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**Opening Plenary:  
Human Rights, Philanthropy and the 10-Year Legacy of 9/11**

**Tuesday, January 12, 2011, 9:30am – 12:00pm**

*Facilitator:*

**Dimple Abichandani, Program Officer, Security and Rights Collaborative, Proteus Fund**

*Panelists:*

**Elisa Massimino, President and CEO, Human Rights First, Charlie Martel, Staff Director, Task Force on Detainee Treatment, The Constitution Project, Faiza Patel, Co-Director, Liberty and National Security Program, Brennan Center for Justice, Kica Matos, Head, U.S. Reconciliation and Human Rights Program, The Atlantic Philanthropies, Tim Parritt, Programme Officer, The Oak Foundation, Fulco van Deventer, Policy Advisor, CordAid (Netherlands), Monona Yin, Director, Capacity-Building Initiative, Four Freedoms Fund**

*Sponsors:*

**Proteus Fund, Wellspring Advisors, AK Foundatin, Open Society Foundations, The Atlantic Philanthropies, IHRFG Working Group on Civil Society and Counterterrorism**

This interactive session will focus on the impact of the "war on terror" on human rights in the United States and abroad. With an eye toward charting a course for the future, the opening plenary will explore lessons that grantmakers and activists have learned over the past decade as well as philanthropic strategies for finding a better balance between rights and security.

**Dimple Abichandani** introduced the session by looking at the current situation of our post 9/11 world.

With the coming of the ten year anniversary of 9/11 there remains a culture of fear and an emphasis on counterterrorism and security, undermining human rights and civil liberties. Within this atmosphere of fear and counterterrorism hysteria, there has been a growth in the human rights movement, with newly formed allies and initiatives aimed to take back rights and challenge the fears.

**Elisa Massimino** began the discussion speaking about the lessons learned over the past ten years in the response to 9/11 and what lies ahead.

- The establishment of certain policies, practices, and administrations in response to 9/11 exemplify a shift in civil liberties and rights for Americans and non-Americans alike.
- The creation of the Department of Homeland Security, in itself demonstrates how issues have been framed through the lens of “homeland security” post 9/11.

This has led to an implementation of policies that exclude protection to refugees and that have sucked the air out of comprehensive immigration reform.

In May of 2001 there was bipartisan support in assembling legislation to remove immigration restrictions enacted in the 1997 Refugee Protection Act. Since then nothing has happened on the agenda due to a muffled minority voice that is seized on fear around 9/11 and an existing agenda against immigration. Instead, the global counter terrorism agenda has pervaded the space, leading to the treatment of many as enemy combatants.

To counter this, there must be a more aggressive movement towards promoting a human rights and civil liberties agenda.

- Sharing and getting out the facts of this vicious counterterrorism movement is essential; that there are former Marine Corps and government officials that condemn the “enhanced interrogation techniques” and torture tactics.
- Funders need to become involved in this movement and support the opposition of this misinformation.
- Conversations with those who oppose this agenda and engaging the opponents are much needed to bring this issue to the forefront.

Currently, the only voices being heard are of those who are spreading the fear mongering. The agenda of fear is loud and clear of the spokespeople, but there is no voice for the other side. The strength of this situation lies with the unheard voice, as seen by a video in which New Yorkers were interviewed about the trail of a Guantanamo Bay inmate happening in their very own neighborhood. When asked if they felt in danger or uncomfortable about it, the interviewees responded that they were unaware of such an event and felt perfectly normal. The point of the video was to show the reality on the ground despite the hysteria present in the media and in society, while poking fun at the purveyors of this doom and gloom.

The challenge now is to shift the paradigm back to the emphasis on the importance of upholding civil liberties and human rights, from the current paradigm focused on global war rooted in the Bush administration.

**Faiza Patel** spoke about the impact of the war on terror on human rights and civil liberties. The United States, founded on all types of freedom, including religious freedoms which is thought to be exemplary at integrating diverse communities. However, with a rise in Islamophobia, a radicalization narrative has

emerged in the United States, leading to the establishment of policies that are not so protecting of these freedoms and rights. To combat this radicalization narrative there needs to be a closer look and scrutiny of the roots of this movement.

