

**COLUMBIA
HUMAN RIGHTS
LAW REVIEW**

**Vol. 45, No. 3
Spring 2014**

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ISSN 0090 7944

COLUMBIA HUMAN RIGHTS LAW REVIEW

Vol. 45, No. 3

Spring 2014

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TRANSCRIPT OF APRIL 26, 2013 SYMPOSIUM
KEYNOTE DISCUSSION BETWEEN EVAN
WOLFSON AND OLATUNDE JOHNSON

O. Johnson¹: This lunchtime session is an invitation to think critically about strategy. Before we accomplish anything around law and policy, and political change, there is always that moment in which someone tells you that it's impossible-that you can't actually change a narrative that quickly. And so the thought behind having Evan Wolfson come talk to us was to really think about whether we could draw lessons from a movement which has seen considerable success in the last few years. Evan Wolfson is the founder and president of Freedom to Marry, the campaign to win marriage equality nationwide. He is the author of several books. He has a Wikipedia page, which may even be correct. I don't know if you have people who correct it occasionally, Evan. Time Magazine named him one of the 100 most influential people in the world. So we're very lucky to have him as our lunchtime speaker, and when he was asked to speak, he was asked to really help us to dig deeper into strategies. How do you make progress around a difficult issue? How do you use litigation? How do you frame goals? How do you use multiple strategies and interact with other forms of political mobilization. So with that I'm going to turn it over to Evan, and I just thought I'd

1. Olati Johnson is a Professor of Law at Columbia Law School where she teaches legislation and civil procedure, and writes about modern civil rights legislation, congressional power, and innovations to address race and poverty in the United States. Select publications include *The Agency Roots of Disparate Impact* (Harv. C.R.-C.L. 2014); *Beyond the Attorney General: Equality Directives in American Law* (N.Y.U. Law Review 2012); *Stimulus and Civil Rights* (Columbia Law Review 2011), *The Last Plank: Rethinking Public and Private Power to Further Fair Housing* (Penn. Journal of Constitutional Law 2011); and *Disparity Rules* (Columbia Law Review 2007). From 2001 to 2003, Professor Johnson served as constitutional and civil rights counsel to Senator Edward M. Kennedy on the Senate Judiciary Committee and prior to that, Professor Johnson worked at the NAACP Legal Defense Fund (LDF) where she conducted trial and appellate level litigation to promote racial and ethnic equity in employment, health, and higher education. She graduated in 1995 from Stanford Law School and from Yale University in 1989. After law school Professor Johnson clerked for David Tatel on the U.S. Court of Appeals for the D.C. Circuit and then for Justice John Paul Stevens on the United States Supreme Court.

throw out a general question: What can this right to housing movement, a very different context from gay marriage, learn from your effort and from your successes?

E. Wolfson²: Well thank you very much. It's good to be with you. I'm going to talk a little bit, but then we should have a dialogue so that you who are the real experts in your field of right to housing—something very important and something I'm not an expert in—can take what applies and discard what doesn't apply. You can best figure out what insights you might want to draw from our experiences, rather than my sort of guessing what the best insights are for you. So let me just start with that caveat, that number one I am not an expert in housing. You are, and so I look forward to hearing from you and your drawing from what I have to say.

My second caveat is that although we have had, as Professor Johnson said, enormous success of late and truly do now have irrefutable momentum in our quest to end the exclusion of gay couples from marriage—momentum not only in the United States but now globally—we are far from finished. We have in the United States as of this week ten states where we've won the freedom to marry, but that leaves forty of course where gay couples are still denied the freedom to marry. We have as of this week seventeen countries on, as of last week, five continents where gay couples can share in the freedom to marry... up from virtually zero a little more than a decade ago. Wonderful momentum, wonderful progress, quite inspiring and important for couples all around the world. But obviously seventeen countries out of 200 something is still plenty of room to go.

