

Best Practices in Self-Advocacy

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To self-advocate effectively, each person going through the criminal justice system should have a basic understanding of the “the system.” American high schools teach courses on civics, which provide insight into the three branches of government, including:

1. The Legislative branch,
2. The Judicial branch, and
3. The Executive branch.

A quasi-fourth branch of government includes the media. If we learn how to use the media effectively, we may become more efficient in our self-advocacy efforts.

When navigating a lengthy prison term, we must frequently deploy self-advocacy efforts. Those efforts may require elaborate planning, and they sometimes need a strategy that allows us either to:

1. Anticipate obstacles,
2. Respond to obstacles administratively,
3. Use strategies that require us to work within each branch of government,
4. Develop a sophisticated media strategy that can potentially assist with self-advocacy efforts.

To navigate such complexities, a person needs to understand our structural system of government.

Many people describe the United States as a democracy. Such a description isn't accurate, as our government isn't a true democracy. In a true democracy, the people vote on everything, and the majority wins. Citizens vote to elect leaders in the United States, but they don't vote on how systems operate.

Our constitution organizes our country as a federal republic. In this form of government, people campaign on issues or policies they want to promote. We hold state and national elections.

Some people run for political office. Depending upon the role they choose, those “politicians” may serve two-year terms, four-year terms, or six-year terms. While people are in that office, they have the power to make decisions. We use democratic principles to elect those government officials.

I’d like to paraphrase Winston Churchill, a former leader of the British government, who said that democracy is the worst form of government, except for all others.

And as Socrates said, in a good government, people can change laws they disagree with—by electing officials or running for office to campaign on legislative reform. But citizens do not have the right to break laws.

If we want to change the system, we have a responsibility to work within the system and to advocate in ways that will lead to reforms.

I started on this “reform path” when my prison term began in 1987. While incarcerated, I used the same principles to guide my decisions that I recommend to each person in our community:

1. Define success as the best outcome.
2. Create a plan to take you from where you are to where you want to go.
3. Put your priorities in place.
4. Develop your tools, tactics, and resources.
5. Create accountability metrics to stay on track.
6. Execute your strategy every day.
7. Refine your strategy as new information comes your way.

People in prison must expect the system to present obstacles and challenges. They must find a way to overcome those challenges, using the system and building a strategy that will advance prospects for success—given the anticipated challenges and obstacles that the system presents.

A pursuit of self-advocacy does not imply an overnight fix. As the cliché holds, overnight success is always 20 years in the making. We need a long-tail strategy. Our strategy requires us to understand what levers we can pull and when we should pull those levers.

Perhaps an analogy can help.

Bob’s Futile Efforts in Advocacy:

Let’s imagine Bob, who lives in Seattle. He just had a phone conversation with his Aunt Sara, who lives in Chicago. Aunt Sara told Bob that she had put a check for \$500 into a white envelope and mailed it to his address in Seattle that afternoon.

Bob wanted the money.

As soon as he disconnected his call with Aunt Sara, he turned on his computer to look up the phone number for the postal service in Chicago. He called the number. After several attempts, he connected with a human, a clerk.

Bob told the clerk: “I just spoke with my Aunt Sara, who lives in Chicago. She told me that she sent me a check through the mail today. I’m calling because I want you to help me get that check faster. She said she mailed it in a white envelope.”

- » What would you say about the sophistication of Bob’s strategy to accelerate the delivery of the check he wanted to receive?

Like the Bureau of Prisons, the US Postal Service is a massive bureaucracy. It employs thousands of people. Those people do not necessarily think about Bob or any single person.

Some people who work in bureaucracies hold positions of power. Other people who work in bureaucracies are functionaries. They don’t define success as performing specific tasks for a particular individual. For them, success means creating policies and procedures, or adhering to policies and procedures, depending upon their role within the bureaucracy. If they want to move higher in the bureaucracy, they serve the system—not any particular individual.

Sometimes we lose sight of how our government and bureaucracies function if we live in prison. We want the “system” to see us as individuals. But it doesn’t.

That doesn’t mean we give up. We need to self-advocate. To self-advocate, we need to deploy the same strategies that lead to success in any area of life.

If a person wants a better outcome, a person needs to deploy a better strategy than Bob used. Bob knew what he wanted:

- » He wanted the US Postal Service to expedite the delivery of a white envelope that his Aunt Sara had put in the mail.

Calling the central Chicago post office, however, wouldn’t be a very effective strategy in getting the outcome he wanted.

Bob may have realized that he couldn’t get anywhere by calling the Chicago Post Office. Maybe he regrouped and decided to put pressure on an individual mail carrier.

Let’s say that the person who delivered the mail in Bob’s neighborhood was named Tim. What if Bob went out to see Tim as Tim performed his duties?

- » “Hey Tim,” Bob said, “My Aunt Sara sent me a check. She said the envelope was white. Can you look through your bag right now? I’d like you to give me the white envelope she sent so I can get my check.”
- » What thoughts do you have about how Tim would respond?

- » If Bob kept interfering with Tim, pushing him to deliver the check faster, in what ways would Tim act?

Tim is a functionary of the bureaucracy. He carries out the tasks by adhering to a policy. As part of the bureaucratic machine, Tim doesn't think about individuals.

But Tim has discretion and power.

If a person such as Bob annoys Tim, he has the personal discretion in how to respond. Tim could choose to make things more complicated for Bob.

- » Maybe Tim would put the letter at the bottom of the sack.
- » Maybe Tim would find Bob's letter, but inappropriately lose it by mistake.
- » Maybe Tim would put Bob's letter in a different mailbox, knowing the delay would frustrate Bob.

