

2015

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## Citation Information

Robinson, Rob. "Catherine Lennon's Story: Lessons from Front Line Advocacy on the Human Right to Housing." *Journal of Law and Social Policy* 24. (2015): 143-154.

<https://digitalcommons.osgoode.yorku.ca/jlsp/vol24/iss1/8>

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## Catherine Lennon's Story: Lessons From Front Line Advocacy on the Human Right to Housing

ROB ROBINSON\*

IN THE WAKE OF THE BURST of the United States housing bubble, four and a half million families were foreclosed on between 2008 and 2013.<sup>1</sup> Many families hoping to narrowly escape foreclosure eventually had their homes ripped from their lives due to the cost of health bills. For families who lacked universal or adequate health insurance, the physical pain and suffering of a loved one was soon followed by the economic pain and suffering associated with the high costs of health care. The human reality of this suffering is reflected by the story of New York state resident Catherine Lennon. In 2008, Catherine's husband and father to her children passed away due to brain cancer.

As a housing advocate, educator, and social justice organizer, I saw Catherine's story unfold as so many tragic stories did before: her limited income made it difficult for her to keep up with the bills and she lost track of or did not fully understand the legal notices coming from the bank.<sup>2</sup> After five years, Bank of America eventually foreclosed on Catherine in the spring of 2011. Bank of America received twenty billion dollars in taxpayer monies after the housing

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<sup>1</sup> Steven C Johnson, "U.S. foreclosures fall in July from year ago: CoreLogic" *Reuters* (29 August 2013), online: Reuters <[www.reuters.com/article/2013/08/29/us-usa-housing-corelogic-idUSBRE97S0IP20130829](http://www.reuters.com/article/2013/08/29/us-usa-housing-corelogic-idUSBRE97S0IP20130829)>. Between September 2013 and September 2014 there were 553,146 foreclosures. CoreLogic, *National Foreclosure Report (September 2014)* at 8. online: CoreLogic <[www.corelogic.com/research/foreclosure-report/national-foreclosure-report-september-2014.pdf](http://www.corelogic.com/research/foreclosure-report/national-foreclosure-report-september-2014.pdf)> [CoreLogic, *National Foreclosure*].

<sup>2</sup> This article draws on the lived experience of Catherine Lennon in an effort to archive her courageous and persistent efforts to raise resistance to the housing crisis and policies of discrimination to advance the human right to housing for herself and other middle- and lower-income Americans. As a co-founder of the Take Back the Land Movement, I draw on the experience of Catherine as a case study of systemic housing issues. I have made every effort to respect Catherine's personal agency as a woman of colour, a mother, and individual faced with difficult decisions when losing her home. Any factual inconsistencies or incorrect characterizations are through no fault of Catherine.

bubble burst,<sup>3</sup> including those of Catherine and her late husband. Ensuring the pay out to Bank of America was the law firm of Steven J. Baum, the notorious New York based foreclosure mill, which has since been shuttered under a cloud of fraud investigations.<sup>4</sup>

As with most foreclosures during that time frame, the foreclosure of Catherine's home was fraudulent.<sup>5</sup> Not only were the original documents not located, as required by law, but the transfer of the promissory note from one financial institution to another during the process of multiple resales of bundled mortgages were riddled with irregularities as well as outright fraud, including signatures from fake vice presidents and robo-signed signatures which are required, by law, to come from attorneys.<sup>6</sup>

Of course, the problems with the foreclosure of Catherine's home did not sway the court, as Bank of America was allowed to proceed with the foreclosure and ultimate eviction.

## I. USING NON-VIOLENT CIVIL DISOBEDIENCE TO ADVANCE A HUMAN RIGHT TO HOUSING AGENDA

As the eviction process advanced, Catherine came into contact with, and joined the housing movement I am part of, Take Back the Land-Rochester (TBL-R).<sup>7</sup> As a member of the Land and Housing Action Group and Steering Committee of the broader organization of Take Back the Land (TBL), I came to know Catherine personally.<sup>8</sup> TBL-R not only involved Catherine in organizing, but also helped organize her neighbors to talk about the human right to housing and

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<sup>3</sup> “Bank of America Corp was rescued by the U.S. government on Friday through a \$20 billion bailout and a guarantee for almost \$100 billion of potential losses on toxic assets to cushion the blow from a deteriorating balance sheet at Merrill Lynch & Co, its recently acquired brokerage.” See Patrick Rucker & Jonathan Stempel, “Bank of America gets big government bailout” *Reuters* (16 January 2009), online: Reuters <[www.reuters.com/article/2009/01/16/us-banks-idUSTRE50F1Q720090116](http://www.reuters.com/article/2009/01/16/us-banks-idUSTRE50F1Q720090116)>.