2. Evan Wolfson is founder and president of Freedom to Marry, the campaign to win marriage nationwide. In 1983, Wolfson wrote his Harvard Law School thesis on gay people and the freedom to marry. During the 1990's he served as co-counsel in the historic Hawaii marriage case that launched the ongoing global movement for the freedom to marry, and has participated in numerous gay rights and HIV/AIDS cases. He earned a B.A. in history from Yale College in 1978; served as a Peace Corps volunteer in a village in Togo, West Africa; and wrote the book, *Why Marriage Matters: America, Equality, and Gay People's Right to Marry*, published by Simon & Schuster in July 2004. Citing his national leadership on marriage and his appearance before the U.S. Supreme Court in *Boy Scouts of America v. James Dale*, the *National Law Journal* in 2000 named Wolfson one of "the 100 most influential lawyers in America." *Newsweek* / *The Daily Beast* dubbed him "the godfather of gay marriage" and *Time Magazine* named him one of "the 100 most influential people in the world." In 2012, Wolfson received the Barnard Medal of Distinction alongside President Barack Obama.

And I guess the third caveat I want to give is that although in our dialogue today, and maybe with questions from you, this Freedom to Marry campaign is kind of trotted around as some kind of model of success for all the other movements we care about. But let me assure you for most of the work—work that is not even still finished yet—it’s been much more of a muddle than a model. So it’s going to sound very logical and clear and clean—and I do think we do have lessons and successes for colleagues and partners to draw on. But our work is far from finished, and far from perfect, and it was never as neat as it may sound theoretically. Now, having said all of that, let me just give a little bit of an answer and then we’ll go into Q and A that will help tease out more.

E. Wolfson: So what has the Freedom to Marry movement, and the Freedom to Marry campaign—of which I am the founder and president—what have we done well? What is it that I think we do have an example to offer? I think the first and probably most important is that in Freedom to Marry — the organization I head, and in the Freedom to Marry movement that we have generated now around the world — we have employed and sharpened and stayed with what I think of as a “**ladder of clarity**.” A real hierarchy of clarity that has informed what we want to do, what we’re encouraging others to join us in doing, and what we need to do so that we can then hold ourselves accountable, fill in the gaps, and figure it out.

So what do I mean by a hierarchy of clarity? I mean first and foremost we put forward a clear goal, the **vision** of what we want, and we worked to make sure it was a vision that would be inspiring, that would be empowering. And putting forward that vision with clarity is very, very important, because the prerequisite for success is to get people to believe you can succeed. And then the prerequisite for maintaining that success is to be able to know how you’re doing as you go along and adapt as you proceed. Having put forward a very clear vision that reframed the narrative, that changed peoples’ understanding of what was possible, enlarged it, and summoned people to the cause, everything else we needed to do has been able to flow from the clarity of that vision, that goal of what winning is. If you can’t say what winning is in a way that the people you’re seeking to get into the work can understand, then it’s very hard to rally people and motivate people to do the work. If you can’t define how we know when we’ve won, then you may be doing a lot of great work, but it’s not work that’s going to get you to the goal you may have in your heart.

So from that first rung of vision on this ladder of clarity we then said, okay if that's our goal what is the **strategy**? And we thought long and deep and hard about what were the elements, what were the access points, what were the things that needed to happen in order to win the freedom to marry, in order to end the exclusion of gay couples from marriage? And not to spend a lot of time on the freedom to marry because we're here today to talk about cross-movement lessons, but let me just give you a brief example, or a brief summary of what that strategy is.

In order to win the freedom to marry we asked ourselves—how are we going to do that? Well the answer is that social justice movements, civil rights progress like this in the United States, succeed when at the end of a patchwork struggle one of two national actors brings the country to national resolution. Those two national actors are most likely the Supreme Court and sometimes Congress. So the entire strategy that we then developed was what do we need to do, what's the foundation we need to lay, what's the climate we need to create that will empower one or both of those national actors to bring the country to national resolution? Now neither of these two actors does the right thing at the beginning of a movement. These movements take years, decades, sometimes centuries. So we understood that the strategy required thinking about what we needed to do in the end game—getting the Supreme Court or Congress—to finish the job, and would therefore have a long middle and first game as to laying the foundation to get them to do it.

The short answer is in order to have that happen, in order to have the Supreme Court or Congress do the right thing, a movement such as ours, and likely such as yours, has to achieve (1) a critical mass of states that have moved in the right direction, and (2) a critical mass of public support that together create the climate that inspires more elected officials and judges and ultimately justices to do the right thing. So working back from that we said, how are we going to mount a strategy? What is the work we have to do in order to achieve that critical mass of states and that critical mass of public opinion?

