



**SEMI-ANNUAL CONFERENCE
SAN FRANCISCO
JANUARY 24-25, 2012**

**Remember Troy Davis: Effective Funding and Advocacy Strategies to End the
Death Penalty**

Wednesday, January 25, 2012
10:45 am – 12:15 pm

Session Organizers:

- Anuja Mendiratta, Program Advisor for the Race Gender Human Rights Fund of the Women's Foundation of California
- Natasha Minsker, Death Penalty Policy Advisor, ACLU of Northern California

Facilitator:

- Steve Phillips, Member, Race Gender Human Rights Fund of the Women's Foundation of California

Panelists:

- Kica Matos, Head, U.S. Reconciliation and Human Rights Program, Atlantic Philanthropies
- Natasha Minsker, Death Penalty Policy Advisor, ACLU of Northern California
- Jeanne Woodford, Executive Director, Death Penalty Focus

Sponsors:

- Atlantic Philanthropies
 - The Women's Foundation of California
 - Akonadi Foundation
 - IHRFG's US Human Rights Working Group
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Introduction: This session will focus on criminal justice reform in California, particularly the death penalty. Most poignantly there was the Troy Davis battle in Georgia which brought this issue to the forefront in the country. There have since been questions about what to do from here. The California Campaign on trying to repeal the death penalty, if successful, would make California the largest state in the country to take this measure and would set a precedent for the rest of the country.

Kica Matos:

Looking back at Sept 21, 2011 and the case of Troy Davis, who was on death row in Georgia, everyone was consumed by the horror of the execution of a possibly innocent man. Many players came out in support of Troy Davis including the Pope, Hollywood celebrities, and more. Many people thought this case came out of nowhere. Some argue that Troy Davis got so much attention because he was probably innocent and his case was unique. However, for those doing

this work for a long time, the injustices of this case are not unique in death penalty cases. This was the type of strategic litigation work being done by organizations, lawyers, communication experts and civil rights leaders. What happened that night was the result of years of movement building and strategic organizing by the death penalty movement.

Background on the Abolition 2025 Campaign: A campaign pulled together by a group of funders working to end the death penalty in the US. The goal of the campaign is to end the death penalty in the US by 2025. Legal advocates will go up to the Supreme Court arguing that the death penalty is cruel and unusual under the 8th amendment of the US Constitution. The campaign has two components: the field and funders. Five affinity groups meet on a regular basis on goals and priorities. The steering committee and the coordinator work on a strategy document for funders to engage in their grantmaking. Funders work in a straightforward way through two mechanisms: 1) A pooled fund at Tides (legislative state-based campaigns); 2) Through a collaborative fund: meet and review Letters of Inquiry and decide which grantees to fund. They must make sure there are no gaps in funding and that what they are funding supports strategies in the field. They also consider the questions: what do they have to show for the work? What are they accomplishing?

Victories:

- 4 states have abolished the death penalty in the last year
- The governor of Illinois has placed a moratorium on the death penalty
- There has been a drop in death sentences nationally
- There has been a drop in executions: a 56% decline since 1999
- Public opinion polls show the lowest level of support for the death penalty
- Exonerations continue (death row exoneree number 140 was released in Ohio).

They are striving to strike a balance between funders and advocates in this campaign. All of those involved are passionate and committed to this issue. They are determined to communicate openly and honestly.

Conclusion: Troy Davis' last words that were directed to his family members and friends: you've got to continue to fight this fight. Kica urges funders to join them in whichever way they can in this human rights fight, a salient human rights struggle in the US.

Natasha Minsker, Death Penalty Program ACLU Northern California (Part of Abolition 2025).

Natasha discussed the advantages of the coordinated nationwide strategy and how it has affected the California strategy:

- Connected CA with nationwide and statewide leaders to share best practices and maximize effectiveness
- Helped CA strategize their work: litigation strategies for success (CA has a history of sending people to death row)
- Brought litigators to work on lethal injection process
- Because of legal challenges, executions are on hold in 2012. This creates a space for their other work to take place
- Perform critical research. Their core message is the cost of the death penalty. They are working with the Senate to create a report and also working with academics to create

local research (ex: unsolved murders in CA – this problem does not fall on every community equally). This research helps with public safety message that we are wasting our money on the death penalty and putting our safety at risk. We should divert resources to solving more crimes.

- 1st grant from Funders for Alternatives to the Death Penalty was to bring a voice to every Californian. This project has been successful. County based strategy to reduce death sentences and organizing base on county level. They are creating a structure to be ready for the initiative to bring a referendum.
- They are building on each step: connecting litigation to research, communications, etc.

A video was shown on how resources going towards the death penalty can be diverted and better used. Putting together a message through a video platform can help reach voters. In this way, they have created a movement and are ready. 2012 will be the opportunity for ending the death penalty because of economic crisis, executions being on hold, and voters will turn out (voters of color, young voters). 50% of Californians support the initiative. This is the result of many years of organizing and communications work.

Jeanne Woodford, Executive Director, Death Penalty Focus

Jeanne discussed the growth of the movement in California and the impact on the larger criminal justice issue.

There are three initiatives:

- Work with victims' family members
- Expand current and former criminal justice petitioners
- Give a voice to exonerees.

Law enforcement effort is huge part of this campaign (police chiefs associations, DA associations, etc).

