



LGBTQ RESTORATIVE JUSTICE AND
THE PRISON ABOLISHMENT MOVEMENT
POLICY OF THE YEAR NOMINEE

10 IDEAS *for* EQUAL JUSTICE

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10 IDEAS FOR EQUAL JUSTICE 2013

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**10 IDEAS
FOR
EQUAL JUSTICE**

Congratulations to
ERIK LAMPMANN
author of
LGBTQ RESTORATIVE JUSTICE AND
THE PRISON ABOLITIONISM MOVEMENT

Nominee for
POLICY OF THE YEAR

You will see pieces scattered throughout this document that connect directly to the Government By and For Millennial America project, the recent initiative from the Campus Network that projects the values of this generation onto the systems of American government, and seeks to imagine and then build an ideal version of what our government can - and must - be. Marked by this logo,



these pieces represent the sort of ideas that fit within the structure our Millennial vision for government. They are focused and specific plans for change that can make government more innovative, more engaging, and more democratic.

To learn more about the Government By and For project, please visit our website www.rooseveltcampusnetwork.org.

THE ROOSEVELT INSTITUTE CAMPUS NETWORK

A division of the Roosevelt Institute
570 Lexington Avenue, 5th Floor,
New York, NY 10022

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INSIDE THE ISSUE



Ending the Exclusion of Drug Felons from Social Service Programs <i>Lucas Dodge</i>	8
Amending the Gender Reassignment Process <i>Samuel Hammond</i>	10
LGBTQ Restorative Justice and the Prison Abolitionism Movement <i>Erik Lampmann</i>	12
Smarter Gun Control <i>T. Garrison Lovely</i>	14
Changing Attitudes and Perceptions: Improving Disability Awareness on College Campuses <i>Elizabeth Schroeder</i>	16
Mandatory Minimum Guidelines & Non-Violent Offenders <i>Patrick Wheat</i>	18
Closing the Gap: Requiring Pay for Interns <i>Rachel H. Whitbeck</i>	20
Prohibiting Parental Rights for Rapists in North Carolina <i>Molly Williams</i>	22
Recognizing Youth Political Power: A Presidential Youth Council <i>Alexander Wirth</i>	24
Monitoring Discrimination in Private Adoption Agencies <i>Rebecca Youngdahl and Brittney Harrington</i>	26



LETTER FROM NEW YORK CITY

The Roosevelt Institute | Campus Network was established in 2004 in response to the deep and pervasive sense that young people were overlooked in the policymaking process – that we could put boots on the ground and donate what little money we had to support leaders that promoted our progressive values, but our ideas, opinions, and priorities were not represented in our public discourse or electoral system. It was this realization and subsequent rejection of the status quo that led to the founding of what is now the nation’s largest student policy organization.

That original purpose has endured as the Campus Network has grown to over 100 chapters. Yet at a recent gathering, one of our top leaders noted that the challenges we face in the wake of the 2012 election are similar to the ones that first brought us together. We are increasingly powerful actors in our public debates, but despite the bold ideas and ambitious agendas we’ve envisioned, designed, supported, and fought for, we are still beholden to a political process more focused on scoring partisan points than moving our country forward.

What emerged from that moment of collective reflection was the recognition of our unrealized potential as a movement. While our members’ student-generated ideas and solutions-oriented action have redefined youth participation in the political process, it will take constant renewal and commitment to fresh ideas, rigorous engagement, and long-term action to achieve what we know is possible.

The 2013 10 Ideas series represents that ongoing effort to build the infrastructure, communities, and platforms that will allow us to realize the vision that was first laid out in dorm rooms across the country eight years ago. This year, our premier journals represent unique ideas from 83 authors at 30 different schools. As they go to press, our members are already translating those ideas into action by initiating petitions, collaborating with local partners and stakeholders, and lobbying on Capitol Hill.

Last year, we proudly presented the 10 Ideas series as a powerful reminder that this generation is not only willing to build a better future, but has already begun. This year, we put these solutions forward to demonstrate that members of this generation are in it for the long haul as part of an initiative that is always growing, always evolving, and always looking toward the future in the pursuit of progress.

Taylor Jo Isenberg
National Director
Roosevelt Institute | Campus Network

WELCOME

We are pleased to share the fifth edition of the Roosevelt Institute | Campus Network's flagship 10 Ideas series. These journals, encompassing the best student ideas from our six policy centers, are filled with game-changing public policy suggestions that we can and must implement now.

We are in desperate need of these ideas. Rising healthcare costs, increasing inequality, global climate change, and a government that often seems unable or unwilling to address the things that matter most are challenges that require the very best and the very brightest.

At the same time, we are told that Millennials are checked out, have lost interest, and are waiting for someone else to solve our problems. These journals are an answer to that narrative, making the clear case that we are engaged and active citizens, putting forward ideas to change the problems we see in the world around us. We believe in the power of people working together to solve problems.

Each year, the 10 Ideas journals provide a vision for change that addresses the needs of our neighborhoods, our cities, and our country. Working with community members, local non-profits, professors, and lawmakers, these student authors have identified the policies that can make the most difference. Yet this journal represents just the tip of the iceberg, with many hours of organizing, researching, fundraising, and developing public campaigns hidden below the surface.

This year's Equal Justice journal showcases the vast range of policy ideas that can fall under the umbrella of social justice. We seek to expand FDR's vision when he said, "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have little." We include a definition of enough that goes beyond simple economic means. From the rights of interns to increasing disability awareness, these ideas improve our society by leveling the playing field for all. One particularly strong theme in this year's journal is the value this generation places on equality for all citizens, particularly LGBTQ individuals. From changing restrictive or exclusory legislation to reevaluating the effectiveness of federal hate crime laws, this generation is working to ensure that everyone can live freely.

Taken on its own, each idea is a simple solution. These journals and the 10 Ideas series taken together are a library of ideas that can help us build toward a more equal, accessible, and community-minded world.