<sup>4</sup> Peter Lattman, “Foreclosure Firm Steven J Baum to Close Down” *The New York Times* (1 November 2011), online: The New York Times <[dealbook.nytimes.com/2011/11/21/foreclosure-firm-steven-j-baum-to-close-down](http://dealbook.nytimes.com/2011/11/21/foreclosure-firm-steven-j-baum-to-close-down)>.

<sup>5</sup> For a thorough review of questionable mortgage practices during this time, see: Dustin A Zacks, “Robo-Litigation” (2012-2013) 60 Clev St L Rev 867 [Zacks, “Robo-Litigation”].

<sup>6</sup> *Ibid.* Robo-signing is the process of bank or mortgage servicer employees signing vast amounts of affidavits or other legal documents for use in foreclosure cases without following the proper procedures for notarization or verifying the facts contained in those documents.

<sup>7</sup> In an interview, I describe the TBL as a movement that: “directly challeng[es] those laws which allow banks to reap record profits while millions of families face eviction and homelessness. Challenging unjust laws requires a protracted direct action campaign of civil disobedience designed to prioritize people over profits in a tangible way. Local campaigns and actions are not directed by a centralized committee, but entirely driven by Local Action Groups (LAGs), who operate autonomously and operate large scale in a federated manner. This body is known as the Land and Housing Action Group (L&HAG). In cooperation with the US Human Rights Network the L&HAG facilitates communication among the LAGs and provides them with campaign and technical support. This decentralized network model focuses power, flexibility and decision making in the hands of local impacted communities and individuals. TBL models itself off the MST Landless Peasants Movement in Brazil, and the Abahlali base Mjondolo land movement in Africa. TBL is a comprehensive campaign initiative, which includes a direct action campaign and the grassroots initiative to build alternative institutions, such as land trusts, co-operatives, and other collective ownership and management vehicles to exercise direct community control over land and housing.”

“New York City: An interview with Rob Robinson from Picture the Homeless and TBL Movement”, Interview (2 January 2012) *Squat!net*, online: Squat!net <[en.squat.net/2012/01/02/new-york-city-an-interview-with-rob-robinson](http://en.squat.net/2012/01/02/new-york-city-an-interview-with-rob-robinson)>.

<sup>8</sup> Take Back the Land, online: Take Back the Land <<http://takebacktheland.org>>.

community control over land. TBL-R had already made local and national news moving homeless families into vacant foreclosed homes. Having exhausted all legal remedies available to her, and with the courts solidly on the side of the banks in spite of their demonstrable fraud, Catherine was left with little choice—she was ready to defend her home.

In the state of New York, the local police have thirty days from the court order to execute an eviction.<sup>9</sup> Because of the sheer number of evictions clogging up the system, Rochester police failed to attempt an eviction during the first fourteen or so days of the time window. As the time drew near, Catherine mobilized support and TBL-R launched a business hours eviction blockade in front of Catherine's home because evictions can only be executed between 8:00 am to 5:00 pm. Several times police stopped in front of the home, noticed the blockade, which was also on the local news, and drove away.

After two weeks of blockading, the clock had almost run out on the eviction order. If Catherine failed to be evicted over the next two days, Bank of America would have to start the entire eviction process over again. We felt close to victory. The city of Rochester had other ideas.

At 8:00 am on 28 March 2011, a police SWAT team from the city of Rochester swarmed Catherine's home on Ravenwood in full riot gear and automatic weapons. The show of force was overwhelming, with observers estimating twenty police cars, which must have been close to the entire inventory of the small economically depressed city's force. The community was shell shocked and police drove off with seven eviction defenders including Catherine's seventy year-old neighbor. A local television news reporter quoted an observer who said, “[t]his is not America.”<sup>10</sup>

TBL-R denounced the use of public funds to do the bank's dirty work and made clear how Catherine's forced eviction was related to larger systemic issues of mass foreclosures and the widespread crisis of housing insecurity and displacement. For her part, Catherine spoke strongly, defiantly, and eloquently about her situation.