For example, an ideologically driven religious conveyor belt theory used by the NYPD and FBI identifies four phases of radicalization, generalizing certain religious tendencies, characteristics, and demographics as threatening and potentially terrorizing. However, this view that radical ideology, which supposedly develops through these phases, leads to terrorism is not empirically founded or supported by any evidence. Research shows that there is no linear relationship between being an observant Muslim and becoming a terrorist. Rather, Mosque attendance correlates positively with civic participation rather than with terrorism.

This radicalization narrative has unfortunately led to many negative consequences for Muslim communities in the West.

- Muslims in many parts of the country are forced to deal with increased law enforcement, surveillance, monitoring, and powerful intelligence tools.
- Field offices are authorized to collect information about ethnic and religious communities.
- There is a specified mapping of Muslim communities, opening doors to racial profiling and increasing unnecessary policing on ethnic communities.
- The FBI is sending informants to mosques to collect information and spy on regular mosque-goers. Many criminal cases that come out of this practice are weak because those convicted were not substantially planning or capable of doing anything, until the undercover FBI agents stepped in and helped them develop a plot.

For example, four African American convicts were convicted for plotting to attack synagogues, when in reality they were entrapped by the FBI, which proved a very difficult defense to make.

Congressman King held hearings on radicalization and the Muslim community, explicitly stating and promoting that Muslims were a direct threat to the peace and security of America. There was much criticism and disapproval directed at King's hearings, bringing together the interfaith voice and broad coalitions, which are very powerful tools for domestic issues. King is not fighting violence or terrorism here, but is merely targeting "extremism" and those who hold extremist views, not violence.

By challenging the radicalization narrative and working at the local level, we can potentially prevent the undermining of the many, major civil rights victories that our country has achieved.

**Charlie Martel** talked about the Constitution Project's Liberty and Security Committee established after 9/11 to investigate detainee treatment in the United States. He described the big picture situation of human rights in the past ten years as one step forward and many pushes back from the government. There are many lessons to be learned in the last ten years in this road to security and liberty that have arguably aimed to establish more security, while undermining many liberties.

- For one, we've learned that maintaining political will is very difficult. There was a promising start with President Obama in the executive orders that outlawed torture, however the energy has dissipated and Bush's secrecy and classification doctrine remains in place.
- The need for transparency and openness in the system is much needed, as state secrecy can be the most dangerous in discouraging civil liberties.

The idea that fear fights facts is apparent when issues like whether terrorism cases should be tried in civilian courts or if during interrogation torture tactics can be used rather than legal interrogation techniques. With fear mongering, these core civil rights issues go unsolved. Eventually, people start to have the torture works syndrome, starting to believe that many useful facts are learned, when many times in reality these facts are not at all facts.

### **Question & Answer:**

Q: The FBI analysis on the phases of radicalization did not seem so unreasonable, what are the specific objections?

A: The model is not founded on any empirical research. There is no research or data to back these claims that because a person looks, dresses, and acts in a certain way means they will act like a terrorist. This leads to profiling of the entire community. If we were to monitor all Christian fundamentalists because some of them shot and terrorized an abortion clinic, it could not be justified; just as the mass monitoring of the Muslim community cannot be justified.

Q: In regards to funding on the far right, what kinds of communications and messaging can push back on fear mongering?

A: Trying to create a different narrative and work with communities on the ground is very important. Faith sharing and interfaith activities that bring together imams, rabbis, priests etc. help. Also, to counter the effectiveness argument, we must engage the community. When talking about communities – it makes sense to say communities will not cooperate if you make them feel like the enemy. We must collaborate and come together. Also, it is very important to include and not disregard or ignore the conservative voice in the issue. By creating conversations we can overcome this issue; this is not a “left or right issue”, but is rather a “right and wrong issue”.

Q: How do we connect to bigger trends and narratives? How things happening in other parts of the world affect can happen in the US?

A: The implications of Arab Spring are huge. The technology enabled popular uprisings have tremendous power. They are and will be dominated by the youth, and need more substantial infrastructure that can implement progressive agenda. It is a great opportunity in the global perspective of countering terrorism. It can serve to open the agenda to the human security paradigm, ending the single state security paradigm. With the nature of the events happening in MENA there is a shift from the counter terrorism perspective and agenda to a new human and civil rights agenda. In regards to youth and immigration, there are 65,000 DREAMERS graduating from high school this year. They have

revolutionized immigrant rights movement and are doing so with minimal immigration infrastructure. Who are these youth? What are they capable of? How can they work in concert with established organizations? We must work to lead this fight into success.

