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Difference

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SAVING KENNETH FOSTER

Speaking with Others in the Belly of the Beast of Capital Punishment

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The end of August is a familiar time of transition for most academics, with new students and cooler weather awaiting. However, for communication scholars involved in the campaign to save Austin, Texas death row inmate Kenneth Foster, Jr., August 30, 2007 was a day haunted by the specter of uncertainty. At 6 p.m. CST that day, Foster was scheduled to enter the Huntsville execution chamber and receive a lethal injection. Our summer of struggle—filled with rallies, press conferences, news releases, organizing meetings, and acts of civil disobedience—came down to this day.

By that point, almost every major newspaper in Texas had published an editorial in Kenneth's favor.¹ High-profile public figures, including

Archbishop Desmond Tutu, President Jimmy Carter, actress Susan Sarandon, and Catholic nun and death penalty abolitionist Sister Helen Prejean, had sent letters to the members of the Texas Board of Pardons and Paroles, and to Texas Governor Rick Perry, asking them to spare Kenneth's life. In fact, the Texas Board of Pardons and Paroles had received 11,815 communications and 5,470 petition signatures opposing the execution, with only 12 communications in favor of it (Gloria, 2007). The Coliseum in Rome was even lit up in Kenneth's honor (Goodman & Gonzalez, 2007b). The campaign to save Kenneth Foster, thus, had given Governor Perry every reason to spare Kenneth, but we could not be sure that it was enough, given that he had presided over more executions than any U.S. governor in modern history in the state that, since 1976, has executed more than half as many people (487) as all of the other states *combined* (827 people; Death Penalty Information Center, 2011).

Kenneth's pro bono appeals attorney, Keith Hampton, had been cautious about embracing the activist campaign to save his client, but that afternoon, he called communication activist and scholar Bryan McCann, who had become a liaison between Keith and the campaign, to share the news that Perry had commuted Kenneth's death sentence to life imprisonment. We had won. The sense of joy and relief we felt at that moment is difficult to describe.

Across from the Texas governor's mansion, activists who had protested the executions of Gary Graham (aka Shaka Sankofa), Frances Newton, and Karla Faye Tucker, among countless others, found themselves in an unusual position—celebrating (see Bruni, 2000; Staunton, 2005; Verhovek, 1998). This incredible victory for Kenneth and his family, and for abolition of the death penalty, had been difficult to imagine just 90 days prior when the campaign began.

On May 30, 2007, approximately 50 people gathered at the Carver Library in Austin to discuss the prospect of saving Kenneth Foster's life. Although those in attendance shared a desire to halt Kenneth's execution, their ideas about how to do so differed dramatically. Such differences were not surprising, for as Gamson and Meyer (1996) observed, social movements contain "a field of actors, not a unified entity" (p. 283). Some people present (including the authors who attended²) supported a vibrant and community-based grassroots campaign, but others feared that such an effort would alienate the powers that be and seal Kenneth's fate. Complicating this debate over strategy was a more fundamental question of representation: Who had the right to represent Kenneth—his new wife from Denmark, the grandfather who raised him, the lawyer who represented him, or the experienced activists who befriended him? This question provoked passionate pleas, divisive remarks, and even threats of litigation that would color the dynamics of the ensuing 90-day campaign.

This chapter documents the difficult questions of ethics and strategies that informed our participation in the Save Kenneth Foster Campaign (SKFC). Through an analysis of that campaign, we demonstrate how solidarity among Kenneth's supporters was forged through an ethical and strategic position of speaking *with* rather than speaking *for* others; taking this stance offers the possibility of communicating across differences of identity, strategy, and political orientation. By illuminating debates that occurred during this campaign and strategies that emerged from them, we highlight not only the ethical balancing act emanating from the cacophony of voices within the struggle to save Kenneth's life but also the very strategies of communication activism that gained this victory.

This work, thus, fits with the growing "diverse array of activist-scholars and scholarly activists dedicated to using communication theories and research for the greater social good" (Artz, 2007, p. 34). A number of communication scholars, for instance, have studied the intersection between activism and teaching in the prison system, and, more specifically, the use of writing to enable people who are incarcerated to be authors of their experiences (Corcoran, 1985; Hartnett, 2003; Novek, 2005a, 2005b; Novek & Sanford, 2007; Valentine, 1998, 2006). Communication scholars also have written about the need for activism to address the prison-industrial complex and the systemic inequalities that the system replicates and perpetuates (e.g., Hartnett & Larson, 2006; McHale, 2007; PCARE, 2007), and nowhere are these inequalities more apparent than in capital punishment cases (see, e.g., Sunwolf, 2006, 2007). Most communication scholarship on capital punishment, however, analyzes public discourse surrounding that topic (e.g., Dardis, Baumgarten, Boydston, De Boef, & Shen, 2008; Hartnett, 2010; Hartnett & Larson, 2006; Moore, 2006; Wood, 2005), with only a few scholars intervening to change that discourse; a notable example is McHale's (2007) use of video documentary as an activist tool to prevent the execution of Joe Amrine, "a Missouri man living on death row for 17 years ... despite there being neither witnesses nor evidence against him" (p. 196).

To clarify the ethical and strategic contours of the SKFC campaign, we first briefly sketch social injustices associated with the death penalty. Second, we describe Kenneth Foster's case and explain the difference in opinion over the campaign's strategy that emerged at the inception of our organizing efforts. Third, we outline our theoretical orientation regarding the "problem of speaking for others" that we encountered in this campaign. Fourth, we follow these foundational descriptions with an analysis of the campaign that explores problems of credibility, organizing, and representation. Fifth, we conclude the chapter with lessons learned through the campaign and how those lessons might be applied to a broader terrain of struggle.