Now this is not a secret strategy, this is not some brilliant thing we just made up. This comes from the lessons of social justice movements such as ours. It's on our website, we call it the Roadmap to Victory.³ The Roadmap talks about the interlocking tracks of work

3. <http://www.freedomtomarry.org/pages/roadmap-to-victory>

that we need to proceed on—synergistically, not sequentially—in order to create that climate for the ultimate national resolution.

Working down from strategy on this ladder of clarity we then said, what are the **vehicles** we want to pursue? What are the particular opportunities for action on these tracks of the Roadmap to Victory that will achieve the critical mass of states and the critical mass of public support that will set the stage for the Supreme Court or Congress to act? And by vehicles I mean things like how do you win X, Y, or Z state? In this state it might be a litigation-centered strategy, in that state it might be a legislative strategy, in this other state it may require defense against the anti-gay assaults. The anti-gay forces (in order to solidify the discrimination we are challenging) not only had the discrimination embedded into the law, but over the last fifteen or so years have mounted a radical un-American strategy on their side of actually cementing the anti-gay discrimination into constitutions in order to prevent the normal political branches and the normal judicial action from applying. So we had to fold in defensive strategy as well as the need to proceed affirmatively, but all with the strategic insight that wins trump losses. That you may take some hits, but if you have your vision, if you have your strategy, if you have your vehicles for moving forward, building that critical mass of states, engaging the public in a way that grows the public support—that momentum of winning will pull you through the inevitable hits you will take along the way.

And finally on this ladder of clarity of vision, of strategy, of vehicles, the bottom rung is **action steps**. The more specific, the more concrete, the more compelling you can make your calls to action for your stakeholders, your colleagues, your litigators, your lobbyists, your activists, your public that needs to be telling their stories—the more you can create the tools and specific actions as to how people can do something that will help advance a vehicle right up that ladder of clarity—the more likely you are to win.

And although again this sounds very clean and logical, and now perfectly laid out, we obviously developed this and pursued it in an imperfect way—but I think with a great deal of relative success. And I think it is the key to the success. Let me mention a few other elements and then we'll turn to questions. I'll keep these briefer and we can elaborate on them if you want.

So I've talked about this ladder of clarity and the elements of it. Freedom to Marry also has built a **campaign model**. We have constantly set our eyes on a prize, a goal, and built a campaign to

achieve it. And that's not only the movement with all kinds of players, and organizations, and partners, and now allies, and others stepping in—which nobody runs but becomes an organic thing in and of itself. But rather, driving that movement, guiding that movement, generating that movement is an organization, a central campaign that is going to go out of business when this is done—even when many of the other partner organizations who are doing important pieces will remain. But they're multi-front, multi-issue, multi-constituency. Freedom to Marry has one goal, one constituency, one front, and is able to focus and catalyze and drive. We're able to look for where the gaps are and fill them. We're able to make sure that the battles don't start from scratch. We're able to share the lessons learned in this state with that state, in this court case with that court case and so on. We've brought those **central capacities** to the challenge of framing the message and delivering the message through diverse messengers in a way that has built that public support. And we functioned as a funding engine, we've worked hard to raise the money not just for my own organization and the campaign, but for the various players and partners in this work in order to make sure that no matter whose watering-can the funding goes through, the field is getting the water.

E. Wolfson: This campaign has delivered what I've called the **4 multi's**; that is to say it has been multi-year, multi-state, multi-partner, and multi-methodology. It brings together the various organizations with their respective pieces into the mix, all in furtherance of the same strategy, operating in many states and on many fronts in an affirmative, sustained effort over more than a quick-gratification timeline. We have made sure to fill in the gaps and deploy litigation, public education, direct action, lobbying and legislative work—all of what Dr. King called the methodologies of social change—to make sure that they're all working as much as possible and in reinforcement of each other, in furtherance of a common strategy.

Our strategy has been **both federal and state**. We've understood that the work needed to achieve what we seek in Congress or the Supreme Court is shaped by, as I said earlier, progress in the states. And at the same time, the conversation you have in the national dialogue helps create a climate in which you can achieve your wins in the states.