Q: In regards to the immigrant movement – is it a diverse group of immigrants or mostly Hispanic groups?

The perception that all immigrants are Hispanics hurts on both sides. Mostly, it restricts agency of other immigrants. It is important to realize that there are many marginalized communities out there that are in need of help and immigration reform. FFF funds multi-ethnic coalitions. For example, there is a large Kurdish refugee population in Tennessee that FFF works with.

Q: One of the great things funded are core groups of very sophisticated organizations. Is there still a need to continue funding core groups?

A: Continuing funding core groups is critical. If you are looking to diversify funding or are changing funding strategies, it sometimes works to provide lots of funding and inflate core groups, and then provide less funding and deflate.

## **PART II**

**Dimple Abichandani** introduced the next portion of the session by asking panelists about the participants' funds, what they work on, and their strategies.

**Monona Yin** from Four Freedoms Fund (FFF) described her work to be on immigration policies in the United States, the impacts on immigrants since 9/11, and looking to see if grantees responses to discrimination are too rational.

One useful strategy described was field building. Field building is central grantmaking strategy in tackling the difficult questions like how to give agency to immigrants who live in gateways and heartlands. By investing in organizations primarily comprised of impacted communities (such as Arabs, Muslims, South Asians), we are able to anchor that scale and are impactful at the state level. Continuing to contribute in the midst of genuine social movements to the muscle of the true immigrant communities makes the successes possible.

FFF is working and hoping to pass some form of comprehensive immigration reform with the DREAM Act, with which there is a major politically attractive investment associated. In absence of this, investment is needed in continuing to build that map around the country and in states like Alabama, continuing to go to the court house and working at state level against these abusive bills.

**Tim Parritt** from Oak Foundation described their strategy as having no clear master plan from the beginning, but rather an evolution of strong strategies throughout time. Some important steps made in this struggle towards rights and security was getting torture prohibited amongst agencies and the closure of secret detention camps. A focus on the lack of transparency was key in these achievements.

The right to challenge detention found in the Habeas Corpus affirmation in the Supreme Court was also a huge accomplishment that needs to be promoted abroad more aggressively pursued domestically.

**Fulco van Deventer** from Cordaid explained the major affect of counter terrorism on the Dutch environment. With this worldwide phenomenon of counter terrorism developed after 9/11, many organizations were not seen as neutral anymore. Working close with people in affected areas that are stigmatized as terrorist centers is suspicious to some. For example, with the worst natural disaster in the world, as declared by the UN, the Pakistan floods provided many opportunities for funding and charity work. Many people voiced uncertainty about Cordaid as a “Catholic” organization potentially helping out Muslims in a land where terrorism breeds. Proving that money is not going to Al-Qaeda or to terrorist groups is essential in gaining credibility and success.

**Kica Matos** from Atlantic Philanthropies spoke about some strategies that were used to raise awareness on certain issues. Three years ago before the elections, several foundations came together and pitched in to create a four tiered issue agenda that looked at different areas of focus: advancing policy goals; capacity building; counterterrorism strategies; and creating a pooled fund for US based funders. The campaign was highly regarded and the approach proved great in regards to the national security issue. With this increased collaboration, information sharing, and communication between groups, there was improvement in organization resources and the successful creation of a pooled fund of about \$30 million was possible.

#### Levers for Grantmakers

- Empower communities and local civil society
- Localize litigation
- Pressure supply chains
- Use both judicial and non judicial mechanisms, i.e. dispute resolution via IFIs, public campaigns
- Research how big companies get finance to do projects. There is an increase in the use of new funders, such as hedge funds and intermediary funders. This serves to outsource compliance and raises the question of who is doing due diligence.
- Support climate justice work
- Support community organizing and education with small grants.
- Support the translation of company voluntary principles into legislation.
- Reflect on which direction U.S. philanthropy is pushing agriculture around the world
- Invest resources into educating funders on the political economy and how what we consume produces human rights violations. Capitalism has changed; we need to better understand how money circulates and how decisions regarding trade and investment negotiated in secret.
- Build capacity at local level where there is potential for conflict and support orgs going to work on following the money and financial intermediaries