REALITIES OF THE DEATH PENALTY

Even as it acts on the body in obvious and profound ways, the death penalty also is a fundamentally communicative phenomenon. Several scholars have engaged public debates about capital punishment, noting how rhetors struggle over particular tropes, such as the question of who may and may not lay claim to the status of “victim” (e.g., Hartnett & Larson, 2005, 2006; McCann, 2007). Conquergood (2002) described executions themselves as “awesome rituals of human sacrifice through which the state dramatizes its absolute power and monopoly on violence” (p. 342). Communication about the death penalty, thus, is connected to the exercise of power through broader institutional structures.

Many U.S. Americans believe that the death penalty is reserved for the most heinous crimes, but in reality, people sentenced to death are treated as though they are politically, socially, and economically expendable. Although the spectacle of the death penalty portrays a mode of punishment considered rightfully applied to society’s villains, the reality of the death penalty is that people of color and people who are poor are most likely to be sentenced to death.

Race and the Death Penalty

The criminal justice system has been and continues to be a structural form of racism where the legacy of slavery still survives (Rizer, 2003). Although whites constitute 75.1% of the U.S. population and blacks represent only 12.3% (U.S. Census Bureau, 2001), blacks are overrepresented on death row and executions. A report prepared for the National Association for the Advancement of Colored People Legal Defense and Educational Fund found that in 2009, 1,457 whites (44.4%) and 1,364 blacks (41.67%) were on death row (Fins, 2009). Between 1930 and 2010, of the 1,193 prisoners executed, whites accounted for 668 (57%) and blacks accounted for 415 (34%) of the executions (Death Penalty Information Center, 2010a). Finally, 52 people were executed in 2009, of whom 23 were white (44.2%), 22 were black (42.3%), and 7 were Latino (13.4%; Death Penalty Information Center, 2009a).

Evidence of the racist nature of the death penalty has been brought before the U.S. Supreme Court as a violation of equal protection. In *McCleskey v. Kemp* (1987), the Supreme Court considered the Baldus Study, which found that “a black perpetrator is eleven times more likely to get the death penalty than a white criminal charged with the same crime. Moreover, a black defendant is twenty-two times more likely to get the death penalty

if the victim is white” (Rizer, 2003, p. 852). However, the Supreme Court refused to halt executions, in part, because of its opinion that “disparities in sentencing are an inevitable part of our criminal justice system” (*McCleskey v. Kemp*, p. 312).

Racism also is an important component of public support for the death penalty. Numerous studies have found that whites draw on negative racial stereotypes of blacks when they consider crime and punishment (e.g., Gilliam & Iyengar, 2000; Peffley & Hurwitz, 2002). A more recent study by Peffley and Hurwitz (2007) confirmed the findings of previous studies: The majority of whites who support the death penalty believe that black criminality is the result of dispositional characteristics rather than a racist justice system, and refuse to abandon their support for the death penalty, even when faced with evidence that the practice is flawed (see also Bobo & Johnson, 2004). Peffley and Hurwitz (2007) also found that whites who were told that the death penalty is racist actually become more supportive of it. Given these findings, it will take public education and multiracial organizing to break this association. However, to address the systemic discrimination of the death penalty system, we also must consider how the death penalty system targets the poor.

Poverty and the Death Penalty

In a nation that valorizes the accumulation of wealth, those who are poor become morally suspect and legally vulnerable. The U.S. criminal justice system reinforces the “familiar American association between wealth and virtue, poverty and moral bankruptcy ... [and] sends the message that it is the poor, not the rich, who commit crimes and whom the middle class should fear” (Rizer, 2003, p. 858). Those general perceptions are reflected in Marquart, Ekland-Olson, and Sorenson’s (1994) interviews with death row inmates, which showed that they shared a few common characteristics: They were poor, poorly educated, from the social fringes, and had family problems.

The meagerness of resources available to defend people who are poor in capital cases compared with the resources of the state and the high cost of trial almost guarantees an inadequate defense. For instance, between 1995 and 2004, the state of New York spent \$23 million per death sentence (Mello, 2008). Defendants who cannot afford the cost of retaining attorneys are assigned poorly compensated, inadequately prepared, and sometimes incompetent lawyers who are under extraordinary stress because their errors might result in the death of their client (see, e.g., Sunwolf, 2006, 2007). A survey of defense attorneys revealed that “the average hourly rate for retained criminal work in Texas is \$135.98 per hour. ... However, when defense counsel are [sic] assigned to represent indigent clients, they report

that they receive, on average, \$39.81 per hour” (Butcher & Moore, 2000, p. 15). During George W. Bush’s tenure as governor of Texas, the *Chicago Tribune* found that in 40 death penalty cases, defense attorneys presented at most one witness or no mitigating evidence during the sentencing phase (Solar, 2004). In 43 of 131 cases, capital defense trial lawyers already had been or were later disbarred, suspended, or otherwise sanctioned for misconduct; three of them actually were convicted of felonies (Solar, 2004). The cost of defending oneself against the state, which has considerable resources and little motivation to equip the defense, makes people who are poor more likely to be sentenced to death (Death Penalty Information Center, 2009b).

THE CAMPAIGN TO SAVE KENNETH FOSTER, INMATE AND ACTIVIST

On the night of August 14, 1996, Kenneth Foster, Mauriceo Brown, Julius Steen, and Dewayne Dillard planned and committed two separate robberies. Brown, Steen, and Dillard accosted the victims; Kenneth was the getaway driver. After the two robberies, Kenneth asked Dillard to persuade Brown and Steen to stop. On their way home, they saw a woman in front of her residence who appeared to be waving them down. Brown wanted to talk to the woman, so Kenneth stopped the car and Brown exited and started talking to the woman. The woman’s boyfriend, Michael LaHood, approached the two from the driveway, exchanged words with Brown, and was then shot and killed by Brown. According to Dillard, Kenneth looked shocked and started to drive away, but stopped at Dillard’s request.