The campaign has been **non-partisan and inclusive**. We've worked hard in fact to bring in conservative voices, business voices, Republican voices—and I think you've all seen the success and shifts that that has brought along. And we have worked hard, despite our

own sometimes cranky, personal impulses, to welcome people in—even people who maybe should have been there earlier, or got it wrong before they got it right, or aren't with us on all the other things we necessarily care about as people and as activists. Our goal here is to bring whoever will come in for furtherance of the goal.

So let me just sum up by saying: I think that you have to do two things when you put forward the vision and the strategy that follows from it. You have to get people to hold two thoughts in their head at the same time. First, you have to put forward a vision, you have to make people believe that this change, this call to justice, this rise to fairness is possible and will happen; because that's what inspires people to come. You have to convey that we can win, we will win, we are winning. And at the same time you also have to be trickily careful not to make people think it's "inevitable". Because then it leaves out the part where they actually do the work. It's not impossible, and only in the grandest historical sense is it inevitable. The truth is it's here where we do the work and we are winning, and will win if we do the work.

O. Johnson: We can all agree that this was an incredibly powerful presentation, and I want to move from that and to dig deeper into it by asking you about some of the messiness that this effort probably entailed and how success comes about. So one set of questions I have are: how do you engage players at all levels? At lunch, I was sitting at the table with someone who works on foreclosure prevention issues in Brooklyn and she was saying that these are issues that are very important for her organization and for her in terms of housing and the right to housing. But she's also doing her day-to-day work, so how do you engage participants at all levels? A part of that question is also that there are various players in any of our movements around civil rights who may want to have a different kind of strategy. So it sounds like a neat sort of agreement towards a campaign, but I'm sure there were a lot of challenges involved. How do you actually engage all of these different players given this complexity?

E. Wolfson: I know that it may sound neat and clear, it was not neat, it was not uniform. It still isn't done. But I think what made it succeed to a relative degree was, first of all, a lot of repetition. I mean we had tons of meetings. At an earlier point, back in my hair days, I was called "the Paul Revere of marriage" because I was going around the country talking to anyone who would listen, saying, "Marriage is coming, marriage is coming. We have the opportunity to win this." In speech after speech after speech, in

meeting after meeting after meeting, in coalition convening after convening, I would pull together people and reach out to them to really explain much of what we just talked about very briefly today.

What really pushed this movement into action, embarking us on the course that we're now seeing globally, was, the freedom to marry case in Hawaii during the 1990's, which launched this ongoing global movement. And as co-counsel in that case, I could always leave the room knowing I was going to go and keep pushing it anyway. Whether people agreed or disagreed, I had the credibility to come in and lay it out.

The power of the vision, and the persuasive and persistent delivery of the notion that it was attainable and that this was what was going to happen more or less, did prompt people to think anew, embark, and ultimately begin to get the strategy and want to be part of it in some way. Now that didn't necessarily mean that they signed on with this organization or this campaign, or even formally said "I agree with that strategy." But the repetition and the engagement, and then the success of the work as it unfolded—whether people got it or not—all reinforced an understanding of the strategy. So then more players were able to bring their pieces to the work, regardless of whether they were formally committed to the strategy or not. The strategy got imbibed, understood, and then perpetuated. At the same time, more and more players—both funders and advocate organizations, and then ultimately allies as well—did actually begin to expressly get their strategy, and see their role, and their importance, and bring their piece to the table.

I would say the other part is that we worked hard to create a mechanism that would enable everyone to share in the glory. To bring their part to the table. To be able to be part of the strategy and the campaign, again whether formally or informally, whether smoothly or not smoothly. It didn't matter that, for example, I am sure there are many people in this room who have never heard of Freedom to Marry. That's because we haven't spent a lot of time trying to brand or promote just for its own sake. We're just as happy if people understand that in New York we pulled together a coalition that didn't have anybody's name, New Yorkers United for Marriage. Or that in Rhode Island which we won two days ago, or was it yesterday—I'm losing track.

Audience 1: Congratulations.

E. Wolfson: We built Rhode Island United for Marriage, and it was all about creating the opportunity for everyone to bring

their part to the table, without refusing to acknowledge their need for involvement, credit, engagement, leadership and so on, but hopefully having imbibed and understanding the strategy.

