

BOB MILLER/THE NEW YORK TIMES/REDUX

CROSS EXAMINATION

As leader of the Equal Justice Initiative, Bryan Stevenson has defended death-row prisoners and children sentenced as adults. Now the group is trying to spark public dialogue about America's racist history to make progress on tough issues like poverty and unfairness in the criminal-justice system.

Reminders of a Brutal Past

Bryan Stevenson wants America to reflect on its history of intolerance and violence — and see the roots of discrimination today. **By NICOLE WALLACE**

LARGE JARS OF SOIL line floor-to-ceiling shelves in an upstairs room at the Equal Justice Initiative, a nonprofit law firm. Some of the containers are filled with thick, red Alabama clay, while others bear rich, dark soil from the agricultural Black Belt or the sandy loam found closer to the Gulf Coast.

The jars bear witness to a violent, painful chapter of the state's history, stretching between Reconstruction and the mid-20th century. Each vessel is filled with dirt from the site where a black man, woman, or child was lynched. Sometimes the lynchings were publicized ahead of time and drew crowds of hundreds or even thousands of people. The victims were killed by white citizens who knew they wouldn't be held to account for actions often taken with the approval — tacit or otherwise — of local officials.

Each jar in the exhibit carries the name of the person killed, if it is known, as well as the date and place where he or she was murdered. By the end of the summer, the Equal Justice Initiative hopes to collect soil from the locations of all 363 documented lynchings in Alabama and then start on other Southern states.

From the first collection, it was clear that gathering the soil was a powerful act of remembrance, says Bryan Stevenson, the organization's executive director, who spearheads the project.

"You had to take a journey," he says. "You had to go to a space that didn't feel entirely comfortable, and then you had to do something that replicated the dynamics of this history, engaging with the soil."

History's 'Toxic Smog'

Mr. Stevenson has taken on an enormous and timely challenge: to spur a public reckoning with America's history of racial injustice and violence and its impact on contemporary issues like criminal justice, poverty, and education. He believes the only way the country can make progress is to grapple honestly with those issues' roots in past discrimination. His organization's racial-justice efforts won a high-profile endorsement when Google awarded it a \$1 million grant — a significant amount for a group whose 2016 budget is \$7 million.

While Mr. Stevenson is deeply focused on

America's past, he isn't a historian. For more than 25 years, he has led the Equal Justice Initiative, which provides legal representation to death-row prisoners, fights abuse of people who are incarcerated and mentally ill, and aids children sentenced as adults. In the process, he's become one of the country's most celebrated public-interest lawyers.

Mr. Stevenson was just 36 when he won a MacArthur fellowship — aka a "genius" grant — for his work representing people sentenced to the death penalty. In his 2014 best seller, *Just Mercy*, Mr. Stevenson tells the story of Walter McMillian, a man who spent six years on death row for a murder he didn't commit and whose release the lawyer won. The book has been optioned

to become a movie, and Mr. Stevenson's TED talk about inequality in the criminal-justice system has had 3 million views.

He has argued groundbreaking cases before the Supreme Court, winning decisions that limit the instances in which young people can be sentenced to life in prison without the possibility of parole.

Family Stories of Violence

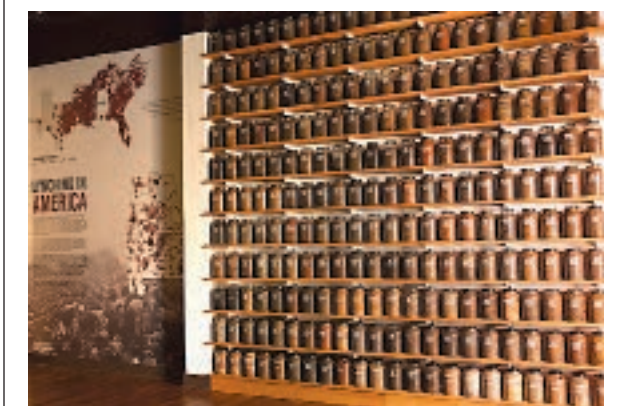
Inequality is something he's thought about for a long time. The future nonprofit leader grew up in Milton, Del., a poor, rural, racially segregated town whose schools were formally integrated when he was in the second grade. His grandmother was born in Virginia in the 1880s to former slaves. She told him her parents' stories of growing up in slavery and the violence and intimidation that former Confederate soldiers used to keep African-Americans down when federal troops left.