Unlike Julius Steen and Dewayne Dillard, Kenneth Foster was tried with the shooter, Mauriceo Brown. During the trial, Brown testified that he had no plans to rob the woman or Michael LaHood, and that he had acted on his own. Brown was executed in 2005 for his crime.

Kenneth also was sentenced to die based on a deeply flawed and inappropriately used law in this case. Commonly known as the “Law of Parties,” the Criminal Responsibility for Conduct of Another Act of the Texas Penal Code (1973) states that a person is criminally responsible for another person’s actions if

acting with intent to promote or assist the commission of the offense, he [or she] solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense; or ... if, in the attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of the carrying out of the conspiracy. (Sec. 7.02)

The imposition of the death penalty under the Law of Parties violates the U.S. Supreme Court’s ruling in *Enmund v. Florida* (1982) that a death sentence is a disproportionate punishment when the defendant was not present at the killing, did not kill, and did not intend that the victim(s) be killed or did not anticipate that lethal force might be used in the course of a robbery or to effect a safe escape. Nonetheless, the judge in Kenneth’s case told the members of the jury that they could “find the defendant Kenneth Foster guilty of the offense of capital murder, though he may have had no intent to commit the offense” (Jacobs, 2007, para. 16). Under those instructions, a jury can impose the death penalty for a defendant’s mental status no greater than negligence and jury members are asked to evaluate whether a defendant should have foreseen that a crime would take place—a difficult task given that the jury already knows that a crime did take place. Consequently, Kenneth was sentenced to death for being in the wrong place at the wrong time.

Kenneth’s relationship to the Texas anti-death penalty movement was not always a matter of the Law of Parties or saving his life; rather, members of the Campaign to End the Death Penalty (CEDP; <http://nodeathpenalty.org/content/index.php>) came to know Kenneth as part of a broader movement against the death penalty. Kenneth is one of five founding members of the Death Row Inner-Communist Vanguard Engagement (DRIVE; <http://drivemovement.org>), whose purpose is to protest the conditions on death row at the Polunsky Unit (previously named the Terrell Unit) in Livingston, Texas. There, death row inmates are kept in 23-hour administrative segregation inside 60-square-foot cells with sealed steel doors, deprived of sensory stimulation and physical contact. Their nutritional and health-care needs are substantially substandard (for a narrative of life in Polunsky, see Nealy, n.d.). Their connection to loved ones is limited to one 5-minute telephone call every 6 months and their mail often is censored. To address these issues, DRIVE members engaged in coordinated acts of civil disobedience.

Kenneth’s political involvement in DRIVE encouraged him to forge relationships with anti-death penalty and leftist activists outside the prison. Kenneth first contacted a CEDP member by mail in 2000 and has remained in contact with one or more members since. Kenneth’s political activism in prison made sustained grassroots action for SKFC members far more realistic than if he had remained silent for his 10 years on death row. A prolific writer with a sharp political critique, he shared essays, poems, and instructions with us by mail. The lines from one of Foster’s (2006) poems described his writing as a way of understanding his situation and expressing his agency in resisting it:

I can't get the gun shots out my head!
 Can't get the pen out of my hand!
 The penitentiary is out of hand.

His critique of the criminal justice system gave us reason to believe that the tone of a campaign to save his life would be forceful and political.

The Problem of Speaking for Others: A Common Goal, Differing Means

Kenneth Foster was given an execution date of August 30, 2007. McCann, a member of CEDP and one of Kenneth's pen pals, alerted CEDP of the impending execution date. CEDP decided to call a community meeting on May 30 at Carver Library in Austin to bring together Kenneth's family, friends, and community members to fight for his life.

CEDP spent 2 weeks advertising and encouraging attendance at the community meeting. We invited Kenneth's lawyer, Keith Hampton, to speak to the group, and CEDP's Lily Hughes presided over the meeting. We knew that there were relational strains between some of Kenneth's family members and his fiancée Tasha Foster, and his close friend and civil attorney, Mary Felps. We were surprised to find that Tasha questioned the right of CEDP to be involved. Before the meeting began, Felps pulled McCann aside and threatened to sue him if he or CEDP engaged in any political action that "resulted" in Kenneth's death. After convincing her—at least for the moment—that we all had a common goal, the meeting began.

After Keith delivered his opening remarks, Tasha and Mary stood up and read a letter from Kenneth explaining that they should have complete control over any campaign to save Kenneth. Tasha and Mary wanted the campaign to focus solely on Kenneth, not on the death penalty or its racial and class politics. Citing the much-publicized failed campaign to stop the execution of Stanley "Tookie" Williams in California, Tasha and Mary feared any political activism that might offend or alienate Governor Perry, Texas lawmakers, or Texans, in general, would cost Kenneth his life. Tasha claimed that California executed Tookie to prove that it could and would execute its citizens, and she feared that Kenneth would be treated the same in Texas. Instead of a public campaign, they favored a letter-writing campaign to Perry and the Texas Board of Pardons and Parole, as well as hiring Sheila Murphy of Chicago's John Marshall Law School (to gain an audience with the governor to plead Kenneth's case).

CEDP members and other anti-death penalty activists, along with some of Kenneth's other family members, such as Kenneth's grandfather, Lawrence, however, envisioned a public campaign that would be built

around petitions, rallies, and marches. Based on Kenneth's activism in DRIVE and previous successful campaigns, CEDP believed that efforts would be best spent creating a climate that would make it, in the words of MOVE's³ Mario Africa, "politically untenable" for Texas to execute Kenneth. After a range of impassioned arguments, it was unclear whether those in attendance could work together; much less decide on a strategy.