The combination of a clear and compelling political narrative and a disproportionate show of force by the police, continued to draw fresh members into TBL-R as well as local and national media attention. As a result, local and federal officials offered to intervene on Catherine's behalf and look into the militarized reaction by the police force to a protest. While we used the political leverage to increase pressure on Bank of America, the Baum law firm, and the local police force, the public proclamations and promises made by the officials failed to materialize into a concrete resolution acceptable to Catherine and her neighbours.

With no help from officials, a month later we found ourselves in an unenviable position: not only were we failing to secure any policy victories, but Catherine was effectively homeless, having dispersed her children and grandchildren to live with her to relatives and couch surf with friends and neighbors. We lost the eviction fight, the house was boarded up and Catherine seemed to have no viable options. There was only one natural thing to do: move her right back into the house.

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<sup>9</sup> City of New York Department of Investigation, *NYC Marshals Handbook, Chapter IV: Summary Proceedings: Evictions and Legal Possessions*, s. 5-4, online: City of New York <[www.nyc.gov/html/doi/html/marshals/mar4.shtml](http://www.nyc.gov/html/doi/html/marshals/mar4.shtml)>.

<sup>10</sup> Van Jones & Marianne Manilov, “‘This is Not America’: SWAT Team Evicts Grandmother, Community Fights Back” *Huffington Post* (1 April 2011), online: Huffington Post: <[http://www.huffingtonpost.com/van-jones/this-is-not-america-swat-\\_b\\_843708.html](http://www.huffingtonpost.com/van-jones/this-is-not-america-swat-_b_843708.html)>.

On Mother's Day 2011, with local news cameras rolling, TBL-R liberated the land, changing the locks and moving Catherine back into her home. At the accompanying press conference, the liberators, including many of Catherine's neighbours, made clear that any attempt to evict Catherine again would be met with resistance and, if that failed, she would be moved back in again.

The city was stuck. The small police force had already spent tens of thousands of dollars evicting a woman from a house valued at less than fifty thousand dollars. At some point, it would cost the city more to evict her than the value of the house itself.

With the standoff as the backdrop, Catherine sought legal services where an attorney began the negotiations with Bank of America to legalize Catherine's status there.

## **II. LEGAL CHALLENGES AND STRATEGY**

While the inside details of these campaigns are rarely as important as the bigger picture, some details help the broader movement understand the context and totality of the struggle. As such, it is important here to be frank about this part of the process, not for the purpose of tearing down individuals and making petty points, but strictly as a means of sharing important lessons learned, lessons which should benefit the movement as a whole going forward.

While TBL-R's demands were clear—Bank of America should donate the home to a Community Land Trust (CLT)—to be frank, Catherine's attorney was no fan of either TBL or its demand. The attorney believed that people should buy their homes from the documented owner, which to be fair, is the view of most in the US. As such, the attorney did not want to take Bank of America the proposal of donating the house to a CLT, but instead wanted to propose a deal of a new mortgage for Catherine, with principal reduction, just like so many of the other organizations engaged in eviction defense were doing.

This legal position set off an internal struggle, of sorts, for Catherine's approval. Neither the attorney nor TBL could move forward without her approval, but the two were putting forth competing proposals. After group discussions, Catherine seemed on board with the idea of the donation, but then the attorney would ask to meet privately with their client. Catherine would return worried that our gambit would fail and that she would end up homeless, so she would change her mind to sticking with the legal option. There are, obviously, multiple lessons to be learned here, which will be detailed below in section E of this article, Lessons Learned.

Eventually, a deal was struck and Catherine was offered a new mortgage with reduced principal. While the attorney touted the deal as a fair and good resolution to the case, on the organizing side, we ran the numbers and quickly realized that given her income, if she took the deal Catherine would end up missing a payment inside of three months. Our concerns were elevated when we were asked to hold a fundraiser to cover the closing costs associated with the new mortgage.

At that point, a gag order took effect and our access to information was cut. What was telling, however, was not the direct communication, but the absence of the telltale signs of a woman who just saved her home: TBL never got the euphoric call from Catherine expressing her joy at the lifting of a burden or gratitude for our help. After months it was self-evident: the deal fell apart.