Mr. Stevenson, now 56, looks at least a decade younger. At the office, he wears a button-down shirt — no tie — and slacks and exudes unflappable calm. In conversation, he is measured, thoughtful, engaging. During a two-hour interview, he never raises his voice, yet his passion is unmistakable.

Slavery is the defining human-rights issue in American history, says Mr. Stevenson, and he's astonished at how few public spaces in this country are dedicated to an honest exploration of its history and repercussions. He contrasts the dearth of markers and memorials to the way countries like Germany, South Africa, and Rwanda engaged in

Continued on Page 22

HONORING THE VICTIMS OF A VIOLENT TIME



EQUAL JUSTICE INITIATIVE



OZIER MUHAMMAD

The Equal Justice Initiative displays jars of soil collected from the sites of lynchings to demonstrate the scope of the killings. College students are among the volunteers who collect the earth, which will also be incorporated into a national memorial to the victims of lynching.

Continued from Page 21

tough, honest, repentant discussions of the horrors that happened in those countries.

"In America, we didn't do it," he says. "And so this history of racial inequality hangs over this nation like a toxic smog. We breathe it, and we live it, while pretending that it's not there. And I think it has made all of us less healthy."

The Equal Justice Initiative's racial-justice work has been building. Here in a city that has 59 markers dedicated to the Confederacy, Mr. Stevenson and his colleagues fought to erect three markers that describe Montgomery's significant role in the slave trade. As the group conducted research, it learned that its own office is on the site of a former warehouse that held slaves before they were auctioned less than two blocks away.

"They stored livestock here," says Mr. Stevenson. "They stored cotton here. They stored people here."

Last year, the group published a groundbreaking report on lynching that documented 4,075 killings, 800 more than the most comprehensive previous studies.

Now, working with designers who helped create the National September 11 Memorial & Museum, the organization has started construction on a 10,000-square-foot museum, From Enslavement to Mass Incarceration, scheduled to open in Montgomery by early 2017.

The group has also bought six acres of land to build a national memorial to honor the victims of lynchings. Additional soil collected from lynching sites — beyond the earth-filled jars in the ex-

WHAT LEADERSHIP LOOKS LIKE

Bryan Stevenson was with Rosa Parks when the civil-rights icon received an honorary degree from Florida State University in 1994. The band started to play "We Shall Overcome" while the audience was seated. "I saw her look around, and then she looked at me," he recalls. "It felt like a wink — it may not have been a wink — but she just said, 'No, I stand when I hear this song.' She stood up, and she got 50,000 people in an instant to stand up."

hibit — will be incorporated into the memorial's concrete columns. The Equal Justice Initiative is working with StoryCorps, a public-radio oral-history project, to record volunteers' experiences collecting the soil.

Fighting a 'Presumption of Guilt'

But does it make sense for a legal-services charity to wade into the public debate about history? Mr. Stevenson says he's fielded questions about whether ambitious projects like the museum and lynching memorial will come at the expense of the

group's legal work. His answer is that the Equal Justice Initiative is handling more cases than ever before — and there's a direct connection between the group's racial-justice efforts and its work in the courtroom.

"Racial bias and the history of racial inequality infect every area of the criminal-justice system," he says. "There is a presumption of dangerousness and guilt that follows black and brown people, and presumption of guilt in the criminal-justice context can be lethal."

Fostering a serious, thoughtful discussion about racism won't be easy, but Mr. Stevenson has faced daunting challenges before.

He was a young lawyer at the Southern Center for Human Rights in Atlanta when he first started to represent people sentenced to death in Alabama. The state didn't have a public-defender system, and at the time, the amount of money allocated for a lawyer appointed to defend someone accused of a capital crime was capped at \$1,000 for the pretrial work and \$1,000 for the trial work.

When he learned that no groups in the state were monitoring death-penalty cases or mounting appeals, Mr. Stevenson moved to Montgomery to head what became the Equal Justice Initiative.

The death penalty was very popular in Alabama in the late 1980s, says George Kendall, an EJI board member who met Mr. Stevenson when they were both young lawyers in Atlanta working on capital cases.

"You couldn't run for dogcatcher in the

Continued on Page 24

NONPROFIT RULE #13:

FRIENDING PROSPECTS ON FACEBOOK DOES NOT QUALIFY AS CULTIVATION.