Regardless of CEDP members' desire to save Kenneth, the organization was faced with some significant ethical dilemmas. Because of Kenneth's limited ability to represent himself publicly, the problem of representation in such a campaign loomed large. First, what right did CEDP, as a group of primarily white, educated, and privileged people, have to "speak for" Kenneth, a black man of modest means and little formal education? Second, what role could CEDP members play to encourage solidarity despite our differences to create a campaign that would effectively "speak with" Kenneth? Third, what was our responsibility as scholar-activists to involve ourselves in such a campaign?

Advocating for those who are oppressed and exploited in any given society sometimes may conflict with the imperative for those very individuals to articulate their experiences in their voices; this dilemma is what Alcoff (1991–1992) named the "problem of speaking for others" (p. 6). Regardless of how well meaning, persons of privilege (including academics) must consider the political ramifications of representing the concerns of those who are oppressed and exploited. Who gets to speak for whom is "politically constituted by power relations of domination, exploitation, and subordination. Who is speaking, who is spoken of, and who listens is a result, as well as an act, of political struggle" (Alcoff, p. 15). For scholar-activists, "the question is how to keep the ethnocentric Subject from establishing itself by selectively defining an Other. This is not a program for the Subject as such; rather it is a program for the benevolent Western intellectual" (Spivak, 1988, p. 293). People of privilege have assumed in the past (and some continue to assume) that they can "give voice" or "empower" marginalized groups to speak. This practice reifies the structures that create marginalized people by assuming that they cannot organize but, instead, need those who are privileged to speak on their behalf.

However, even though the attempt to speak for another person is necessarily problematic, that does not mean that those who are privileged should stand idly by as others are oppressed and exploited (see Welker, this volume) As Alcoff (1991–1992) noted:

It is not always the case that when others unlike me speak for me I have ended up worse off, or that when we speak for others they end up worse off. Sometimes ... we do need a "messenger" to advocate for our needs. ... The point is not that for some speakers the danger of speaking for

others does not arise, but that in some cases certain political effects can be garnered in no other way. (pp. 29, 18)

In addition to the propositional content of speech/representation, Alcott argued that when people speak, they must consider the “probable or actual effects of the words on the discursive and material context,” as well as “where the speech goes and what it does there” (p. 26).

Speaking To and With Kenneth Foster and the Community

As a group of pen pals with and activists for Kenneth, CEDP members knew that Kenneth did not need us to speak for him. Rather, as the following analysis demonstrates, we employed a politics of speaking *with* Kenneth, doing so in three main ways. First, we spoke to Kenneth, as well as to his biological and extended family, to create credibility as activists who desired to conduct a public campaign. Second, we helped to build a grassroots movement about Kenneth in communities sensitive to issues of race and class. Third, we actively sought ways for Kenneth to express himself through his poetry, family, and political allies.

Creating credibility: Speaking to Kenneth Foster. Spivak (1988) argued that those who are in positions of privilege should not be silenced by their privilege but, instead, should unlearn it. That is, privileged activists must question the limitations on knowledge and understanding that their privilege creates and acknowledge the knowledges of those who are oppressed before assuming the role of spokespersons (see also Landry & MacLean, 1996). To undertake the necessary unlearning, people who are privileged must

work hard at gaining some knowledge of the others who occupy those spaces most closed to our privileged view. Attempting to *speak to* [emphasis added] those others in such a way as they might take us seriously and, most important of all, be able to answer us back. (Landry & MacLean, 1996, pp. 4–5)

In other words, because the authors, as well as many members of CEDP, are people who have a degree of privilege in society, we had to find ways to learn about Kenneth’s situation in conversation with him and with his family.

One important aspect of unlearning one’s privilege is to engage in dialogue with others as equals. CEDP members had been in contact with Kenneth and DRIVE for some time, but at the beginning of the campaign to

save Kenneth, that relationship was strained. After the contentious first community meeting, McCann received a letter from Kenneth that chastised CEDP for desiring to control the campaign and disrespecting Tasha and Mary. The letter was quite a blow, as CEDP had devoted considerable energy and resources to his case. After speaking with some of Kenneth’s family members, we learned that Kenneth had been misinformed about what had happened at the first meeting. Nonetheless, we realized that if Kenneth did not want us to represent him, we would respect his wishes.

CEDP members felt confident in their relationship with Kenneth to communicate with him directly about our involvement in his campaign. McCann wrote back to Kenneth, explaining our intentions for and perspective on that first meeting, and expressing our frustration and hurt about the accusation that we had attempted to usurp power from Tasha and Mary. Our open and honest communication with Kenneth proved successful, as, in subsequent letters, he approved of CEDP’s involvement and encouraged CEDP members to write to him, which many did. This correspondence strengthened the solidarity between CEDP members and Kenneth, and among campaign members. Letter writing also increased the frequency and amount of information that Kenneth received about the campaign and provided him with greater opportunity to offer input into how it was to be run.

Gathering support, engaging in bold action: The grassroots movement. CEDP also had to gain credibility with Kenneth’s family members, as they, too, had a personal stake in how he would be represented. It was important for CEDP members to demonstrate a genuine desire to help Kenneth and not just use his case for political purposes. We laid the groundwork for this type of relationship with his family at the second community meeting. We also had to mediate some differences between the vision that Tasha and Mary had for the campaign and that of other members of Kenneth’s family, some of whom were a bit skeptical of the plan to raise money to hire Murphy to gain an audience with Governor Perry to plead Kenneth’s case. We asked Mary to cochair the meeting along with CEDP member Jennifer Asenas, and we invited any of Kenneth’s family still interested in a coalition to meet us at the Austin History Center. To allay Tasha and Mary’s fears of opportunistic activism, we agreed to engage only in public displays approved by SKFC members. We also paired Tasha and Mary’s idea for a letter-writing campaign with a public event to increase our visibility in the community by planning to have an information booth at the Austin Juneteenth celebration on June 19.⁴ At that celebration, campaign members could gather petitions and letters of support for Kenneth, speak to people about Kenneth’s case, and invite people to our weekly meetings. Finally, we asked Beverly Fisher, Kenneth’s cousin and a friend to CEDP, to chair the next meeting.