TBL recommitted to helping Catherine stay in her home and waging another eviction defense if necessary. We insisted the attorneys make those sentiments known, in no uncertain

terms, to Bank of America. From the banks perspective, they were in quite the bind, as they could not evict Catherine from the home without making national news and enduring backlash and they could not make a deal with Catherine given her limited income. Negotiations resumed but, given the realities of the bank on one side, Catherine's finances on the other, and the attorney's own ideals, the point of it all was entirely unclear—until the day that the call of euphoria finally came.

There is a gag order on Catherine preventing her from disclosing the details of the agreement, however, deeds and mortgages are recorded as public records. From those records we are able to cull, with a high degree of certainty, that in November 2013 Catherine was deeded back her home—the very home from which she was evicted and then moved back into—with no attached note or mortgage.

The only other possibility is that an unknown third party paid for the house in cash and then gave it to Catherine, but that possibility is exceedingly unlikely. TBL-R believes it successfully canceled Catherine's debt, winning the house back for her free and outright, through a publicly waged "Positive Action" campaign. By all appearances, this is the first victory of this kind of scale in the response to the economic and foreclosure crisis, which started in 2007.

### **III. TRANSFORMATIVE DEMANDS**

#### **A. NECESSARY BUT INSUFFICIENT: PRINCIPAL REDUCTION AS A RESPONSE TO THE HOUSING CRISIS**

There is a pervasive myth gaining steam in the media today that we are in a housing recovery. What this myth means is, not that people are better housed but that Wall Street is finally making money again betting on housing. Four and a half million families have been foreclosed on since 2008,<sup>11</sup> and large concentrations of foreclosed homes sit empty in places like Chicago, Detroit, Cleveland, and Baltimore. Relatively quickly, large investment firms have found a new game to play in the housing market: buying up empty homes in bulk while they're cheap with plans to keep them and rent them out to millions of renters who were former homeowners.<sup>12</sup> Meanwhile, people continue to be hurting from the economic crisis, feeling the crunch of unemployment, underemployment, and all-around less income in the unforgiving housing market: millions each year are experiencing homelessness, with millions more struggling with lack of affordability and security in rental homes.

In the midst of the economic crisis, when the Occupy Movement (Occupy) was emerging, the housing crisis became a focal point of Occupy and many community organizations. Advocacy efforts concentrated on "fixing" the market, understood to be failing and in particular, doing so through mortgage principal reductions. This proposal gained incredible political traction as a means to stem the tide of foreclosures. The theory was that by allowing for cuts in mortgage balances by way of debt relief, homeowners will pay less monthly, which will result in fewer foreclosures. Ultimately, thanks to numerous post-foreclosure eviction defenses, national settlements with Wall Street banks accused of robo-signing documents and

<sup>11</sup> CoreLogic, *National Foreclosure*, *supra* note 1 at 8.

<sup>12</sup> John Gittelsohn, "Private Equity Bets Billions on Foreclosures" *Businessweek* (26 July 2012), online: Bloomberg Businessweek <[www.businessweek.com/articles/2012-07-26/private-equity-bets-billions-on-foreclosures](http://www.businessweek.com/articles/2012-07-26/private-equity-bets-billions-on-foreclosures)>.

other financial shenanigans, and various federal initiatives, many homeowners have received principal reduction though it's unclear just how many people have benefited.

Certainly, principal reduction has been a necessary form of relief for many families hard-hit by the foreclosure crisis—many were targeted for risky and predatory loans by banks in pursuit of quick profits. However, while principal reduction is an essential feature of addressing the systemic violence of market excesses and fraudulent lending practices, principal reduction alone is woefully insufficient in addressing the much broader housing crisis. Certainly, it can do nothing for families struggling with unemployment, lower incomes, displacement, unaffordable rents, and homelessness—all of which we are now experiencing in record numbers.

This was precisely what happened in Catherine's case. Principal reduction was simply not an option that worked for her. Fortunately, with the support of TBL, Catherine was able to win her home back and seemingly have her debt completely canceled. For Catherine, this solution created a stable housing option that she could afford. While this is a critical improvement from principal reduction, it still failed to address the systemic roots of the housing crisis that continues to impact millions of families and into which individuals like Catherine may fall prey to once again.