During the Troy Davis execution, the media and others contacted 5 prison wardens (including the former warden in GA) to discuss the impact of killing a human being who we do not know is innocent or guilty. A letter regarding Troy Davis written by a prison warden has started a process of others speaking out. The former warden in Oregon is also opposed to the death penalty and pointed out that it is not an evidence based practice, it is expensive, and inappropriate. In CA, the death penalty is the law because of the "Briggs 1978" legislation (an initiative that expanded the type of cases where the death penalty could be applied). Bringing voices to the table that care about criminal justice has led to the success they have today. Each new voice is causing people to think about criminal justice reform on many levels. Some foundations that may not fund "death penalty work" but their work is really about criminal justice reform.

The Abolition initiative is simple: they want to save \$1 billion every 5 years. They want to line out the death penalty in existing law. They want to allow all inmates on death row to make a payment towards a victim's restoration fund. They want funding to solve unsolved murders.

Questions and Comments:

Terrence, OSF: There is pressure on funders that do fund this work to make wise decisions because not many funders fund this work. Funders have to be very strategic in decision making and consult with one another and with the field. It sounds simple but it becomes complex. For ex: multiple funders coordinating different institutional agenda/boards/visions/priorities. Creating alignment is complex. The model is great and can be one for other fields, but it is also very complicated and takes serious commitment by funders to work well together and work with advocates in the field.

Betsy Fairbanks: With regard to bringing the field together: the hope was that there would be a lot of money, but there wasn't and they had to change expectations. Everyone is connected now and all but 2-3 states were represented at the meeting and sharing ideas/as well as blueprints for strategies. There is a collegiality amongst states now vs. competition to get the money. They see that if one state abolishes it, another will follow.

Vanessa Daniel: What are some thoughts on the framing and messaging of communications about the resources that go towards the death penalty and redirecting them? How do you avoid giving fodder to those who want to expand "prison industrial complex" and increase policing etc.?

Answer from Natasha: Look at evidence-based practices in the criminal justice system. They should catch people who are committing violent crimes and remove them from communities. Oakland, for example, has the highest number of unsolved murders in the US. To address the problem of public safety, they must address the problem of violent crime and give people real solutions. The public safety problem in certain communities in CA has been abandoned by law enforcement (who simply police). Many communities view the police with suspicion and this is a reason why there is a high unsolved-murder rate because there is no cooperation between the police and community. They must address this in a holistic way by looking at wrongful conviction, public safety and at broad solutions. The message, however, must be simple and targeted to voters.

How do you balance resources to change minds?

Comment from Kica: With regard to the prison industrial complex: the death penalty sucks up energy, time and resources. People focus on it in a way that they don't focus on broader criminal justice issues. There is a desire in the US to use criminal justice as a social policy.

Terrence: There is a notion that increased police presence equals reduced crime. The NYPD is using this to promote "stop and frisk" policies without proof that this decreases crime. There are other factors happening at the same time so that you cannot pinpoint the exact strategy that reduced crime. Demographic factors have also reduced crime in NYC.

Emily Martinez: Role of victims: there is a struggle in international work where there are no organized victims groups. Are there any suggestions to help that process?

Answer from Natasha: There was a Restorative Justice Conference about street level crime victims. There was a man there who was a survivor of the Holocaust, who thought all survivors are the same (survivors of the Holocaust, street crimes, etc.) We tend to think in categories, but there are connections between different types of victims (survivors of torture/genocide and

street crime victims). The more you engage with crime victims and build connections the more synergies you find.

Heidi Dorow: Ballot initiatives like Proposition 8 did not work. What are the research efforts to test messages and latest polling in a state?

Answer from Natasha: From what they're seeing from polls, people bring their entire life to the ballot box. They come with made up minds. Persuasion factors (reallocating funds, solving more murders etc.) are extras to persuade people who are not convinced by persuasive messages. It is really all about communities of color. White voters do not move no matter what you say. Getting into communities of color is the key.

Holly Bartling: Struck by the fact that this model can be recreated in other fields. Interested to learn more about how death penalty work has gotten traction. How did they get to goals? Working at state and federal level -- with funders and grantees? How did they manage the power dynamics?

Answer from Kica: Power dynamics between funders and advocates is an ongoing issue. As an advocate you think you know the map and funder provides car, key, and gas. But funders have responsibility to look top down and strategize how it will work. You have to move quickly and there is no time to navel gaze.

Answer from Becky: After Simmons juvenile death penalty case, they were bombarded by national strategies to end the death penalty. They engaged in a year-long facilitating process to bring affinity groups together to think through what they need to advance the capital punishment project. Abolition 2025 came out of that and it originated with advocates.

Questions from Steve: Why is this not higher priority in larger philanthropic field? Open to meeting broader spectrum of people with capacity and want to move resources into this direction. Why have they been giving resources?

Answer from Natasha: Initial funding came from individual donors (From a member of the Hyatt Family. He was never interested in death penalty work, his primary interest is Human Rights. He came from Illinois and Illinois was last state to end the death penalty. When this issue was brought to him, it was a different feeling then the past. There was momentum and they were winning. He saw that winning in CA is part of the nationwide strategy). The ultimate goal is abolition across the US. To him it seemed like right movement/time to invest. Other, similar people are also coming to this issue from different perspectives. Fundraising strategy has been primarily focused on individual donors. Foundation support has gone to staffing for the campaign. Actual cash money for advertising etc. is coming from individual donors.