Join us in seeing these ideas realized.

Alan Smith
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ENDING THE EXCLUSION OF DRUG FELONS FROM SOCIAL SERVICE PROGRAMS

LUCAS DODGE, CORNELL UNIVERSITY

Affirming the right of equal access to TANF and SNAP for otherwise eligible felony drug offenders would save money, reduce recidivism and drug abuse, and contain punishment to the criminal justice system.

Temporary Assistance for Needy Families (TANF) and the Supplemental Nutrition Assistance Program (SNAP, formerly Food Stamp Program) are federally funded, state-administered social assistance programs aimed at combating poverty. TANF offers cash assistance and social programs, such as childcare and subsidized jobs to low-income households with children. TANF serves as a “safety net” during periods of unemployment or underemployment and seeks to reduce the dependency of needy parents by promoting job preparation, work, and marriage.¹ SNAP provides low-income households with electronic benefit transfer (EBT) cards to use at point of sale for food purchases. Households receive different monthly allocations depending on income, assets, and disability status.²

KEY FACTS

- TANF and SNAP are federal poverty-alleviation programs administered by the states.
- Since 1996, federal law has mandated that felony drug offenders face a lifetime ban on TANF and SNAP benefits, but it allows states to opt out of or modify the ban.
- Such a ban does not apply to any other class of felony offenders.

Since the beginning of social assistance programs in the United States, economic need and moral character have primarily determined eligibility. Today, this manifests as a lifetime ban on TANF and SNAP benefits for felony drug offenders.³

In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was signed into law. PRWORA mandated that felony drug sentences carry the additional punishment of a lifetime ban on TANF and SNAP benefits; however, states may opt out of or modify the ban.⁴ Since 1996, 13 states have opted out of the ban on TANF benefits and 26 states have chosen to modify it. Nineteen states have opted out of the ban on SNAP benefits, while another 19 have modified it.⁵

ANALYSIS

Disqualifying felony drug offenders from TANF and SNAP eligibility presents three primary issues that can be solved by lifting the ban. First, the current policy blurs the limits of punishment by rendering social assistance programs a tool of the penal system. It expands the length of punishment beyond the end of sentence time and extends the scope of punishment to other members of the household. Consequently, otherwise eligible individuals are routinely denied vital food and economic assistance.⁶ Between 55 and 63 percent of prisoners have at least one dependent child.⁷

Second, restricting felony drug offenders’ access to social assistance programs creates unnecessary barriers to reintegration and rehabilitation, increasing the likelihood of drug

relapse and recidivism.⁸ According to the New York State Bar Association, the restrictions under PRWORA may be the greatest barrier to re-entry that felony drug offenders face.⁹ Since the purpose of TANF and SNAP is to support individuals in their efforts to become more productive members of society, lifting the lifetime ban for felony drug offenders would ensure more successful post-incarceration transitions for these individuals, who may lack steady income. No other class of felony offenders is denied access to these social assistance programs.

Third, the current policy is not cost-effective. Incarceration and social service administrative costs vary among states; however, the former is consistently more expensive. Promoting drug- and crime-free behavior through social assistance programs costs significantly less than re-incarceration. In California, the expenses associated with re-incarcerating one individual are comparable to those of administering EBT cards to 163 households.¹⁰

In California, the expenses associated with re-incarcerating one individual are comparable to those of administering EBT cards to 163 households.¹⁰

TALKING POINTS

- The current policy blends the criminal justice and social service systems such that punishment is extended to additional members of the household and services are denied to those in need.
- Post-incarceration re-entry into society is a difficult process, aggravated by barriers to food and economic assistance. This increases the likelihood of drug relapse and recidivism.
- PRWORA reflects a “tough on drugs” ideology at the expense of objective cost-benefit analysis; it does not save money or prevent drug use.

NEXT STEPS

Congress should repeal the federal law mandating a lifetime ban on TANF and SNAP benefits for felony drug offenders. With bipartisan support,¹¹ it should pass legislation rendering the restrictions null and void in each state. Alternatively, PRWORA could be challenged in a court of law, and the court could then declare it unconstitutional.

ENDNOTES

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4. 21 U.S.C. § 862d(i)(A); See also Legal Action Center (LAC), “Opting Out of Federal Ban on Food Stamps and TANF,” LAC, December 2011, (October 16, 2012), <http://www.lac.org/toolkits/TANF/TANF.htm>.
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11. Democratic lawmakers would support the attempt to make social assistance programs more comprehensive and inclusive. Republican lawmakers would appreciate that such efforts reduce costs in both the short- and long-term, while simultaneously opening up discussion for entitlement reform.

AMENDING THE GENDER REASSIGNMENT PROCESS

SAMUEL HAMMOND, WHEATON COLLEGE

In order to grant transgender people equal rights and ease the transition process, states should not use proof of completed gender reassignment surgery as a requirement for individuals to legally change their gender.

Current laws in all states require transgender individuals to provide proof that they have completed gender reassignment surgery in order to amend the gender on their birth certificates. This law creates obstacles for transgender individuals to alter other forms of legal ID and to receive benefits such as the right to marry a member of the opposite sex and the ability to pass as their new gender. However, the government can modify these laws to allow transgendered individuals to change their gender on their birth certificates with a letter of approval from either a licensed physician or a psychiatrist. This change would allow for greater legal recognition of the transgender population and expand their rights to protect them from potential discrimination.

In April 2012, the Human Rights Tribunal of Ontario ruled that transgendered citizens could change the gender on their birth certificates without completing gender reassignment surgery.¹ The tribunal made the ruling in order to expand and protect the rights of transgendered citizens as well as to allow the government to achieve a more accurate count of the country's population.