Despite national attention to the market's failures related to the foreclosure crisis, there has been little critique of the underlying paradigms and policies that facilitated massive displacement throughout countless communities in the first place. What's more, while we heard the roar of outrage about individual and widespread cases of fraud and misconduct on the part of Wall Street firms, a deafening silence remains about the lack of policies and programs required to ensure sufficient stocks of stable and affordable housing for all people.

Since World War II, the mortgage system has been the centerpiece of US housing policy with the federal government protecting, and thus encouraging, private investment in home mortgages on the premise that this would enable lenders to make more home loans with more affordable terms to more people. The tens of billions of federal tax dollars the US government spends each year on public and private rental housing infrastructure<sup>13</sup> and ownership<sup>14</sup> should be aimed at meeting the basic housing needs of the US people. Today, all evidence points to the reality that private debt-financed homeownership will never secure adequate housing for a sizable portion of the population. Moreover, after decades of explicitly discriminatory lending practices targeting low-income families and African-Americans (even when taking income into account),<sup>15</sup> this system has institutionalized segregationist practices based on race and class and continues to perpetuate and exacerbate inequality and social exclusion. The advent of subprime lending granted access to families with lower incomes, but only in exchange for higher costs than higher-income households and greater future risks and uncertainty.

For the vast majority of people in the US, housing needs are consistently going unmet. As

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<sup>13</sup> Christopher S Bond et al, "Housing America's Future: New Directions for National Policy" Bipartisan Policy Center, Housing Commission, (February 2013) online: Bipartisan Policy Center <[http://bipartisanpolicy.org/wp-content/uploads/sites/default/files/BPC\\_Housing%20Report\\_web\\_0.pdf](http://bipartisanpolicy.org/wp-content/uploads/sites/default/files/BPC_Housing%20Report_web_0.pdf)>.

<sup>14</sup> Rick Jacobus & David M Abromowitz, "A Path to Homeownership: Building a More Sustainable Strategy for Expanding Homeownership" Center for American Progress, (February 2010) online: Center for American Progress <[https://cdn.americanprogress.org/wp-content/uploads/issues/2010/02/pdf/shared\\_equity.pdf](https://cdn.americanprogress.org/wp-content/uploads/issues/2010/02/pdf/shared_equity.pdf)>.

<sup>15</sup> Manny Fernandez, "Study Finds Disparities in Mortgages by Race" *The New York Times* (15 October 2007), online: *The New York Times* <[www.nytimes.com/2007/10/15/nyregion/15subprime.html](http://www.nytimes.com/2007/10/15/nyregion/15subprime.html)>; Joint Centre on Housing Studies of Harvard University, *The State of the Nation's Housing 2013* at 19-20, online: Harvard University <[www.jchs.harvard.edu/sites/jchs.harvard.edu/files/son2013.pdf](http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/son2013.pdf)> [Harvard University, *Housing 2013*].

recently put by Harvard's Joint Center on Housing Studies: "In a decade of enormous ups and downs in the housing market, one fact remains constant: the number of households with housing cost burdens continues its inexorable climb."<sup>16</sup> Households paying excessive shares of income for housing, a number that has jumped to over forty million and includes mortgaged homeowners and renters,<sup>17</sup> are often forced to forego other basic human needs, such as food, education, and healthcare and still are vulnerable to displacement and homelessness due to a sudden expense, loss of income, or increase in housing costs.

Despite the growing needs for policies and programs that guarantee people basic housing that is stable and affordable, Congress is continuing to starve and sell off what little remains of our publicly supported affordable housing infrastructure to the same giants of real estate responsible for the housing crisis with no adequate replacements. Over two hundred and fifty thousand public housing units have been lost since 1995 to demolition and sale<sup>18</sup>—that's twenty percent of the nation's permanent supply of low-cost housing that includes rent prices set by individual income.<sup>19</sup> We lose ten thousand more units each year.<sup>20</sup> More broadly speaking, a thirty year trend of divestment and privatization policies for marginal public programs tailored to meet basic housing needs means that only a percentage of families that *qualify* (noting that many families are categorically and discriminatorily excluded) ever receive assistance.