O. Johnson: Yeah, that's very helpful. Next, I'm interested in the role of litigation. You just spoke briefly about the Hawaii case as kicking this effort off. And you've talked about the importance of multiple methodologies, which I hear is a sort of lesson from a range of social movements—a lesson you really internalized in this campaign and part of what you see as making it effective. But what do you think the contribution of litigation is in your campaign, as you reflect back? And then also, how do you make sure that litigation is connected to these other kinds of forces, and the litigators act like they are connected to these other kinds of forces?

E. Wolfson: Yeah, I mean litigation is extremely important. It was the driving engine of the campaign. It's what first turned this from a dream that people may have had, but had been taught to believe was unattainable, into something that began to seem attainable. I got leadership cachet from being the co-counsel on the Hawaii litigation. Indeed, the world changed because we had the Hawaii litigation, where we won for the first time ever a court ruling saying the government has to show a reason for this exclusion—exclusion that had been rubber stamped in the first wave of litigation right after the Stonewall Riots.

Stonewall was 1969; by 1971 there were three cases brought by couples in different states challenging the denial of marriage. So gay people have been fighting for the freedom to marry since the dawn of what we erroneously think of as the beginning of the modern gay rights movements with Stonewall. And yet the first wave was too early. It didn't succeed because we hadn't yet created this critical mass of discussion and broken the silence around gay people.

The second wave of freedom to marry litigation, propelled primarily by Hawaii, had a very different course. It was that litigation there that began to get people to think we could win. Once we delivered that message and began creating the opportunities for people to plug in and engage, people could bring political organizing, the all-important conversations in public opinion engagement, and the other methodologies into what was at that point still very much a litigation-centered strategy.

But as successful and pivotal as that transformative, galvanizing Hawaii litigation was, it wasn't enough. In the Hawaii case we won in the courts; we won the 1993 Hawaii Supreme Court

ruling saying the government has to show a reason. The case was sent back down to trial, and in 1996 we had the world's first trial on what reason there is for excluding gay people for marriage. We won that trial. The judge found there was no good reason. What happened next, however, as the case began making its way back up for what all experts believed was going to be affirmance by the Hawaii Supreme Court—given that there was no reason for the denial—is that the anti-gay forces poured millions of dollars into a 1998 campaign to amend the constitution of Hawaii and prevent the courts from ruling.

So the lesson that was learned there, ten years before Proposition 8, was that if we're going to succeed, litigation—vital and crucial as it is and absolutely valid and legitimate as a tactic, a methodology of social change—must be accompanied by political organizing and public education: framing the narrative, bringing the political piece into the mix alongside the reasoning piece. Bringing the persuasion and emotional piece alongside the logical piece, adding the other methodologies alongside litigation, that was what led to the creation of Freedom to Marry and my effort to have a mechanism that would help make all that happen. And again Freedom to Marry doesn't do everything, hasn't done everything, but has made the space, mechanism, coordination, and the call to a common strategy that has enabled those pieces to come in alongside the continuing important litigation.

O. Johnson: Yes, I wanted to shift to a question about how you choose a narrative and a frame and a message. You said, for instance that Freedom to Marry didn't brand itself, but I think that the phrase has a lot of public resonance. As I was walking here today I saw one of the many ads that bombard us as we go through Time Square, and it said "freedom." And immediately imprinted in my brain was to marry. Right? It's been a very successful branding. But you were also playing on messages about freedom that are pervasive in our culture. Another one is equality. Marriage equality. So how did you choose a frame and a narrative? And what lessons are there for others?

E. Wolfson: You're absolutely right. And absolutely, putting forward a narrative, thinking of the words that will compel others to speak up, is essential. At the same time we often put a lot of emphasis on these kinds of discussions on "message," which is important, and tend to neglect "message delivery," which is really important. Getting people to talk with others—whether they use quote-unquote or the exact right words or not—is more important than just the words themselves. That said, the words, the delivery,

and the messengers together can obviously be a very mighty force in growing public opinion. We went from 27% supporting the freedom to marry in 1996, when I was doing that trial in Hawaii, 58% of the American people supporting the freedom to marry today. That's in just seventeen years. That is breathtakingly fast, although in our daily lives it is painfully slow. Public opinion change obviously is the climate creator that enables more and more of these elected officials to do the right thing. So a short answer to your question is that we put a lot of time and energy into message and message delivery, making the case, and most importantly encouraging everyone to make the case to the people they can most effectively reach.