KEY FACTS

- Gender reassignment surgery, including therapy and hormone treatments, can cost between \$30,000 and \$80,000.³
- An estimated 52 percent of male-to-female and 42 percent of female-to-male transgender individuals lack health insurance.⁴

ANALYSIS

The current system of laws and regulations requires that transgender individuals have a gender reassignment surgery before they can change their gender status. This requirement is a significant barrier for many because the surgery is expensive. The American Society of Plastic Surgeons estimated that a completed sex reassignment surgery, including the operation, therapy, and hormone injections, would cost between \$30,000 and \$80,000.² The decision not to undergo surgery is often defined by factors outside of personal preference. Many transgendered youth are cut off from their families and their families' health insurance, and many transgendered citizens cannot afford or are forced to delay surgery as a result of high costs and lack of medical insurance. Thus, because of these legal requirements, low-income transgender Americans are disproportionately barred from having their birth certificates match their gender identification.

A birth certificate that reflects the gender identification of a transgender citizen is critical to using other government benefits. Many different forms of identification, such as a passport, are based on the birth certificate. The government can help to streamline a complex process and accurately represent the lives of its citizens by altering how individuals can have their correct gender legally recognized. Transgender citizens need to work closely with both physicians and psychiatrists before they can begin the long process of sex reassignment. These physicians and psychiatrists are in a position to make a

well-informed and professional evaluation of when a patient is ready and able to have the gender on his or her birth certificate legally changed.

Legally changing their gender would allow transgendered individuals to marry members of the opposite sex and obtain all the legal rights that entails. Changing this policy would also increase transgender individuals' rights and safety by protecting them from potential discrimination. Many pre-op transgender individuals face the possibility of stigmatization and discrimination when their legal IDs reflect a gender that is different from how they present themselves.

TALKING POINTS

- Many individuals are unable to have a gender reassignment surgery or must delay the procedure because of the costs and risks of the surgery.
- Requiring individuals to complete gender reassignment surgery in order to change the gender on their birth certificates creates a huge barrier to passing as their gender, getting married, and changing other forms of legal ID, such as passports and driver's licenses.

NEXT STEPS

The decision to alter the process of amending a birth certificate can be made on either the state or federal level, so elected leaders in both divisions should amend existing law to allow a transgender individual to change his or her birth certificate based on a letter from a licensed physician or psychiatrist.

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LGBTQ RESTORATIVE JUSTICE AND THE PRISON ABOLITIONISM MOVEMENT

ERIK LAMPMANN, UNIVERSITY OF RICHMOND

Queer movements should deconstruct the role of hate crimes legislation that entrenches the prison-industrial complex and advocate instead for restorative practices that strengthen communities, protect LGBTQ constituencies in the long term, and avoid violent penal procedures.

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 formed the cornerstone of the Obama administration's commitment to LGBTQ people. The Act criminalized targeted violence or harassment of individuals based on their gender identity, sexual orientation, and disability status.¹ Acknowledged in the mainstream media as a sign of a changing "cultural climate" for queer people living in the United States, the Act became law after a decade of sustained activism and lobbying by LGBTQ people for the additional protection provided categories like "race, color, religion, or national origin."²

Society must come to the defense of victims of homophobic and racist violence. However, the implementation of this brand of hate crimes legislation fails to destabilize the dominant logic around punishment, rehabilitation, and ingrained bias. Instead, it reinforces the logic that violence administered through imprisonment under hate crimes legislation will eradicate prejudice.³

Yet the criminal justice system has been fighting violence with violence for decades to no avail. Incarceration rates continue to increase,⁴ and the prison system still engages in structural violence against many already marginalized people. It disproportionately incarcerates queer people, people of color, and other oppressed groups. The advent of the modern prison-industrial complex (PIC)⁵ has only exacerbated this problem.

It seems intuitive that a just penal system would avoid re-populating these unjust prisons rather than support their expansion. The question then becomes how to engage best with offenders of biased and homophobic crimes. This can be done outside of the PIC through another paradigm: the field of restorative justice,⁷ a practice that engages offenders, victims, and their personal networks in sustained, constructive dialogue and community-building after an incident.

ANALYSIS

Instead of inflating prison populations, society must seek to understand the ways that violence is perpetrated against queer people. The Act reads: "A prominent characteristic

KEY FACTS

- Restorative justice is the practice of promoting healing and mutual understanding between offenders and victims as an alternative to incarceration.
- Opposing forms of oppression and structural violence necessitates that queer folks also oppose the PIC and its effects on hate crimes offenders.
- The use of restorative justice as an alternative to incarceration has been overlooked by Congress and mainstream activist groups.

of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.”⁸ Congress understood this bill to be its first attempt to engage communities damaged by bias and violence. It’s time for Congress to do more, to develop new tools to combat prejudice and reform the prison system. This is not to say that the brutal executions of Matthew Shepard or James Byrd, Jr. should be forgotten, rendered less significant, or co-opted. Rather, it is to say that the saying, “Crime wounds ... Justice heals”⁹ requires a new form of justice, one that refuses to incarcerate more and more Americans, combats the roots of prejudice, and heals our communities.

NEXT STEPS

Progressives must approach hate crimes as the result of a broken civil society. To make progress on the issue of prejudiced crimes, we need to expand crime prevention measures within communities to build social solidarity. This means expanding funding to programs that offer community centers, voluntary associations, schools, and individuals the budgets necessary to have difficult conversations on intersectionality, justice, and social justice. Secondarily, this means investing in alternatives to incarceration at the level of sentencing (such as the UK pilot practice of offender-victim dialogue¹⁰), actions by activists against zero-tolerance policies in school discipline, and developing community autonomy during those periods without hate crimes.

TALKING POINTS

- Hate crimes legislation like the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act does not protect queer communities. It condemns offenders to a broken prison system instead of bringing a community together to address the root cause of this violence.
- Efforts to promote community healing through restorative justice stand a better chance of interrupting the cycle of violence and incarceration that characterizes prejudiced hate crimes.