Altogether, current policies and programs virtually ensure the human rights crisis we face today with regard to housing instability and homelessness in our communities. The current crisis conditions have been normalized in the name of "housing as real estate." However, housing is not just a commodity or even a mere shelter: it is the very foundation of family stability, personal belonging, and community. It is a basic need and a human right. Human rights are based on internationally recognized principles of freedom and dignity and following from this, housing as a human right begins with the oft forgotten notion that the purpose of a housing system is to secure housing for all people, not to secure investments. The foundational notions of human rights such as universality, equitable use of resources (meet needs first), and participatory governance, delivers the moral authority needed for an approach that challenges the subjugation of human needs to profit motives.

We can and should guarantee truly affordable housing to everyone in neighbourhoods with access to good jobs and schools, among other necessities. To do so, we need alternatives to the private mortgage based housing system and development of new financial mechanisms for tenure arrangements that deliver the perceived benefits of ownership (*e.g.*, the sense of long-term security) but are in harmony with long-term community needs for access to affordable land and housing. By placing people at the center of policy and practice, rather than market imperatives at the whim of budget cycles, human rights offer a normative framework that integrates basic human needs and places clear obligations on governments and corporations.

This is the time to think big, not small. To address causes, not just symptoms. Now is our opportunity to re-examine relationships to land and housing, as well as the role of banks and

<sup>16</sup> Harvard University, *Housing 2013*, *ibid* at 4.

<sup>17</sup> *Ibid.* These are households paying more than thirty percent of their income for housing. More than twenty million of these households devoted more than half of their income to housing.

<sup>18</sup> Edward G Goetz, *New Deal Ruins: Race, Economic Justice, and Public Housing Policy* (Ithaca, NY: Cornell University Press, 2013).

<sup>19</sup> In 2007, there were 1.2 million public housing units in the US, see: Council of Large Public Housing Authorities, *Facts About Public Housing*, online: CLPHA <[www.clpha.org/facts\\_about\\_public\\_housing](http://www.clpha.org/facts_about_public_housing)>.

<sup>20</sup> Harvard University, *Housing 2013*, *supra* note 15 at 30.

government. Principal reduction is an important first step and debt cancellation an important second, but neither are enough to deal with the root causes and scope of this housing crisis. With the mass of humanity and morality on the side of the ninety-nine percent, we have the potential to secure the human right to housing for all US residents by demanding a system that is universal, equitable, sustainable, and directly accountable to the people.

We must attain, but we cannot settle for, principal reduction. We must fight for the kind of housing policies that ensure housing is elevated to the level of a human right.

## **B. LESSONS**

### **1. ENTRY POINT: EXPLOITING MAINSTREAM ISSUES TO PUSH FOR TRANSFORMATIVE CHANGE**

Housing and land injustices preceded the termed housing crisis of the 2000s. In fact, these injustices amongst others have been the collective experiences of people of color and Indigenous communities since white colonization. More pointedly, housing displacement, gentrification, and homelessness were not new issues in the Black community. However in 2006, TBL saw a particular historical moment quickly approaching that would challenge the housing and financial security of many white middle-class folks. Taking advantage of the circumstances allowed us to exploit the superficial common experience affecting both middle class and low to no-income folks, both white and of color. The approach of TBL in 2006 presented a few challenges:

#### **i. Mobilizing Versus Organizing**

Kwame Ture (formerly Stokely Carmichael) makes the distinction between mobilizing versus organizing.<sup>21</sup> Mobilizing is when a group of people are against the same thing whereas organizing is when a group of people are all for the same thing, the latter being much stronger. Though there were folks who were being materially impacted similarly through various forms of housing displacements but shared no other broader collective experiences to build and share power around, we knew that in order to intercept this historic moment we needed to: (1) radicalize the mainstream through organizing by way of political education, community organizing, anti-oppression trainings and healing, transformative demands, and socially just media—protracted struggle; and (2) mainstream the radical through mobilizing by way of mass land liberations and housing takeovers, eviction defenses, direct actions targeted at banks, and other responsible institutions—short term hot actions. We saw a combination of both take place, but mainstreaming the radical grew to scale much more quickly, creating a landscape of organizations and individuals who shared in the same tactics but had very different, and often competing, political objectives. What proved victorious here is the deep organizing that remained the foundation for the mass mobilizations, especially when the system offers band-aid solutions.

