving the deaf, back in 2014, the Human Rights Commission in Delaware finally came down with a decision in this case, and it was quite a terrible decision. Now remember that myself and other, and the deaf person who was incarcerated, and the deaf person's deaf advocate, and other people, had asked for support from this resourced organization, that didn't even bother to respond.

But fast forward to a couple of months ago, you find their name and photos of their staff in a USA Today article with very weak commentary on the real issues here. And so it's not even just the erasure, but it's the fact that you didn't even put forward the best face for our community. You didn't say that this is completely unfathomable, and here's why, and here are some organizations that have been doing the

groundwork, and here are some deaf incarcerated people who can talk to you more about it, and here are some family members who have been suffering, too.

And not to mention, that happened 20 days before the FCC issued its final order in this case, which had that large resourced organization not erased my work and the work of my organization, we would have been able to speak to that, it would have been in the USA Today. And we don't care about our faces in paper, that's not the point. We want justice, but really what they did was erase four years of effort and work, from community members. We are community builders, we build our community with our hands, and to erase that work, 20 days before the FCC came down with a decision in this case, really set back our community. The entire community. Right? And then to not even recognize that, or to apologize to us or the community, is just really unconscionable, and completely unacceptable.

And that's just one example. I think there's a lot of that going, I know there's a lot of that going on, and not just with us, but with other organizations as well. So that's been the biggest, honestly I think the biggest struggle is large organizations trying to save face. Because my organization is all volunteer, we do make them look pretty ridiculous, to have an all volunteer organization doing what we're doing? It's amazing. I think it shows the power of people, and I think large organizations like to maintain their hegemony over the people, and like to have people continue to kowtow to them, whereas for me, when people contact me and say what can I do, I say, what can you do?

Whereas with these large organizations, it's like, oh yeah, you need us. Yes, contact us. The whole purpose of me setting it up is so we can shut it down. Right? The moment we have justice, we don't need HEARD. And so I think it's a difference in perspective, and heart, and intention. I'm very intentional about empowerment, about making sure others know that it's you who will bring down the system, it's not HEARD. HEARD is really nothing. I mean, we don't have an office. I think that's what's nice about it, when people are like, oh my god, you don't have an office? You don't have staff? Like, how do you do it? I'm like, it's because of people like you, come on, you know, join in. And I think that that's what's powerful about HEARD. That's what makes us unique, that we are not an organization per se. We are the people. And it's really cool. So I think that's the biggest challenge, and the most interesting thing about the organization.

And we have, as far as victories or successes, there's a lot of them, but for me, they're one, not fast enough, and not big enough. So it's the little things, like a deaf person getting batteries for their hearing aid. Like, when you're in a system that is this oppressive, that's a huge victory. I have to fight for months, years in some cases, to get hearing aids for deaf prisoners, to make sure they're not being sexually assaulted. And so a lot of it, one, is confidential, because we can't reveal a lot of it, but two, it's what people on the outside world take for granted, and I call it, I created this concept called Freedom Privilege. So, we know what white privilege is, we know what hearing privilege is, but we often don't talk about what we have, which is freedom privilege. The reason I'm able to fight without fear of retaliation or sexual assault is because I'm not incarcerated. And that's why I work so hard, because Felix Garcia, who does that, or Sam Hart, who does that, or John Wilson, who does that? The retaliation they face is like nothing we can ever imagine.

So it's our duty to do what I'm doing, right, and what my organization is doing. I don't see that as a, there's no way out of that, because this is what we have to do as people of privilege. And I think talking about freedom privilege is really important.

SARIKA MEHTA: Boy, the issue of credit not being given, and how that kind of destroys the cause, is its own episode altogether. I mean, it's .... Another thing that HEARD does that's really cool, this is not

new, but this is something I've seen with a lot of social justice organizations where people are just coming together, fighting for causes, they're using social media as an empowerment tool. So, HEARD hosts Twitter discussions, and you just had one on Wednesday, so two days ago. Why don't you tell us about that, because there's deaf in prison Twitter discussions, and then sometimes about deaf education.

TALILA LEWIS: Yeah.

SARIKA MEHTA: Which, we know that there is a correlation between poor education and imprisonment, but this is another piece of the puzzle that people don't maybe know much about.