Sometimes, in a bureaucracy, we need to anticipate the many complexities. We need to engineer a strategy that will help us prevail. Sometimes we need to use critical thinking to choose which battles to fight and which to ignore.

Each reader should question the strategy of overcoming the inevitable challenges of living in a bureaucracy.

Members of our community should question the strategies they deploy to overcome challenges.

Consider the Past:

While serving a 45-year sentence in federal prisons of every security level, I learned how to navigate many challenges. They required me to accept that I could not change the past. To develop a strategy, I had to understand the history:

In my case:

- » Investigators (DEA) concluded that I led a scheme to distribute cocaine.
- » Those investigators collaborated with prosecutors (Assistant US Attorney) to bring a case against me.
- » The AUSA convened a grand jury to consider the evidence against me.
- » The grand jury chose to indict me, exposing me to the charge of Continuing Criminal Enterprise, which carried a potential life sentence.
- » I hired a lawyer who told me that a significant difference existed between an indictment and a conviction.
- » Despite my guilt, I exercised my right to proceed through trial, forcing prosecutors to prove the case.

- » During the trial, I lied on the witness stand.
- » A jury returned a unanimous verdict convicting me of all crimes.
- » A judge sentenced me to the custody of the Attorney General so that I could serve a 45-year sentence.
- » The Bureau of Prisons categorized my crime as a “Greatest Severity Offense,” which included a “Public Safety Factor” requiring that I begin serving my sentence in a high-security penitentiary.

Given that I couldn’t change the past, I needed to navigate toward the best possible outcome. It wouldn’t make sense to try and rethink my earlier decisions. Saying I wanted to get out of prison wasn’t going to get me the result I wanted. Complaining the Bureau of Prisons held me in the wrong kind of prison wouldn’t lead to success.

To master the art or science of overcoming struggles and obstacles, we need to craft a plan. That plan must include a strategy to overcome inevitable obstacles, given the predicament accompanying our past decisions.

If I understood the system’s complexities, I could develop the strength to advocate for myself more effectively.

Complaining about systems would not lead to success. I wanted to be different from Bob, who fought futile battles, such as calling the US Postal Headquarters in Chicago. He may have wanted to expedite the delivery of an envelope that his Aunt Sara from Chicago said she sent. Yet if Bob lacks critical thinking skills, he will waste time on efforts in futility.

Learn how to Self-Advocate:

Overcoming challenges requires a person:

1. To engineer a strategy,
2. To have straightforward tactics,
3. To develop tools and resources, and
4. To execute the strategy effectively.

Sometimes, however, when the bureaucracy of a big-government system traps us, we forget to consider how the system operates. Instead of creating strategies that can lead to success, we try to act with the questionable wisdom of Bob.

Everything would be excellent if all government systems operated as the politicians promised. But they do not. Problems exist.

The legislative branches of big government pass laws and deploy financial resources for the executive branch to carry out those laws. The executive branch of government may do its best, but it creates a bureaucracy that operates with policies and procedures. The judicial branch of

government assesses whether the systems adhere to the principles of due process, but it doesn't get involved with the day-to-day operations of systems.

I cannot change the system for anyone. But I can show others how I developed tools, tactics, and resources in self-advocacy.

When obstacles surfaced, I knew I had to work within the system, pulling levers where I could, leveraging resources when possible, and using administrative, judicial, and media resources to bring change and move closer to getting the response I wanted.

I always say that I would never ask anyone to do anything I didn't do to help me cross through 9,500 days in federal prison. Since completing my obligation to the Bureau of Prisons in August of 2013, I've used these same strategies of creating plans, putting priorities in place, and executing the strategy daily.

Advocacy is the nature of my business. I strive to change big-government systems. To change such systems, I need a good strategy. That strategy requires me to define success:

- » I want to improve outcomes for all justice-impacted people, advancing reforms that open mechanisms for people to work toward earning freedom based on merit rather than on the turning of calendar pages. Examples would include:
- » Expanding the use of the First Step Act so that all people get access to Earned Time Credits,
- » Opening opportunities for merit-based sentence computations, and
- » Reinstating the US Parole Commission.

To succeed, I need a comprehensive strategy that would include an assessment of strengths, weaknesses, opportunities, and threats.

Strength:

I am persistent, resilient, and have a self-directed work ethic. I can spread messages at scale and influence millions of people with technology. That scale opens opportunities to influence voters, leaders, and people within the system.

Weakness:

I have felony convictions that resulted in my serving 26 years in prison. People will use my criminal background to threaten my credibility.

Opportunities:

Mass incarceration represents the most significant social injustice of our time, influencing the lives of every American. We overuse our nation's criminal justice system, charging people with crimes when civil remedies would be more appropriate. The longer we expose people to corrections, the less likely people are to emerge successfully. Improving this system will make a positive impact on society and the lives of people.



Threats:

An ecosystem exists around big government and its massive criminal justice system. The more successful I become as an advocate, the more opponents I will face. Some opponents have a vested financial or career interest in keeping this system as it is. They will use my criminal background as a tactic to silence me or weaken my message.

As I learned while climbing through 9,500 days in prison, I must rely upon the same strategy to succeed in my goals. I must constantly question whether I am using a good strategy or wasting time with futile energies, such as Bob's strategy to accelerate the delivery of his white envelope from his Aunt Sara in Chicago.

Each person grows more potent when the person spends time crafting a plan. That plan sometimes requires a response when the system doesn't go our way.

Therefore, we must know what levers to pull and when to pull them.