#### **ii. Challenging Narratives**

It can be argued that it is inherently flawed, in a pure political sense, to put forth transformative

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<sup>21</sup> sonofYah7, “Kwame Ture Converting the Unconscious to Conscious” (18 March 2012), online: Youtube <[www.youtube.com/watch?v=e0e\\_29iKdIw](https://www.youtube.com/watch?v=e0e_29iKdIw)>.

demands to a broad group of people (homeowners, former homeowners, folks in the process of losing housing, chronically homeless, those whose land has been stolen, and so on) without deep political education of all those groups beforehand. A full analysis of whether or not this is true, or what are the best moments to build political unity and thus movement building is beyond the scope of this paper, but there is lots of truth in this perspective. We anticipated and saw immediately that there were competing agendas ranging from stabilizing the middle class and homeownership to decommodifying land entirely. It was critical that we remained with a hard political line around community control over land and housing as a human right—had we not, a victory for Catherine and TBL-R would not have been possible. Furthermore, this messaging was particularly important so as to not criminalize members of our community who are just as deserving of land justice but are not viewed as such by mainstream. We did not support or engage in conversations focused on the good versus bad homeowner, or the homeowner versus the homeless. Our movement was not discriminatory along those material class lines, and in fact we knew to do so would ultimately be backwards. Mobilizations who engage in such rhetoric tend to win for white middle-class communities and further marginalize low to no-income communities of color. So the question became: How could TBL build a transformative narrative of land and housing justice that would at this particular historic moment lend itself to the experiences of white middle-class homeowners, talk explicitly about human rights and the experiences of folks of color, without publically addressing the issue as racist even though it fundamentally is? Grounding the work of TBL in community control allowed for a multiracial movement inclusive of everyone's narrative.

### iii. Developing Transformative Demands

We were clear that the big picture was for community control over land and decommodification of land (anti-capitalist). What we were not always clear about was how to get from our current socio-economic political landscape to a new one. Along the way, we saw that the transference of private property such as homes to CLTs (as an intermediate tool) would get us a step closer to community control over land. In the success of Rochester, where the home of Catherine was not in CLT, we were able to identify debt cancellation as a necessary step before moving to CLTs. In fact, we think that debt cancellation is much more conceptually palpable for a broader population, and there was certainly a lot of mainstream media and framing around egregious financial practices by banks. However, TBL and TBL-R could not see debt cancellation as a demand to mainstream at the time. It is often difficult to translate visionary concepts into intermediate steps. There continues to be a tension on determining what is a winnable demand in movements.

## 2. MOVEMENT BUILDING: ORGANIZATION AND RELATIONSHIPS

There were both challenges and successes to TBL's approach. TBL had strong Black leadership with significant queer, gender, and class justice values. Anyone who we worked deeply with had to also had to have those values and be working towards justice. We implemented a trans-local network as a form of organization rather than a traditional hierarchical network approach. Meaning, the movement principles and objectives were all commonly applied and utilized amongst all members of the network, and individual network members had complete autonomy

on their decision-making where the national leadership's role was to support the local work and do trans-local movement coordination.

#### i. Trans-local Versus National Model

In our approach, LAGs were able to make final decisions regarding their course of action. The local experts are able to make decisions as the expert, taking full consideration of that specific city's context. Principally, the trans-local model was in alignment with our goal of local control in land materially, but also spatially and democratically. This makes the most sense in considering how different Rochester, New York is from New York City. A challenge of the trans-local model is that there was no set curriculum/political education guide for LAGs and national leadership was not able to steer along a local campaign; this can be both an asset and limitation. In the specific case of Rochester, the housing issues faced by Catherine could have been legally won and turned over by the banks a year ago with a more aggressive approach to the legal team and with the bank but it was the LAG's choice to not take this approach. This is something that could also be addressed through political education, but there was not uniform curriculum or a structure put in place for this to happen regularly. Certainly some of these issues can be addressed by augmenting pieces of our network and have it still remain trans-local; however we were able to see it clearly through juxtaposing it against national organizations.

#### ii. Capacity

A limitation posed to the capacity of the organizational development of TBL results from the restricted resources able to support the work of LAGs around the county. The work could have been stronger had national leadership group been able to spend more time in Rochester and have more resources to support the work. The resources included money but also legal services, media support, and trainings.