TALILA LEWIS: Yeah. So, two days ago, we hosted the second ever #DeafInPrison chat. Over 250 people I think participated throughout the two day span. Of course it was an hour chat, but it was a lot of dialogue prior to, as well. Really great chat. The goal of #DeafInPrison Twitter chats, it sounds like we'll just be talking about deaf incarcerated stuff. Not the case. We discuss deaf access to justice and access to justice for people with disabilities. And again, it begins and ends with, way before even arrest or stopped by law enforcement, it begins with education, begins with inequity in health care access. It begins with all the things that we know lead to a person being incarcerated or having addiction disabilities or having mental illnesses or being homeless, etc.

And it ends with reentry, and community healing. And so we talked about what you just said, actually, the connection between education inequity, lack of access to education, and folks who are incarcerated. So I'm not sure exactly about the percentage, but I think something like 60 percent of our prison population, so not deaf but just in general, 60 percent of our prison population I believe is functionally illiterate. And so, I think that speaks in and of itself to the problem that we have as a nation with not providing equal access to education.

And, Nikole Hannah-Jones has some amazing pieces on integration as the solution. What we know now is that our society now in terms of education is more segregated than before all of the court rulings that allegedly were supposed to be integrating our children's education systems. And so, lack of education lends itself to our kids being funneled into the prison system.

Another thing I want to just briefly touch on is the foster care system. In California, 70 percent of the folks incarcerated there are wards of -- products of the foster care system. So we have to talk about all of these things together. They're completely related. What we know is that deaf children right now, across the board, whether they're in mainstream programs or deaf education programs, deaf residential programs, it doesn't matter. Across the board, our deaf children, deaf, deaf blind, deaf disabled especially, and hard of hearing, are not receiving equal access to critical information and education. Not receiving the supports that they're supposed to pursuant to federal disability rights laws. That is a known, that is a given. But what we often don't discuss, is what is the impact of that? What is the impact of centuries of robbing our deaf children of what they so rightly deserve as human beings, access to education and information.

And what I'll tell you is, the impact of that is deaf, deaf disabled especially, deaf blind, and hard of hearing people being funneled into the prison system, that has no idea what to do once they arrive there. And so I think that, altogether, is what kind of deaf in prison is about, but again, it reaches to kind of outside of deaf in prison, and touches everything else, because HEARD is all about intersectionality.

The #DeafEducation chats, and I want to say one more thing about #DeafInPrison, it's intergenerational

advocacy. I don't really do anything without intergenerational support, so, three of my students, I'm a professor at Rochester Institute of Technology fulltime, that's what I do on the side. And so three of my students, who are also volunteers for HEARD, helped host this chat with me, and it was just beautiful.

Related to that, the #DeafEd chats really came from an idea that I had in my first semester of teaching at Rochester Institute of Technology, which also houses National Technical Institute for the Deaf, NTID, so I teach deaf and hearing students. It's great. But I had this idea, I was like, what if we had a Twitter chat that my students gave their opinions on what is deaf education, what's happening with it? How did they feel growing up, I mean, they're the closest to it, right, without getting to the deaf babies, who are in deaf ed right now, obviously. My students are in deaf education university level.

SARIKA MEHTA: Right.

TALILA LEWIS: But they're so close to it, I was like, we've got to get their opinions. I'm thinking, who do we need to interview about deaf education? Certainly it's not the teachers. We need the children, right? Like, we need our students, we need to know what did do wrong? How can we improve? And that's what I put to them. So I taught them how to use Twitter, and they picked it up so quickly, and we had the first #DeafEd Twitter chat, was hosted by my students, and it was brilliant because they had created vlogs, video logs, of them signing the questions. It was probably the most accessible Twitter chat I've ever seen in my life.

SARIKA MEHTA: Wow.

TALILA LEWIS: They all participated, and had answers, and it was great. And that was the first one. And what happened after that was deaf education teachers contacted me saying, how can we keep this alive? So that was back in November 2014. Then this wonderful deaf education teacher named Heidi Gibbons, in Kentucky, has co-hosted with me the last 13, which started this year, and it's one a month. We can't quite do as much as we'd like. Obviously, we'd have one daily if we could, but we do one a month, and the topics are different, we have different hosts, so we have, for example, Joseph Hill and Andrea Sonnier hosted one on intersectionality and deaf students of color. We had one by an interpreter named David Coin, who, his focus for that chat, it's a #DeafEd chat, but it was on allyship.