Through dialogue, compromise, shared responsibilities, and good-faith effort to promote Kenneth's cause, CEDP began to gain credibility with Kenneth and his other supporters. However, CEDP members knew that credibility among people who supported Kenneth would not be enough to spare his life. We still had to prove to some SKFC members who favored working with professional politicians and lawyers that a grassroots campaign was not only tenable but also necessary to save Kenneth's life. A grassroots strategy also would maintain an ethical relationship between campaign members and Kenneth, allowing us to speak *with* him rather than *for* him.

The growing support and positive response to the campaign's framing of Kenneth's plight with the slogans, "Wrong Place at the Wrong Time" and "Death for Driving a Car?" enabled SKFC to take more risks. For example, our protest in front of the church that Governor Perry attends could be viewed as questionable, but we felt confident that the ad hoc picket would draw public support and news attention, and we were not disappointed.⁵

The campaign also made the difficult decision to perform an act of civil disobedience. Modeled after a similar tactic employed during the 2000 campaign to halt the execution of Texas death row inmate Shaka Sankofa,⁶ six activists (including McCann and Kathleen Feyh) sat down in front of the gated entrance to the driveway of the governor's mansion following a rally that had begun at the nearby Capitol (see Gold, 2000). Those participating in this civil disobedience action refused to surrender their locations unless Perry or one of his representatives agreed to collect letters of appeal written by Lawrence, Tasha, and Nydesha Foster (Kenneth's daughter). After 2 hours, it became clear that no letters would be collected or arrests made. Shifting strategies, the six sitting activists abandoned their original positions, joined 200 others blocking traffic, and declared via bullhorn that the governor would rather see activists break the law by blocking his driveway and city traffic than look Kenneth Foster's family in the face.⁷

Some scholars have argued that changes to society have rendered traditional models of social change irrelevant. For instance, DeLuca's (1999) work on image politics, focused on media products of new social movements, argued for the efficacy of "mind bombs" (p. 1)—spectacular, newsworthy image events that explode the public's consciousness on a particular issue. This type of social change strategy jettisons community-based politics in favor of gaining a media audience to change people's minds and actions. Greene (2006) argued for an "orator communist" who assembles a "multitude" for a "refusal or defection from the commands of money/speech" (p. 86) and against an instrumental politics of direct struggle for both the hegemony of ideas and achievement of concrete political goals. This perspective emphasizes communication technologies as resources for escape from, rather than for a direct challenge to, the system (of capital, capital punishment, and actual existing conditions).

The use of media and communication technologies and grassroots organizing are not necessarily mutually exclusive. Indeed, grassroots organizations, like the Student Nonviolent Coordinating Committee and the Congress of Racial Equality, certainly harnessed the power of technology to dramatize and address racism by creating newsworthy events, such as the lunch counter sit-ins and the Freedom Rides. The question is one of focus. In contrast to professionalized, media-driven, or individualist forms of social change, SKFC focused its efforts on local organizing to craft its message and to build support for Kenneth's cause. In their classic work on social movements, Bowers, Ochs, and Jensen (1973) highlighted the importance of day-to-day organizing in the potential success of social campaigns and movements. Bowers et al. argued that an absolutely central component of successful movement organizing is *solidification*, the "rhetorical process by which an agitating group produces or reinforces the cohesiveness of its members, thereby increasing responsiveness to group wishes" (p. 24). Mobilizing at the community level to build support for Kenneth through face-to-face meetings of campaign members *and* use of appeals to news outlets by campaign members gave SKFC the ability to speak *with* Kenneth to lawmakers and the public.

Struggling from the ground up: "Speaking with" Kenneth Foster.

Our regular contact with Kenneth and his family, particularly his daughter Nydesha, were weekly reminders of what was at stake in our campaign. Through our meetings, e-mails, phone calls, and information tables, SKFC members cultivated our political messages, organized campaign tasks, and encouraged each other to persevere against the odds that Kenneth would not be spared.

Significantly, Kenneth's correspondence with SKFC activists influenced our work and kept it connected to him and his case. That correspondence allowed Kenneth to speak to us and with us on his terms. For instance, on July 8, 2007, Kenneth wrote to Dana Cloud:

Though I've been fussy about the late starts,⁸ I'm still grateful to what's taking place. I see very great and powerful things being done. Things started off rocky (as can be expected), but it does seem like things have smoothed out.

I've just been sitting back smiling at what's going on, because for 10 years now, I've become accustomed to telling everyone what to do, but I see everyone is doing it. ... I'm so very thankful. I know there is a long road ahead. ... Keep the strength. I close in solidarity!

Kenneth, thus, acknowledged the early struggles over the right to speak for him and heralded the solidarity that emerged in the collective process of the

campaign. Corresponding with Kenneth solidified activists around his case and provided us with the resources to construct his story in ways that were faithful to his experience and to his critique of racism and the justice system.

Constructing an Alternative Counter-Narrative to Dominant Narratives of Race and Capital Punishment

A significant challenge to the campaign was how to speak *with* Kenneth to articulate and disseminate an alternative version to the dominant narrative of the Kenneth Foster story, which suggested that Kenneth was guilty of a crime deserving death. This dominant narrative is steeped in racialized discourses of criminality and Texas's will to execute death row prisoners. Historically, U.S. master narratives portray black men as criminal threats to the social order (Jones, 2005). Blacks continue to be "singled out" for "wholesale criminalization" (Stabile, 2006, p. 8), as suggested by the 2008 Pew Center study that found that one in nine black men between the ages of 20 and 34 is in prison, which is significant because it is "easier to gain a capital conviction against someone with a prior record" (Solar, 2004, p. 32).