#### iii. Relationships

Considering the nature and context of our organizing work there seemed to be many different types of relationships that we could form. Some of the more obvious ones were with other housing organizations and Occupy. TBL considered it important to build power with other land groups, which we had limited capacity to do considering the size and resources of our organization. All of these organizations were partners who we saw positioned with us in the direct action area of the land movement model. There were certainly challenges in this area preventing us all from being in concert (see the Entry point of this paper in section E). There was also a critical need for support services and legal services in order to achieve a win. Locally, support services were needed to assist families during crisis. The role of organizing has important distinctions from, and connection to, the role of social work and support services. Coupling radical social work with political education and community organizing was critical to the success of Catherine and other TBL affiliates and local LAGs. It is important not only to organize against the crisis but also to support folks in managing their crisis. Having partners both nationally and locally was critical.

#### iv. Non-profit Industrial Complex

The tax exemption model for the US nonprofit sector by way of 501(c)(3) status, which has come to be known as the non-profit industrial complex, contributed to a landscape of anti-movement building in favor of immediate band-aids to housing problems that undermined transforming land relationships.<sup>22</sup> TBL was instrumental in developing movement thought, organizing strategies, and tactics that moved beyond the non-profit industrial complex. At first, there was no funding for the “radical” tactic of eviction defense and land liberation for the objectives of human right to housing and community control of land. After Occupy took up our tactic of defenses and housing liberations, the actions were further mainstreamed. Still, there was no funding for tactics when the objective was a human right to housing and community control of land, but funding emerged for the seemingly “radical” tactics for soft demands of principal reduction. For example, funders were interested in the amount of homeowners who received principal reduction versus how many people changed their thoughts around the existing relationships to land. As a result, fewer grassroots 501(c)(3) groups worked on the human right to housing and community control of land campaigns to avoid losing funding and also to be competitive to secure monies from grantors. The 501(c)(3) industrial complex fostered an adversarial component in the TBL movement because competition for funding created antagonistic relationships.

#### v. Legal Community

There was a strong need for community lawyering that was in alignment with the TBL movement objectives and principles; if not, the lawyering could have been counter revolutionary. Advocacy in Rochester included a lawyer who was not supportive of demanding that the house be turned over to Catherine and TBL-R. In fact, had the lawyer been more accountable to our work we could have won the house a year earlier. Despite difficulties in building legal support in solidarity with the aims of TBL, the relationship between the legal community and TBL was a key part of advancing our work. The Center for Constitutional Rights was a key legal strategic partner as was the National Economic and Social Rights Initiative and the National Law Center on Homelessness and Poverty. However, the relationships formed between the TBL Leadership Committee and the legal community didn't always translate into direct support for the LAGs. The Leadership Committee's focus was policy change and the focus of the local groups was more practical and immediate: avoid criminal charges when defending a home and secure legal support for any civil court proceedings that might arise as a result of the foreclosure process. Finding public interest lawyers in the different communities where TBL was working didn't prove to be as big of a challenge as finding public interest lawyers who shared similar objectives and ideological approaches to the clients they were working with and possessed a willingness to take direction from those clients. The Leadership Committee made a decision early on that we would not dictate to the LAGs what those relationships should look like and how the relationships should translate into their local work—that was not our role as a decision making body, which remains our position today.

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<sup>22</sup> See Andrea Smith, *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*, ed by INCITE! Women of Color Against Violence (Cambridge, Mass.: South End Press 2007).

## IV. CONCLUSION

While Catherine Lennon's case is a small measure of the success of TBL, we feel our movement raised awareness in the US to new levels. African-Americans traditionally the targets of segregation in housing, redlining, and predatory lending were inspired around the US to fight back. Suddenly their voices were being heard as documented in Laura Gottesdiener's book, *A Dream Foreclosed*.<sup>23</sup> Community public interest law continues to gain popularity in law schools. In fact, the University of Miami Law School has set up a TBL archive in their library. The housing work group established at the National Lawyers Guild to determine how best to serve communities affected by housing injustice demonstrates an additional example of the impact that TBL has made in furthering housing awareness. The TBL movement has hit its sunset. The network is no longer taking on any new local action groups but the leadership committee continues to support those local action groups engaged in the work and we continue to develop and broaden our theories on social change.

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<sup>23</sup> Laura Gottesdiener, *A Dream Foreclosed: Black America and the Fight for a Place to Call Home (Occupied Media Pamphlet Series)* (New Jersey: Zuccotti Park Press, 2013).