A good example of how important that was came a few years ago in the wake of Proposition 8, when Freedom to Marry regrouped after that painful loss in California, and really looked at what we had been doing. How had we won or lost battles going back several years? We pulled the data sets we could get, we crunched some eighty-five to 103 different data sets from different campaigns. We thought about our experience in talking to tens and hundreds of thousands of people across the country. And to make a long story short, we determined that though the case we'd been making and the language we'd been using had been effective in growing from people thinking this was something they never thought about (and never would happen, and it didn't even make any sense) not that long ago, to a near majority by 2008 – though we'd come that far, there was still a slice of people who were reachable but not yet reached, and that whatever we were saying or doing had not yet gotten them. So what could we do more effectively to make the case in a way that they would be motivated?

What we found was that in talking so much about the legal consequences of being denied the freedom to marry and the justice arguments—legitimate and valid and compelling as they are to many of us—there was a slice of people for whom that did not resonate. The justice argument for them did not answer the question why should gay people have the right to marry? They agreed in theory that gay people should not be treated unfairly, but they didn't understand: why marriage? So we dug deep and really worked hard to identify which parts of our case we could better highlight that would reach those people without stepping on our own delivery of the message with other parts of the case that were valid and compelling but didn't move them.

And if you now think back on it you will see that there has been a shift in the movement and how, happily, now the national dialogue talks about it. Several years ago it was more of a justice and

abstract principle kind of case. Now when people talk about it, it's personal—it's about love and commitment and family, and treating others as you'd want to be treated. And those are all valid—not spin or just “messaging”—that is truly what the core of this has always been. But we realized we needed to do a better job of delivering it, and Freedom to Marry first cracked that code and put that forward. Then we reached out and have worked hard to propagate that emphasis, that frame, through all the different messengers so that now people talk about it naturally. That's how they have come to think about it, but we helped create that rethinking of how best to explain it.

The most compelling example, if you want to think from your own experience, was when President Obama last year talked about how he had moved on the freedom to marry. He didn't speak as a lawyer or constitutional law scholar, or even, particularly, as president; he explained his journey, his “evolution,” in ways that were personal and authentic, and thus compelling. He talked about his daughters, Malia and Sasha, and how they had talked with him and helped change his mind. That's how we have encouraged ourselves and others to make this case because that's what it's about: It's about love and commitment and family. We need to talk about it that way because then people, who in their own lives consider marriage important, can now come to understand that gay couples have the same aspirations.

So that's an example of how as a movement we worked strategically and focused—through research, analysis, and through delivering this information to as many different voices as we could (in order to generate an echo chamber of delivery in a drumbeat of message and explanation that would encourage more and more people to talk about this)—on a way that would move the next swath of people we need it to move.

Now a lot of this is detailed in a really excellent article that *The Atlantic Magazine* did last year.⁴ I mean it spoke very highly of Freedom to Marry so of course I love it. But I actually think it's the best independent, in depth analysis of how a campaign like ours was able to succeed in some very important victories last year. It was by a reporter named Molly Ball in *The Atlantic Magazine*. It talks in much more detail about what I'm describing here.

4. ADD LINK: <http://www.theatlantic.com/politics/archive/2012/12/the-marriage-plot-inside-this-years-epic-campaign-for-gay-equality/265865/>

O. Johnson: Okay, so I have a final question before I ask all of you and open it up. You mentioned other countries, and I wonder how the international and global context played into all of this. How, did you use international law? Also were we in the United States leading or following? How did the international context hurt and help in this conversation?

E. Wolfson: Right, well obviously every country is different. Every country has its own culture, its own language, its own legal context, and so on. And the political and legal mechanisms for success—the vehicles as I described them earlier—are different in fourteen of the seventeen countries that we've won. There, marriage is determined by law at the national level. Parliament passes a law and that does that, or in a handful of countries the, the judicial system can do it. Not every country has the same rigorous judicial review that we have. So each country is different, and three of the seventeen are federal systems where we have now won the freedom to marry in some parts of the country but have yet to achieve the national victory that we achieved a few days ago in France.