SKFC also had to work against Texas's macabre ritual of capital punishment. Before the advent of lethal injection, Texans affectionately referred to the electric chair as "Old Sparky," which was used to execute 361 prisoners and now is showcased at the Texas Prison Museum in Huntsville. Texas cares little about the opinions of other states and nations on the issue of capital punishment. Amidst protests on two occasions—the eve of Texas's 400th execution and the 2008 execution of Mexican national José Medellín—Governor Perry asserted the state's right to put criminals to death, saying, "Texans are doing just fine governing Texas" (Office of the Governor Rick Perry, 2007, para. 1).

The convergence of these two rhetorical obstacles meant that SKFC needed to talk about Kenneth's case as a specific example of the justice system's incommensurate punishment for his crime and its connection to racism and the political enjoyment of the death penalty. In our efforts, as explained below, we constructed a counter-narrative in three ways: promulgation of movement aims to gather popular support for Kenneth's cause, forefronting Kenneth's family, and capturing news attention to these efforts to frame the movement in human terms.

Organizing to tell Kenneth's story: Gathering support. The initial effort to interrupt the dominant narratives of racist criminalization and Texas's "states' rights" discourse was at the annual Juneteenth festivities in Austin on June 19, 2007. In Austin, Juneteenth is a lively block party held on the city's predominantly black east side. SKFC believed that the celebra-

tion represented an excellent opportunity to spread the message of Kenneth's case to a population disproportionately affected by the criminal justice system and, therefore, more likely to recognize the gross injustices at the core of Kenneth's case. Throughout the day, a rotating group of campaign members sat under an elevated tarp in the Texas summer heat, talking to passersby about the misapplication of the Law of Parties, seeking signatories to the petition demanding a halt to Kenneth's impending execution, and inviting them to our weekly campaign meetings.⁹

The petition, both in paper and digital form, was a growing testament to Kenneth's wide base of support, with more than 5,000 signatures collected. We printed the petitions, several clemency letters, and editorials calling for the commutation of Kenneth's death sentence from every state newspaper, and delivered these documents to judges on the Texas Court of Criminal Appeals and to the Texas Board of Pardons and Parole members. We also attached them to placards and banners, which we used as visual support at protests in front of the governor's mansion and in front of the Methodist church that the governor attends during Sunday services. The visual display of these messages of support was a reminder that political momentum was on our side.

SKFC also used the petitions as a tool to organize the local community by providing space on them for signatories to share their contact information if they wanted to know about future campaign events. The result was a growing database of people willing to dedicate even modest amounts of time and energy to saving Kenneth's life. Additionally, SKFC members visited local churches to collect signatures, spoke to citizens about Kenneth's case, and established relationships with sympathetic community members, some of whom were influential in local and state politics and/or society. Circulation of the petition increased attendance at our weekly meetings and brought together such forces as local congregations, the Nation of Islam, hip-hop artists, and local branches of the National Association for the Advancement of Colored People, Amnesty International, CEDP, and the International Socialist Organization.

Family as the face of the Save Kenneth Foster Campaign. The challenge in representing Kenneth Foster and the death penalty was twofold for SKFC: (a) we needed people to speak who were able to communicate credibly the counter-narrative about Kenneth and (b) we needed to make sure that the counter-narrative was heard. Thus, SKFC decided that Kenneth's family members should tell an alternative to the dominant narrative about black men and crime. To clarify what the alternative to the dominant discourses of Texas crime and punishment looked like in this campaign, we turn to the strategies we employed to provide Kenneth and his family with opportunities to express themselves publicly about their experiences.

The counter-narrative we offered came out in public speeches, public readings of Kenneth's letters and essays, and interpersonal interactions at SKFC events. The story was compelling and believable, in part, because of the significant involvement of Kenneth's family. Family members of death row inmates face considerable financial and emotional challenges in speaking out, as they typically receive little assistance or sympathy from their social support networks and suffer publicly because the news media often present "one-sided" and completely "inaccurate" (King, 2005, p. 10) coverage of the crime. Despite the difficulties of families being involved in an anti-death penalty campaign, Kenneth's family articulated both the emotional harm and political injustice of Kenneth's sentence, and of the death penalty, in general.

In July 2007, SKFC planned as the major initial public push of the campaign a rally to be held a month before the scheduled execution. With few exceptions, campaign participants enthusiastically were in favor of a large rally that connected the death penalty to issues of race and class, and that connected this campaign with the broader abolitionist movement. Beverly Fisher, Kenneth's cousin, was the moderator of the rally, and speakers included exonerated death row inmates Shujaa Graham and Darby Tillis, professor and activist Cloud, Felps, and, at Kenneth's request, New York hip-hop group The Welfare Poets and Philadelphia MOVE activist Mario Africa. We played a recorded message from Kenneth, and his 11-year-old daughter, Nydesha, spoke and dedicated a dance performance to her father. Kenneth and his family already had taken the lead in organizing the campaign, but with this rally, they became its public face, its spokespeople.