We had my deaf students host one, one of my classes this semester, or last semester, hosted one, and it was about, deaf plus is what they called it. They wanted to focus on how deaf are super, super diverse communities. Cochlear implant, hard of hearing, deaf blind, deaf disabled, deaf people of color. It was beautiful, I mean, each one of them had a specific question. That's what deaf ed is about, it's about bringing our community together to discuss these things. And sadly, because information is what's missing in terms of access for our community, many of our community aren't yet on Twitter. So I created and captioned -- like you I get to caption everything on my own -- a great vlog by one of my deaf students, beautiful signer, named Wally. He signed, Heidi and I transcribed a transcript and asked him, why don't you translate this and we want to get a vlog going. Oh, it's just, it's brilliant.

So, we just posted that this week, so you should go check it out and share it with your listeners. But it's in ASL, explaining how to use Twitter, how to be involved in Twitter chats, etc. etc. And it's just wonderful. And so, our hope is to really get more people involved, and right now, #DeafEd is international. So we have deaf ed teachers and students in Saudi Arabia, in the UK, involved during our Twitter chats. And now the hashtag, really everybody's using it. And that was really the goal, right, it's never to, we want to be seen or we want to take over this hashtag, but it's like, how can we get the community onboard and how can we improve this particular area of injustice, really, as related to our

community. So both of them are really great hashtags, I encourage your listeners to use them, to take a look at them, to learn a little bit more.

And the Storify from the #DeafInPrison chat will be out tomorrow. One of the students is working on it. And there are Storifies for each of the #DeafEd chats as well that people can find if they just search them on Twitter.

SARIKA MEHTA: Fantastic. And I'll also post links to all the things that you were discussing, like the Storifies and video blogs that you were posting and everything. I'll link those on the website as well. And also, what were some of the points, or the most salient points, that you maybe remember from, maybe even the most recent Twitter discussion, the deaf in prison that happened on May 11th?

TALILA LEWIS: I think the most powerful points were the personal narratives shared by the participants, and also that participants in other countries said, oh my god, that's just like what's going on here in the UK. Oh, same here in Ireland. So, people from different countries were saying, us too. What can we do here? But there were stories, narratives, about accosted by law enforcement, about not receiving access to defense attorneys, about not receiving access to medicine while incarcerated because no one was communicating with them. And then on the other side of that, related to that, there were stories from advocates and attorneys saying here's how I addressed that issue. One of our board members actually participated. He's down in Louisiana and said, you know, we called upon the department of corrections here to sit down and meet with us. And they did. And when they did, here's what we told them.

And so, sharing the positives, the changes that they've seen, but also seeing what's still going on and how far we have to go. I think all of it together was really the story, and I think the story that we're even saying deaf in prison now. Before we created this hashtag, people wouldn't even mention it, you know, the large resourced organizations are kind of like, oh, those other deaf people. But now, everyone, you don't have an option, you can't just dismiss this because it's so in your face. And I think that just having the hashtag is probably the most powerful thing in the world at this point, as related to this topic. So, yeah.

SARIKA MEHTA: Absolutely. It's, I'm really happy when Twitter is used for these purposes, as opposed to other purposes, if you know what I mean.

TALILA LEWIS: I agree.

SARIKA MEHTA: I really appreciate you bringing that up. And I really appreciate your time. We've kind of touched the surface on a lot of issues, and I hope that we have more discussions as time goes on. Talila Lewis, thank you so much for joining me on Intersections Radio.

TALILA LEWIS: It's been my pleasure and honor, and I look forward to more conversations. Thank you so much.

SARIKA MEHTA: Talila Lewis is an attorney and professor of law in upstate New York, and the founder of Helping Educate to Advance the Rights of the Deaf, or HEARD. To listen to the podcast of this interview, check out IntersectionsRadio.wordpress.com. Visit the same website for previous episodes of this podcast. And, join the Facebook community at facebook.com/IntersectionsRadio.

On a personal note, as I'll be taking a couple of months off for personal leave, I just want to thank all of

you listeners and guests for supporting my podcast. And thank you to XRAY for giving my show a home. While I'm gone, I'm assigning homework. Catch up on the podcast, and let's keep the conversations going over Facebook. Don't worry, I'll be back. I'm Sarika Mehta, and this has been Intersections Radio. Thanks for listening.