Campbell & Company

Advancement Planning • Fundraising • Communications • Executive Search

After 39 years, we've learned the rules for engaging donors. From providing expert guidance in advancement planning, strategic information services, fundraising or communications to helping your organization recruit the brightest talent, Campbell & Company brings together the people, resources and ideas you need for success.

Visit us at www.campbellcompany.com to learn how we can help you today.

(877) 957-0000 TOLL-FREE • www.campbellcompany.com



Continued from Page 22

South without being for the death penalty,” he says.

Early on, the group focused on death-penalty litigation when appeals reached federal courts, largely because it was able to get government money to pay for those cases. But when the lawyers reviewed their clients’ earlier appeals in state court, they found legal briefs that were incom-

“Racial bias and the history of racial inequality infect every area of the criminal-justice system.”

plete, contained errors, and failed to present mitigating circumstances about clients’ mental health or abuse they had suffered.

“If a law student had turned in a brief like that, you would give them an F,” says Mr. Kendall, who is now director of the Public Service Initiative at the powerhouse law firm Squire Patton Boggs.

The shoddy work at the state level made it very hard to win relief in federal courts. So Mr. Stevenson changed course and started raising money from foundations and individuals to fund state appeals — which proved a turning point in EJI’s

development. The group began to win reversals for clients, based on errors its lawyers identified in clients’ original trials and bias they documented in jury selection.

“And that’s only because there was this independent law office that was writing up those claims that were very powerful,” says Mr. Kendall.

Today 80 percent of the Equal Justice Initiative’s operating budget comes from individuals, with the rest coming from foundations and corporations, including the Open Society Foundations and the Public Welfare Foundation.

The organization’s racial-justice efforts have started to get support, but it was slow going at the beginning, because most such work that philanthropy supports focuses on current problems, says Mr. Stevenson: “When I went around and started talking about slavery, people looked at me like I was crazy.”

People in the world of public-interest law say a lot of very nice things about Mr. Stevenson. They call him a brilliant lawyer and strategist, a tireless champion for his clients, and an excellent teacher who has inspired hundreds of young lawyers to work for social justice. And almost to a one, they describe him as an extraordinary communicator.

“You hear Bryan speak, and it’s like, ‘Whoa, he’s magic,’” Christina Swarns, director of litigation at the NAACP Legal Defense and Educational Fund, says, laughing.

But she turns serious when she describes his ability to humanize people who have committed terrible crimes and make their stories matter in the courtroom.

“He uses the people who we are most inclined

to dislike and discard as a vehicle for requiring people to approach the world in a better way,” she says.

Ms. Swarns saw Mr. Stevenson argue a case before the Supreme Court several years ago and was struck by how he combined storytelling with a remarkable command of the legal record.

He approached the podium without notes, yet cited appendices of previous cases by page number from memory. The result, Ms. Swarns says, is that the justices accorded him a measure of deference she’s seldom seen before: “It really felt like a conversation among peers about how we’re going to deal with this case.”

Honest Reflection

Confronting the history and legacy of racism without flinching is enormously difficult — but Mr. Stevenson believes it’s essential for recovery and maybe even redemption.

Before volunteers collect the soil, he reminds them that the dirt they will dig holds the sweat of slaves who toiled in the fields, the blood of the lynched, the tears of people who suffered the humiliations of segregation — but also the possibility of new life.

Mr. Stevenson hopes the new museum, the lynching memorial, and all of EJI’s racial-justice work reflect both the pain of the past and the promise of triumph.

“Ultimately, I just want to do it honestly,” he says. “You can’t do it cheaply. You can’t skip all the hard parts. We’ve done that in the United States, and we have to stop.”



aim for excellence

Congratulations to Higher Achievement for winning the 2016 AIM Award and to our honorable mentions A-SPAN and National Children’s Alliance!

On May 24th, the Center celebrated the 22-year-old **Advancement in Management Award** at the Best Practices Event and highlighted the excellent management practices of award recipients in breakout sessions.

For outcomes, takeaways, and templates visit nonprofitadvancement.org/2016AIM or [#AIM16](https://twitter.com/AIM16) on Twitter

a program of:



center for nonprofit advancement

presented by:



pepco

additional support by:



Capital One



Rotary Club of Washington, DC