The July 21, 2007 rally contributed significantly to promoting the counter-narrative about Kenneth, which positioned Kenneth and his family as potential victims of the death penalty. This counter-narrative did not negate the importance and terrible grief of Michael LaHood's family or our sympathy for them¹⁰ but it did increase public sympathy for Kenneth and his family. The discourse of agency began to shift as well, with Kenneth, his family, the families of other condemned inmates, and exonerated death row inmates coming out of the obscurity in which these *other* victims of capital punishment traditionally have been wrapped and speaking for themselves. Nydesha's speech at that rally contains both the cry of a daughter who may lose her father to the death penalty (after already losing him as a physical presence in her life to incarceration) and a confident and angry clarion call for justice:

What is justice? It seems that justice is just us, meaning me and my dad, eye to eye, loving each other behind the glass that they thought would separate us. ... I'm 11 and wondering if this is what Texas has in the wings for me. I could be Frances Newton.¹¹ She could be me. ... So what is justice? Shame on you, Texas! This time you are really wrong!

This is my poem, my prayer, my song, that you be known for something other than killing and ignoring the truth. We all make mistakes, even you. ... You tell my dad to take responsibility? Well, he has for 10 years! We're tired of tears. July 21st today we make a stand to end this injustice. Just us was my dad and DRIVE saying it's enough. Today, I stand as his testament, saying we can't accept no less than liberation. ... Today we make this statement, a statement to Texas. Give us justice!¹²

Kenneth's family members also spoke at a public forum on August 14, 2007, where they were joined by families of other inmates on death row; at an August 15 press conference; and at marches and rallies in San Antonio and Austin on August 18, 22, and 25. During our weekly campaign meetings, Kenneth's grandfather, father, cousins, other relatives, and friends were central to proposing, planning, and carrying out these actions. They spoke to their pastors, local government officials, and to the press. Nydesha continued to speak at rallies and to participate as permitted by her family, who also had to consider her emotional well-being and the consequences of such public exposure. In summary, their voices combined with those of SKFC supporters and activists in chanting, shouting, and speaking out.

Through their speeches, Kenneth's family grew their base of support for the campaign in the community. One of the most moving voices of support for Kenneth came from Sean-Paul Kelley (2007), a close friend of Michael LaHood, who later wrote, "He did not pull the trigger, or encourage Mr. Brown to pull it in any way, nor was he even aware that the murder was being contemplated or had been committed until after the fact. His punishment should not be execution" (para. 3). Through the efforts of Kenneth's loved ones, the campaign mobilized an ever-growing activist base, from anarchists to Nation of Islam members to church ministers to socialists. Through CEDP's network, the campaign reached all over the United States, and through mobilization of other networks, including Amnesty International, the campaign reached into Europe.

Capturing news media attention. Although we were not primarily focused on gaining news attention, it was important to our campaign. The news media play an important role in the process of social change because they are "a site on which various social groups, institutions, and ideologies struggle over the definition and construction of social reality" (Gurevitch & Levy, 1985, p. 19; see Drake, this volume). However, the relationship between campaigns for social change and the news media is complex. Activists need the news media to communicate their dissent, win public support, mobilize supporters, and broaden the scope of the conflict (Gamson & Wolfsfeld, 1993). Movements also can measure their success by "how well their preferred meanings and interpretation are doing in various media arenas" (Gamson & Stuart, 1992, p. 56; see Ryan & Jeffreys, this volume).

Successful movements must draw on a diverse range of media to effectively publicize a message. As McHale (2004) demonstrated in his study of various activist campaigns, media are best understood broadly as constituting a vast tapestry of communication strategies (e.g., interpersonal, group, print, and electronic) that coalesce to transform social reality around a specific issue. Drawing from his experiences as an anti-death penalty organizer and documentary filmmaker, McHale (2007) noted that diverse strategies are mutually beneficial. For example, news coverage can draw attention to a movement, which increases participation in public demonstrations, which attracts further news coverage, and so on. However, campaigns today have become “reflexively conditioned by their pursuit of media attention” (Cottle, 2008, p. 853). Rather than viewing news coverage as but one element of a complex social movement strategy, contemporary organizers far too often privilege media strategies at the expense of others. This tension was present for SKFC inasmuch as we needed news outlets to portray Kenneth in a different light than they had previously and therefore, we had to escalate our efforts to keep their attention.

We were encouraged by the increasing number of media outlets showing interest in Kenneth’s case throughout the summer. Interviews with family and campaign members and articles written about the case began to appear in various progressive and mainstream media in the United States and Europe (particularly in Italy and France). In August, coverage of Kenneth’s case appeared in *The New York Times*, *The Guardian* (United Kingdom), *The Independent* (United Kingdom), *MSNBC.com*, *Commondreams.org*, *The Nation*, *Le Monde*, *ABC News Online*, *The Huffington Post*, and on National Public Radio and the television/radio show *Democracy Now!*. Coverage also appeared in every major Texas newspaper and on television and in print news outlets in the Austin area. Part of the reason for the broad exposure was the thorough and strategic local media work of SKFC. This local work was complemented by the work of CEDP nationally, with both local chapters and the national organization using their press networks to maximize coverage of Kenneth’s case and to gain new supporters. Most of the coverage that the campaign received was favorable or neutral toward Kenneth and either questioned his death sentence or opposed it outright (see, e.g., “Another Stain on Justice,” 2007; “Backward Texas Law,” 2007; Blumenthal, 2007; Chapa, 2007; Chasnoff, 2007; Glaister, 2007; Goodman & Gonzalez, 2007a).

Two final rallies in Austin escalated the SKFC’s confrontation with the state of Texas and sustained positive news attention. As previously mentioned, on August 22, hundreds of activists marched around the Capitol building in Austin and to the governor’s mansion, where six people engaged in civil disobedience. Three days later, on August 25, activists linked the hundreds of petition pages we had collected with ribbon and, once again,

marched on the governor’s mansion and surrounded it with the chain of documents. Each of these actions fed into other organizing efforts, garnering press coverage, increasing the involvement and confidence of Kenneth’s loved ones, and bringing ever-greater numbers of activists into the fight to save Kenneth’s life. At every turn, SKFC resisted the temptation to fetishize the potential visibility of news media coverage, choosing instead to recognize that a successful movement must integrate a wide range of mutually interactive and beneficial communication strategies (see McHale, 2004, 2007).