ENDNOTES

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3. Impressive work on the need to call structural violence into question is largely found within radical queer circles. The Against Equality collective is an example of one organization currently engaging in these vital discussions. (<http://www.gayrva.com/news-views/queers-against-equality/>)
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6. This term is used to describe the increasing privatization of public prisons and the myriad of effects the conflation of the ‘common good’ and profit margins have on the roots of incarceration, the perpetual rise in prison construction, and the treatment incarcerated people receive once transported to “correctional facilities.”
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SMARTER GUN CONTROL

T. GARRISON LOVELY, CORNELL UNIVERSITY

In order to prevent the accidental gun violence that stems from a lack of regulation and education on gun safety, a comprehensive licensing process should be required for legal purchase and use of a firearm.

Born out of the Second Amendment, civilian gun ownership is integral to the history and identity of the United States. With 88.7 guns per 100 Americans,¹ the U.S. ranks highest in the world for civilian gun ownership.² A 2011 Gallup poll estimates that 47 percent of U.S. households own a gun,³ while a 2012 estimate from the National Rifle Association states that the number of “privately owned firearms in the U.S. [is approaching] 300 million.”⁴ In the minds of many Americans, exercising one’s right to “keep and bear arms,” whether for protection or recreation, represents an act of patriotism.

Accidental gun violence caused over 800 deaths and over 32,000 injuries in the U.S. in 2011.⁵ Survey data reveal that an estimated 3.3 million children in the U.S. live in households with firearms that are kept loaded and unlocked.⁶ In nearly all reported unintentional shooting deaths of children, the gun was stored in or around the home of the victim.⁷ Only four states require that gun owners first procure a license.⁸ In most states, it is more difficult to obtain a driver’s license than to legally possess a gun.

KEY FACTS

- Gun owners who received gun training from the National Safety Council were less likely to store the gun unlocked and loaded.
- On average, states with Child Access Prevention (CAP) laws see a 30-40 percent reduction in unintentional shooting injuries and deaths among children and adults.

The Brady Handgun Violence Protection Act of 1993, which relies on the National Instant Criminal Background Check System (NICS) to ensure that firearm purchasers are law-abiding citizens,⁹ and the now-expired Federal Assault Weapons Ban (AWB) of 1994, which prohibited the manufacture of certain semi-automatic weapons for civilian use,¹⁰ have not conclusively been found to have had any impact on gun violence.¹¹ Previously manufactured assault weapons were “grandfathered in” by the legislation, and purchases of assault weapons increased significantly before the ban was implemented. In addition, the NICS that the Brady Act relies on “lacks much of the required background information.”¹² In the wake of the Virginia Tech shooting, Congress passed measures to improve the NICS database on those with mental illnesses.¹³ Little other progress has been made within the last decade; however, the tragic Sandy Hook shooting has provided the impetus for reform.

ANALYSIS

A comprehensive and uniform licensing system for civilian gun ownership, requiring a NICS background check and demonstrated proficiency in firearms safety, should be implemented at the federal level, as firearm purchases regulated by state firearm laws often result in interstate inconsistencies. Classifications similar to those required to operate different types of vehicles should also be applied to a licensing process for the legal purchase and use of firearms. In the U.S., approximately 96 percent of all privately owned

firearms fall within the following categories: 34 percent handguns, 36 percent rifles, and 26 percent shotguns.¹⁴ Under the proposed licensing system, each class of firearm would require specific training on proper usage and storage techniques. State and local authorities would enforce the use of locks and safes, especially in households with children.

Child Access Prevention (CAP) laws, which hold gun owners responsible if a child gains access to a firearm that is not stored securely, serve as a model for the proposed licensing system. One study shows that CAP laws correlated with a reduction in unintentional shooting deaths of children by 23 percent within a four-year period.¹⁵ The proposed licensing system, however, goes a step further than existing CAP laws by first requiring a background check in addition to demonstrated proficiency in firearms safety. The proposed licensing system would help reduce the total number of deaths resulting from firearms.

TALKING POINTS

- Accidental gun violence led to over 32,000 preventable injuries and over 800 deaths in 2011.
- Proper training and safety measures will lessen the negative effects of civilian gun ownership in the U.S. while increasing the positive ones.

NEXT STEPS

Congress should implement federal firearms laws that emphasize training and safety measures. In each state, a comprehensive licensing process, similar to that required to obtain a driver's licenses, should be required for the legal purchase and use of firearms. The implementation of the proposed licensing system should coincide with increased access to government-subsidized training programs on proper usage and storage techniques for each class of firearm. Effective training programs already exist, and gun owners have many public and private options. Training programs that demonstrate improvements in firearms safety would be accredited, and successful completion of an approved program would be required for licensing. Furthermore, Congress should establish a broad public education campaign to inform gun owners of the importance of keeping firearms locked and unloaded as a protective measure to reduce accidental gun violence among children and adults.

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CHANGING ATTITUDES AND PERCEPTIONS: IMPROVING DISABILITY AWARENESS ON COLLEGE CAMPUSES

ELIZABETH SCHROEDER, UNIVERSITY OF NORTH CAROLINA - CHAPEL HILL

North Carolina's General Assembly should pressure its state universities to require on-line disability awareness modules for new students and faculty to combat ignorance toward people with disabilities.

People with disabilities are more integrated into society than ever. However, most people still lack the training necessary to understand how to interact with and perceive those with disabilities in a way that gives them the respect and sense of inclusion they deserve.

Significant legislation—the Architectural Barriers Act (1968), the Individuals with Disabilities Education Act (1990), and the Americans with Disabilities Act (1990)—has decreased discrimination against people with disabilities.⁴ Recent legislation has especially attempted to alter social perceptions of people with disabilities; Rosa's Law (2010) replaces “mental retardation” with “intellectual and developmental disabilities” in federal legislation.⁵ However, many people's attitudes remain unchanged.

While programs like Best Buddies and Special Olympics have also changed perceptions of people with disabilities, their audience is limited. Students who attend schools without special education programs or are homeschooled often lack the interactions with people with disabilities that lead to more respectful attitudes. As a result, many students begin college unsure of how to treat people with disabilities. University faculty often face similar gaps in training.