So as a legal, political, and strategic matter each one is different. What is common though is the kinds of case you need to make, the way you need to explain this. The kind of climate you want to create, the generating of the personal conversations, the talking about families, telling stories, making it a question of empathy and connection—that has been a successful strategy that we have been able to share with our colleagues who then know best how to adapt and implement that in their particular countries.

International law has not yet played a significant role in any of these victories, though undoubtedly, as we begin to hit – again—a critical mass of victories in Europe, there will be renewed attempts. So far we haven't succeeded at invoking European community law and human rights standards with regard to mobility and respect cross border. Now that we've won France, so far the most populous country we've won nationally, I expect that there will be more engagement. We're working hard to win the freedom to marry in Britain at least before the end of the year. And obviously we're working hard to win more ground here in the United States. So that momentum continues, and at some point there will be international law mechanisms that will come into play. But I think in the same way, you have to make that happen by working to hit a critical mass.

O. Johnson: All right, so let's open it up. Do you want to start here in front?

Audience 2: I know that you said that you're not an expert in housing, but I was up in Albany working on rent stabilization law the year that it got passed. And we were told by the governor's office: I'm sorry yours is gonna cost, the marriage proposal is gonna cost. The other thing is that I'm not sure that the populations that we're talking about working with have as much money and capital as some of your communities. Some have, but not all. So raising money is a little bit more difficult. But the real issue here is that the questions we're raising in the housing movement have to do with the very essence of this society, which is private property. And so you're really coming up against something. I'm not saying that the prejudice against the right to marry isn't also a fundamental Christian part of this and had to be overcome. But this monetary issue seems, in my opinion changes it somewhat. Maybe you don't see it that way.

E. Wolfson: When you say "the monetary issue", I'm not sure what you mean. Do you mean the monetary issue as in the communities you're serving are not as well funded, or do you mean the fact that there are greater financial stakes in securing the right to housing?

Audience 2: The latter.

E. Wolfson: Well, first of all, I do absolutely think that just because certain things have worked in one movement or on one question in furtherance of one strategy, that doesn't necessarily mean everything automatically goes to the next one. Even within the gay rights panoply of things we care about, marriage is not the only thing that matters. I do believe that there has been no more compelling ground shifter and door opener than the fight for the freedom to marry. But we still have to have strategies and work to end employment discrimination, and to secure safety and support for youth and seniors, etc. There is no one thing that automatically does everything.

And I think you're right—that in some ways the stakes on both sides have a very different balance. When gay people win the freedom to marry, we're not going to use up the marriage licenses, and no one is going to have to marry a gay if he or she doesn't want to. So in reality a core reason for our success and a core element of the strategy has been to remind a lot of people that they don't care.

So I agree with you that it's not an automatic transfer from one to the other, but I do think there are elements that you might be able to take to heart. For example: though the economic stakes balance is very, very different, on the other hand in some ways yours

therefore is very, very important to a lot of people—and something people ought to be able to connect with if you’ve made the case powerfully and successfully enough. The right mix of stories, the right mix of engagement, and stories that don’t only make it a case of “us the privileged” and “do we want to throw crumbs to a few who are unfortunate?” You have to find a way, as we did, of making this a common concern and a common engagement. And it may not be the exact same pattern as ours, but I think the challenge is still applicable. Likewise, there are big financial interests that you are fighting against—I agree with that. But we had very entrenched interests who have great resources to draw on—that whether or not they’re the same you know, real estate capital interests, huge investment in a power structure, the subordination of women, or the disparagement of gay people—and were willing to, and have been willing to put their resources into question as well. So yes, it’s different. But I think there are commonalities. And most importantly, I think that what your movement needs to do is to better command the narrative that summons more people to action by appealing to their own values of justice, compassion, and treating others as you want to be treated—so that people don’t feel it’s this giant all or nothing / “how do I even begin to deal with something so big?” situation. I think this is part of the challenge and I’m guessing it is part of the challenge you may face. So again, I don’t think it’s one-size-fits-all, but I think there are lessons to be learned.

O. Johnson: All right.

Audience 3: I have a short question. Evan, first of all thank you for that wonderful description of your campaign. I think we can draw some lessons from it. My question has to do with the name of the campaign: Freedom to Marry. That immediately grabbed my attention, and I wonder if you can speak to that. I noticed you did not choose “right to marry”. We’ve been talking about the right to housing. Freedom in some ways has negative connotations in our world because of the stigma of people living on the street because it’s their lifestyle choice or because they like it. That’s at least what comes to my mind, so I wonder if you could talk a little bit about the choice of “Freedom to Marry”. And understanding that you’re not an expert on housing and on our world, but do you have any thoughts about “rights” versus “freedom”, or how it goes from the question of messaging? And maybe can you talk a little bit about how you came to that naming?