ANALYSIS

Widespread ignorance regarding such a large portion of the population is unacceptable. Many people lack the means to increase their disability awareness, which leads to discomfort with—and contributes to misunderstanding and marginalization of—people with disabilities.⁶

Expanded inclusion of people with disabilities in education and the workforce makes increasing disability awareness in the general public all the more salient. 46 percent of people with some type of disability in America are currently working, and that percentage is expected to continue rising.⁷ University students—future educators, political leaders, and employers—therefore have a significant stake in fostering respect for people with disabilities.

KEY FACTS

- Over 50 million people in America have a disability—16 percent of the population.¹
- Offending people with disabilities remains common, especially among younger generations: a recent study found that 92 percent of youth have heard others use the word “retarded” in a flippant manner. 86 percent of these instances were by peers.²
- Disability training workshops for university faculty, employers, and students have been positively correlated with more positive attitudes toward, and more comfortable interactions with, people with disabilities.³

NEXT STEPS

Universities are increasingly using online modules to educate students. More than 500 universities now use AlcoholEdu, an online alcohol abuse prevention program.⁸ Its cost efficiency and ability to reach many students makes it ideal for quickly and inexpensively spreading awareness. This method should be used to educate students on other pressing issues, like disability awareness.

North Carolina's General Assembly should pressure state universities to implement such a module for new students and faculty, which should include sections that:

1. Summarize common intellectual and developmental disabilities—focusing on what people with these disabilities are capable, not incapable of—and recent legislation helping those with disabilities.
2. Encourage use of “people first language,” which emphasizes putting the person before the disability (i.e. “she has a disability” instead of “she’s disabled”).⁹
3. Give strategies for interacting with people with disabilities in various settings (workplace, education, etc.).

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TALKING POINTS

- Ignorance about respectful behavior toward people with disabilities leads to insensitive use of language and potential discrimination.
- Online disability awareness modules could significantly change societal perceptions of people with disabilities.
- Online modules could be produced and distributed inexpensively to state-funded universities in North Carolina.

MANDATORY MINIMUM GUIDELINES & NON-VIOLENT OFFENDERS

PATRICK WHEAT, UNIVERSITY OF GEORGIA

Georgia courts should directly sentence non-violent offenders to resolve any problems of unfair sentences under mandatory minimum guidelines.

Mandatory minimum sentencing laws, the first national sentencing guidelines in the United States, were enacted with the passage of the Anti-Drug Abuse Act of 1986 to establish prison terms for drug-related crimes. With the implementation of mandatory minimums, many states adopted “three strike” legislation, which meant individuals convicted of three or more serious offenses would automatically be sentenced to 25 years to life in prison. Georgia implemented such a law in 1995.¹ In 2010, approximately 60,000 inmates were housed in Georgia prisons, with each inmate costing an average of \$50,000. A national commission established in 2010 advocated reexamining mandatory minimums to reduce the prison population.² In 2012, Georgia started easing the fiscal burden of mandatory minimums by passing HB 1176, a bill creating new categories of offenses so that nonviolent offenders could be placed in rehabilitation programs instead of prison.³

ANALYSIS

Mandatory minimum guidelines can result in excessive punishment for minor crimes, as in the case of Santos Reyes, a citizen of California who was charged with two counts of non-violent burglary and applying for a driver’s license under a false name.⁴ Under the Three Strikes Law in California, Mr. Reyes was sentenced to 26 years in jail. This is excessive considering the minor crimes for which Mr. Reyes was convicted. In 2010, the total prison population in Georgia rose by 843, bringing the total to 53,562.⁵ With passage of HB 1176, Georgia legislators accepted the fact that a new approach is needed to lower the state’s prison population and costs. To truly address the fiscal and judicial flaws of these sentencing guidelines, the court system needs to be able to address each case individually, with mandatory minimum guidelines revised to allow for the courts to assign fair sentencing in every case.

KEY FACTS

- Georgia allocates 1 out of every 17 dollars of state taxes to the Department of Corrections, at a cost of approximately \$1.5 billion annually.
- As the national average of prisoners dropped for the first time in 40 years, Georgia continued to add prisoners, bringing the total number of inmates to over 53,000 - many of whom are imprisoned for nonviolent offenses.

NEXT STEPS

The first step to realizing this goal should be the continued implementation of HB 1176, as it is the first step to building a justice system that gives fair sentences to every case. The second step is the establishment of a state commission to examine remaining mandatory minimum sentencing guidelines not addressed by HB 1176. The third step taken should be the creation of legislation allowing the state of Georgia to revise minimum sentencing for offenders based on the recommendations of the state commission. Ideally, this would include exemptions under state law from federal sentencing guidelines, allowing judges

to make a fair and appropriate ruling in each case. The state should also invest the funds freed up by a smaller penitentiary program to expand the number of justices serving in the courts, allowing them to hear more cases. By following these recommendations, the government can reduce spending and effectively address crime while establishing a fair justice system.

TALKING POINTS

- Georgia can implement a smart justice system by letting judges decide sentences for individual cases instead of using mandatory guidelines.

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CLOSING THE GAP: REQUIRING PAY FOR INTERNS

RACHEL H. WHITBECK, NEW YORK UNIVERSITY

To combat the widening opportunity gap between people of different socio-economic levels, New York State should establish a requirement that businesses pay at least minimum wage for all interns.

In 2010, 50 percent of internships were unpaid.¹ Many professions require applicants to have had relevant experience, which often takes the form of unpaid full-time internships, a luxury that many students cannot afford. This disparity in opportunity prevents many talented young professionals from entering high-skilled, high-pay professions.

Congress passed the Fair Labor Standards Act (FLSA) in 1938, requiring employers to pay a minimum wage to all workers except volunteers who work “solely for humanitarian purposes.” Despite qualifying for minimum wage under this standard, interns are denied compensation, which affects them economically by forcing students to forgo taking a summer job. And although interns qualify as employees under the FLSA, unpaid employees are not protected under Title VII of the Civil Rights Act, which prohibits workplace discrimination.

Furthermore, as a result of the Supreme Court case *Walling v. Terminal Co.* (1947), the U.S. Department of Labor defined six provisions that must be met in order for companies to legally deny pay to an employee that they are training. Most companies fail on 2-3 of those provisions—intern training is often dissimilar to vocational school curricula, interns often displace employees, and employers often gain immediate advantage from taking on such interns. Thus, companies should be obliged to provide pay.

KEY FACTS

- 1-2 million people participate in internships annually.⁹
- By refusing to pay interns, American corporations have withheld an estimated \$124 million annually in wages.

Some progress has been made on an ad-hoc basis, as when the architecture industry collectively decided to pay its interns.² However, despite the inequity and illegality of unpaid internships, the problem continues as a ubiquitous and accepted part of professional life.

ANALYSIS

Failing to pay interns also exacerbates the damage caused by high unemployment, as companies replace lower-level positions with internships. For example, interns comprise up to 50 percent of the staff at Disney World.³ In 2009, the top 10 firms in the U.S. planned to hire 26,000 interns—26,000 positions filled by unpaid workers.⁴ By refusing pay for these workers, American corporations are withholding a conservative \$124 million in compensation.⁵ Ross Perlin estimates the number to be closer to \$2 billion.⁶ Meanwhile, unpaid internships for academic credit force students to pay for school while working for free, benefitting corporations and universities at the expense of the student. These internships are also illegal under the FLSA, but failures to uphold the standards

discussed in that act mean that unpaid internships are still the norm. Students performing as interns for companies that engage in commerce ought to be paid.

To make any serious effort to address the class gap, it is clear that minimum wage must be awarded to all workers, including interns. While corporations may claim that such policies would force them to drastically reduce their internship programs, research has shown that such complaints are likely unfounded. For example, mandating equal pay for women in 1963, though protested by corporations, did not have an appreciable long-term effect on female participation in the labor force, which increased from 40.8 percent in 1970 to 53.6 percent in 2010, during the height of the recession.⁷⁸

NEXT STEPS

The New York State Assembly should first define what an internship is and then enact a bill that provides legal protections to interns. Companies must be required to pay minimum wage to interns regardless of whether they earn academic credit. A one-year exemption could be provided to new businesses. Compliance could be ensured by requiring annual employer reports documenting pay.

TALKING POINTS

- Unpaid internships are already illegal under the Fair Labor Standards Act of 1938.
- Paying interns would help narrow the class gap by allowing working- and lower-middle-class people to enter professional careers.

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PROHIBITING PARENTAL RIGHTS FOR RAPISTS IN NORTH CAROLINA

MOLLY WILLIAMS, UNIVERSITY OF NORTH CAROLINA - CHAPEL HILL

Prohibit convicted rapists from obtaining custody or visitation rights for children fathered through rape in North Carolina by implementing legislation modeled after bills passed in 17 other states.

As of 2010, a majority of states provided no protection for rape victims who carry their pregnancies to term.⁷ Current laws regarding rape in many states originate from a history of discriminatory denials of a woman's legal right to equality and are perpetuated by societal myths surrounding rape.⁷ As a survivor of rape, Shauna Prewitt says, "in a rape case it is the victim, not the defendant, who is on trial."⁵ There are 32,011 pregnancies from rape each year² and about 10,307 women who decide to carry those pregnancies to term. In 31 states, including North Carolina, the rapists can assert the same custody and visitation rights that other biological parents enjoy.²

ANALYSIS

In North Carolina, victims of rape also become victims of the legal system. Because of stereotypes about these victims, many people assume that no woman desires to raise a child conceived in rape.⁵ However, about 185,526 choose to raise a child conceived in rape every year.² If the woman chooses to raise her child, she may be forced to share custody privileges with her rapist, ensure the rapist's access to the child, and foster her rapist's relationship to the child.⁴ Most states, including North Carolina, have little or no protection in this regard for rape victims who carry their pregnancies to term.¹ Unfortunately, the adoption process is often not a better option, as women are forced to obtain their rapist's consent to place the baby up for adoption.¹ These problematic policies are also costing taxpayers in North Carolina because the state subsidizes the costs of attorneys, therapists, supervisors, probation monitoring, and court hearings that accompany a rapist seeking custody. Bills passed in 17 states - Alaska, California, Connecticut, Delaware, Idaho, Illinois, Indiana, Maine, Montana, Nevada, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, South Carolina, and Wisconsin - provide a progressive alternative by requiring that men convicted of rape lose their custody and visitation rights.⁶

KEY FACTS

- There are an estimated 32,011 pregnancies from rape each year.²
- Of the female rape cases in 2010, 25 percent of perpetrators were strangers, 48 percent were a friend or acquaintance, and 17 percent were intimate partners.³
- 32.2 percent of rape victims who are impregnated choose to keep the pregnancy and raise their children, 50 percent abort, and 5.9 percent place their children up for adoption.²
- In North Carolina and 30 other states, rapists can assert certain custody and visitation rights.⁴

NEXT STEPS

North Carolina should use the aforementioned bills, specifically those of Idaho, Oklahoma, and Pennsylvania, as models to introduce legislation that would achieve similar goals. Idaho Code Section 16-2005 states that the "court may grant termination of pa-

rental rights as to a parent who conceived a child as a result of rape.”⁶ According to Oklahoma’s Statute Annotated Title 10 Section 7006-1.1, the court “may terminate parental rights if the child was conceived as a result of rape.”⁶ Finally, in Pennsylvania, Consolidated Statute Annotated Section 2511 states “father’s parental rights may be terminated if child conceived as a result of rape or incest.”⁶ It is essential for North Carolina’s policymakers, as well as policymakers in the remaining 30 states allowing parental rights to rapists, to understand the magnitude of these unjust policies and pass legislation to protect victims of rape and their children.