E. Wolfson: Well again, we’re about to talk about words, and I’m happy to do that cause I do think words are very

important—but I really want to underscore that even more important than words is message delivery, engaging people, and getting more people to reach the people around them. No one campaign and no one organization is going to be able to be the most effective ambassador to everybody. You've got to get the multiple voices. And the most important elements of delivery are authenticity, connection, and compelling arguments—armed with useful information and, hopefully, some good words.

So with those principles in mind, I chose “Freedom to Marry” because I think “freedom” does really speak powerfully to deep American values and is also true to the legal victory we sought to achieve. The Supreme Court cases have talked about the freedom to marry and about that freedom to marry as a fundamental freedom. And because marriage is preeminently about choice and commitment, it seemed to be the right language. And also because I always knew that this was not just about making the people who already agreed with me feel good—this was about finding people who don't yet agree and helping them to see it in values they embrace and understand.

Much of the time that I've been in this work—whether when I was co-counsel on the Hawaii case and working at Lambda Legal, or building this Freedom to Marry central campaign to push past the successes and failures of the 1990's—people have known me to tell them not to call it “gay marriage.” “Don't talk about same-sex marriage. Talk about marriage. Talk about marriage equality. Talk about the freedom to marry.” That was the most important shift that I really wanted to get, because it changed and changes peoples' understanding of what we're fighting for. We're not fighting for something, new and special just for us or lesser and other, called “gay marriage.” We're saying the extant freedom to marry is what gay people seek to *share*. The government has no good reason for us not being able to share in that.

So that was the most important language shift that I have tried to propel, along with the connection to core values such as love, commitment, family, fairness, and freedom. And it has led to, as you noted earlier, much more common use of the phrase “marriage equality” or just talking about marriage or freedom to marry—all of which are much better and important not only as a matter of words but because if you go and watch the news shows now and the debates now, our opponents' favorite talking line these days is to say: “Gays, gays should be treated okay. I mean we're not against gays. They should be fine, but they don't have a right to—quote/unquote— ‘redefine marriage for the rest of us.’”

That's their talking point: how marriage is "defined." And my response to that is that marriage is not "defined" by who is denied it. When gay people share in the freedom to marry, it's marriage. It's the same marriage. It's just that more people are able to do it. That's an important conceptual change that we had to bring to the American people, and then had to see it win in court as well as in legislative battles.

So all of that is talking, I think, some degree usefully and some degree probably not as relevantly for you guys. But it's that kind of thinking, backed up by research, and testing, and analysis, and testing both in terms of polling and focus groups and so on. But then also experience tested to see what really resonates and persuades, and not just what feels good to you, but what moves the people you need to move. So those are the things that I would really focus on. I think freedom is powerful because freedom is a deep American value and a really important personal thing. And I, personally, am a big fan of freedom so I think it's a very resonant and powerful phrase. I actually prefer freedom to marry to the one that probably is being used more often now: marriage equality.

And that again is in part because I think equality, while everybody believes in it, it's not something that tends to automatically motivate people to action. They first have to have the connection – to see and feel the equalness—and then they can put the roadmap of equality on it. "Marriage equality" works well for people who already are with us; it doesn't persuade people because nobody talks in their own life about equality when it comes to marriage. They talk about love, and commitment, and connection, and choice, i.e., freedom.

So to me these are the kinds of ways you need to think about how you talk about what you're talking about. Right to Housing, to me, sounds like an absolutely important, valid, and compelling cause. But is that the most effective way to make the connection to the people who haven't gotten it yet? Or is there a more personal, compelling, real and authentic (a more image summoning) way of talking about it that would be more powerful? And again, it's not just about finding a silver bullet three-word phrase. It's the whole frame and set of methodologies in which you *deliver* the engagement and persuasion.

O. Johnson: All right, we're being given the signal that we don't even have time for one more question. With that I just want to thank you. This was an incredible presentation.