TALKING POINTS

- Under current parental custody and visitation policies, rape victims remain connected to their rapists through their child.⁵
- North Carolina needs legislation that limits the parental rights, specifically those of custody and visitation, allowed to rapists.
- The bills passed in Idaho, Oklahoma, and Pennsylvania provide excellent models for a legislative solution in North Carolina.

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RECOGNIZING YOUTH POLITICAL POWER: A PRESIDENTIAL YOUTH COUNCIL



ALEXANDER WIRTH, HARVARD UNIVERSITY

When young people from youth councils across the country were first brought together, one of the first things asked was, “we have a model that works great locally; why don’t we have it nationally?” This question comes at a time when young people are shaping politics in our country. Currently, there are 104 million Americans under the age of 24. According to Tufts University, these young people decided the 2012 election,¹ comprising 19 percent² of the electorate. Despite this, the Harvard Institute of Politics reports that only 29 percent of young Americans believe they have a say in what the government does.³ It is time to change this and empower young people with a Presidential Youth Council that would do three things.

ANALYSIS

First, the Presidential Youth Council would serve to collect and share the views of the 104 million Americans under the age of 24.⁴ Council members would conduct listening sessions and analyze polls done by Pew, CIRCLE, and the Harvard Public Opinion Project to produce one comprehensive report outlining the issues that matter to young people. This would assist policymakers by giving them an unbiased perspective on the issues their young constituents care about.

KEY FACTS

- Only 29 percent of young Americans ages 18-29 believe they have a say in what the government does.
- There are over 104 million Americans under the age of 24.
- In 2012, young people comprised 19 percent of the electorate. According to Tufts University, they decided the election.

Second, the Presidential Youth Council would serve as a sounding board for policymakers in the design and implementation of youth policies. This would make the federal government more efficient and effective because young people know what works for them and what doesn’t and what they need and don’t need.

Finally, the Presidential Youth Council would take on a major issue every year that affects the long-term future of the country and produce a set of bipartisan recommendations on how to solve it. This would provide policymakers with guidance on how future generations would solve problems and give young people an in-depth understanding of those problems. The process encourages both young people and adults to seek compromise.

NEXT STEPS

The council would be comprised of 24 members between 16 and 24, half appointed by Democrats and half by Republicans. Council members would be selected from a pool of young people nominated by the over 400 youth councils in cities and states across the country.

Recognizing that our nation is facing a tough fiscal climate, the Presidential Youth Council would be privately funded. The estimated cost for the council is between \$500,000

and \$1 million dollars. The Campaign for a Presidential Youth Council has already received a \$50,000 grant from the Knight Foundation and has approached a number of other funders.

Funding for the council itself is the most important next step. It will be essential in convincing the administration this is an idea worth pursuing. In addition, the more members of Congress we have calling for such a council, the more legitimacy the proposal has.

There is already buzz in Washington, D.C. about creating a Presidential Youth Council. Over 100 youth-serving organizations, the White House Council for Community Solutions, and 13 senators and representatives from both parties have endorsed the proposal.⁵ Despite all of the adult support, young people remain the campaign's leaders, designing how youth representation in the federal government should look.

It is time for such a council to be created. Young people showed up in force in the 2012 election; now it is time for us to gain a seat at the table.

TALKING POINTS

- Young people deserve a seat at the table and the opportunity to help shape the future of our country.
- The Presidential Youth Council would create shared recommendations on issues that affect the long-term future of our country.
- The Presidential Youth Council is designed after a proven local model existing in over 400 cities.

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MONITORING DISCRIMINATION IN PRIVATE ADOPTION AGENCIES

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To ensure that government funding is allocated to adoption agencies that prioritize children's well-being, Virginia's state government should collect histories from all of the state's private adoption agencies to identify agencies with patterns of discrimination against qualified parents.

In 2012, the Virginia State Legislature passed Senate Bill 349, allowing Virginia adoption agencies to refuse to place a child in any home due to moral or religious objections.¹ Supporters of SB 349 believe the bill protects private agencies' right to act based on personal and religious values, but instead it denies children the opportunity to be placed in a home with qualified adoptive parents who identify as LGBTQ simply because agencies may discriminate based on ideological bias. Ultimately, children within the system feel the brunt of this discriminatory policy; in 2011, 38 percent of 1,338,000 domestic U.S. adoptions were private.²

KEY FACTS

- Over 1,300 children in Virginia are in need of homes.³
- 38 percent of domestic adoptions in the U.S. are private.²

To reduce the number of rejections of qualified prospective parents and increase the number of children placed by private agencies in Virginia, the Virginia State Senate should amend SB 349, also known as the "conscience clause," which permits agencies to refuse placement if applicants' lifestyles are in conflict with the agencies' beliefs. The amendment should require the Department of Health and Human Resources to investigate discriminatory behavior by a private adoption agency prior to awarding them government funding or grant money. This will not force an adoption agency to change its behavior, but instead ensure that the government is not funding discriminatory institutions.

ANALYSIS

SB 349 negatively impacts adoption-eligible children awaiting loving homes. Minority and disabled children and those older than six years are often hardest for agencies to place. According to a 2011 report by the Evan B. Donaldson Adoption Institute, "gays and lesbians are more likely than heterosexuals to adopt older, special-needs and minority children." A survey done of LGBT adoptions at over 300 agencies showed that 10 percent of children placed were older than six, 25 percent were older than three, over 50 percent had special needs, and 60 percent of LGBT parents adopted across races.⁵ Denying LGBT applicants reduces the likelihood that all Virginia children, but particularly those often difficult to place, will find good homes.

The Virginia Department of Health and Human Resources should create a standardized evaluative form for agencies to complete following each acceptance or rejection of potential adoptive parents. The form should collect demographic data on applicants including race, ethnic background, religion, age, gender, and sexual orientation. Any patterns of preference or prejudice that arise in the demographic data collected would then be

taken into consideration by the Department of Health and Human Resources when deciding where to allocate government funds and grant money.

The financial benefits to Virginia would offset the costs of this program. According to the Williams Institute, federal and state governments spend \$43,844 per year for every child who remains in the system. It is estimated that allowing all qualified parents to adopt would save hundreds of thousands of dollars.⁶

This amendment would not constrict the religious freedom of private agencies. Private adoption agencies reserve the right to place children in accordance with their beliefs, but the non-religiously-affiliated state government should not use taxpayer money to support these agencies over those that approve parent applicants based solely on legitimate qualifications.

TALKING POINTS

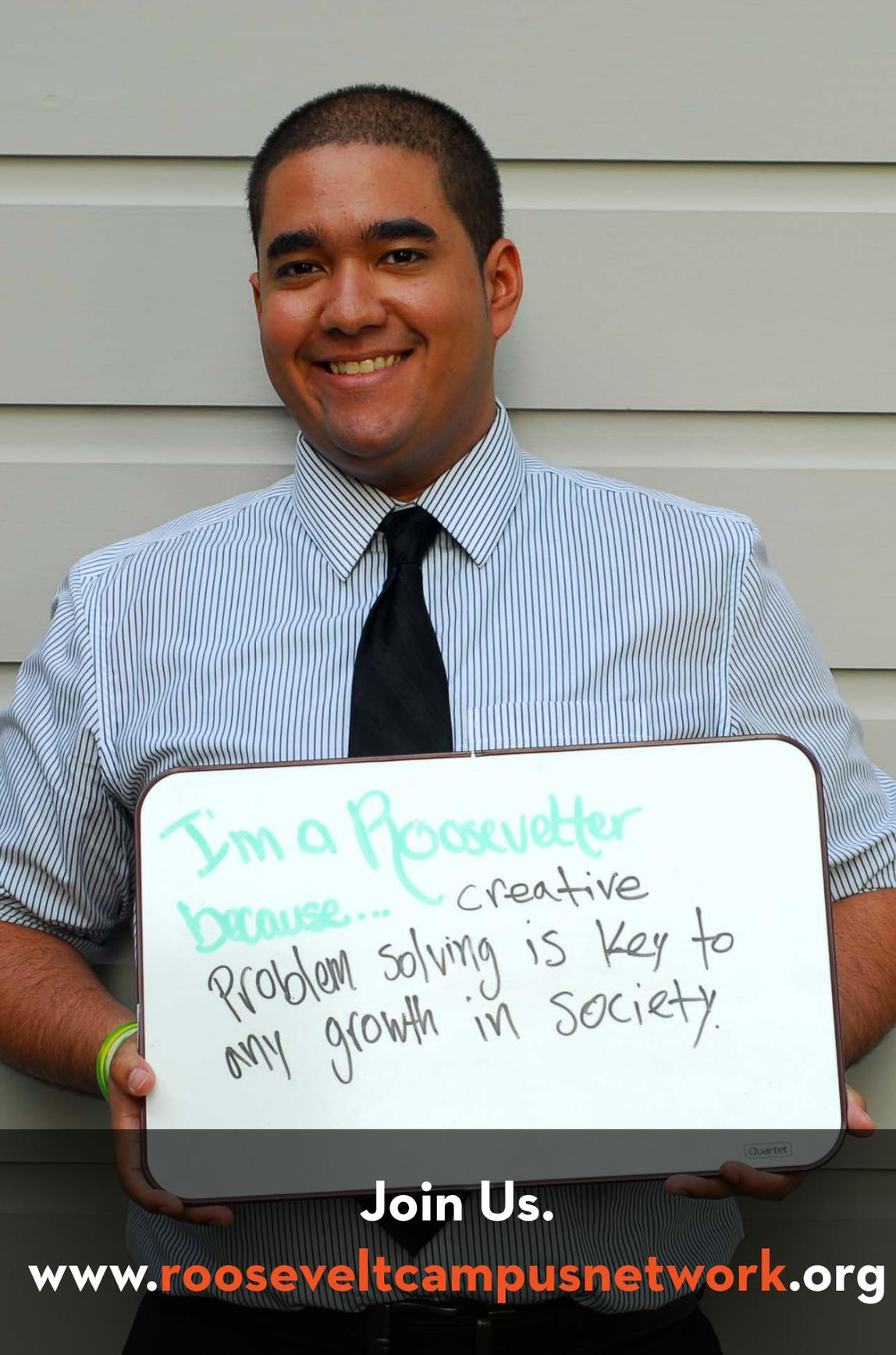
- Virginia Senate Bill 349 allows private adoption agencies to use religious convictions to discriminate against LGBT parents and deny homes to children in need.
- Government funding should be allocated to agencies most concerned with children's welfare, and LGBT prospective parents have proven to adopt many children who are often harder to place.
- SB 349 should be amended to allow the state government to collect detailed demographics of each accepted and denied candidate in order to monitor discrimination occurring in private adoption agencies. If discrimination is occurring, that adoption agency should not be eligible for state funding.

NEXT STEPS

The Virginia State Senate should amend SB 349 to allow the government to monitor private adoptions agencies' reasoning for approving and denying potential parents. The agencies' histories would be collected through a government-issued form, to be created immediately, tracking the demographics of prospective parents. The data collected would inform the Department of Health and Human Resources of which agencies are making logical, unprejudiced decisions, allowing the government to take this into account when deciding which agencies will receive grant money and funding.

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A man with short dark hair, wearing a light blue and white striped dress shirt and a black tie, is smiling and holding a whiteboard. The whiteboard has handwritten text in green and black ink. The text reads: "I'm a Roosevelter because... creative problem solving is key to any growth in society." The brand name "Quartet" is visible in the bottom right corner of the whiteboard.

I'm a Roosevelter
because... creative
problem solving is key to
any growth in society.

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