ANATOMY OF A VICTORY: LESSONS LEARNED ABOUT COMMUNICATION ACTIVISM SCHOLARSHIP

On August 30, 2007, in an unprecedented move, Governor Perry commuted Kenneth’s sentence from the death penalty to life in prison. It was an outcome that Kenneth’s lawyer attributes to the hard work of SKFC members who conducted a campaign that found the right combination of political calculation, media savvy, and personal passion among its members. In a victory toast given soon after Kenneth’s execution was stopped, Feyh called SKFC a campaign “where family became activists and activists became family.”

There were many lessons learned from this campaign. Here, we offer five lessons that we, as activist-scholars, learned from this campaign that can be generalized to others who engage in communication activism scholarship.

First, communication scholar-activists should not be discouraged from becoming involved in a movement or campaign because of their privilege or the accusation that their involvement is narcissistic. In their highly influential book on social movements, Stewart, Smith, and Denton (2007) distinguished between self-directed and other-directed movements, with their descriptions of these movements suggesting that difference is a barrier to solidarity. They argued that although a chief goal of self-directed movements is to improve the impoverished self-image of those who are oppressed and downtrodden, other-directed movements must reaffirm the messianic posture of those self-fashioned saviors who leverage their social privilege to improve the lot of people who are marginalized.

Solidarity among people of different races and privilege is not only possible but also critical to the success of organizing around issues such as the criminal justice system, where people of color are disproportionately affected. Following the experiences and lessons of the SKFC, we wholeheartedly reject the brittle dichotomy that Stewart et al. (2007) described between those who are marginalized and those who are privileged. Although we

readily acknowledge that our structural relationship to Kenneth's incarceration and impending execution was significantly different from his, his family, or the 3,242 men and women who were on death row in the United States as of October 1, 2010 (Fins, 2010), nonetheless, we understand our participation in SKFC as something other than an act of charity. We agree with Sarat (2001), a legal scholar, who eloquently described the death penalty as "a strategy of governance that makes us fearful and dependent on the illusion of state protection, that divides rather than unites, that promises simple solutions to complex problems" (p. 247). Because we view the death penalty, in particular, and the prison-industrial complex, in general, as colossal failures of public policy that are at odds with the aims of a democratic society, helping to save the life of Kenneth Foster represented a strategic step forward in a broader effort to cultivate a more just society for everyone. Thus, our experience with the SKFC highlights how scholar-activists might find solidarity across lines of difference by imagining diverse relationships among members with respect to the specific policy issue at hand. One need not occupy a death row cell or be a member of a demographic group more likely to do so to recognize a significant and compelling interest in abolishing executions. Campaigns and movements, therefore, would do well to appeal to citizens' *interest* rather than identities that divide us when pursuing a specific change in public policy.

Second, prisoners and their families, when they have the opportunity to engage in communication activism, can be more effective in persuading others and shifting narratives of victimhood, humanity, worth, and justice than can scholar-activists or activists, in general, speaking in their stead. Prisoners and their families can counter standard narratives of victimhood and justice, and represent their experiences with an ethos that is difficult to obtain from outside. That said, their voices must be part of a strategy of organizing that also includes instrumental communicative actions, such as working with the news media, lobbying officials, demonstrating, and engaging in civil disobedience. Furthermore, the confidence that they gain through their active participation in organizing has the potential to transform them from victims of capital punishment into activists in their own right. For example, Kenneth's father and grandfather have continued to speak out in campaigns about other prisoners and in other political venues. Sandra Reed, the mother of another Texas prisoner, and Jeannine Scott, a prisoner's wife, both serve on CEDP's Board of Directors. They and many other family members and former prisoners have been part of regional and national speaking events, and have become instrumental in CEDP's fight for abolition of the death penalty.

Third, both interracial organizing and the development of prisoners and their family members as activists require organizers to actively integrate their ideas and experiences into the campaign. Indeed, prisoners and their families must be encouraged to speak for themselves as part of a movement's

strategy and must be supported by activists in doing so. They are not movement mouthpieces but must be active participants whose ideas are heard and respected. Communication scholar-activists and activists, in general, must not, however, refrain from arguing with them about strategies and tactics. Communication scholar-activists and seasoned activists bring expertise based on their experiences and research on coordinating and conducting rallies and marches, creating media packets, press releases, and memory of previous struggles. However, family members and communication scholar-activists must engage in decision making as equals, drawing on each other's strengths and expertise in a climate of mutual trust in each other's good faith, judgment, and desire to prevail.

Fourth, it is important for scholar-activists engaged in anti-death penalty or prison work to interact with prisoners who also are aligned with similar kinds of political work. To find ways to create solidarity despite our differences, scholar-activists should learn about the experiences of prisoners from prisoners themselves such that they can struggle *with* rather than *for* them. That relationship needs to be mutually beneficial as activist-prisoners, like Kenneth and members of DRIVE, and scholar-activists learn and are energized by one another. CEDP and SKFC members' correspondence with Kenneth and other death row inmates who are actively involved in the political struggle against the death penalty created the possibility of a unified front against the injustices of the death penalty and the prison-industrial complex described in this chapter. Knowing Kenneth personally allowed SKFC to present his case to the public with a richness and complexity that would not have been possible if we knew him only in name and as a cause.

Fifth, scholar-activists should seek to reproduce in their academic writing the values they embraced during a particular campaign or movement. Although we did not write this chapter with Kenneth or any of his family members, we did attempt to write it with the same honesty and sincerity that we maintained during SKFC. We also included portions of Kenneth's letters and poetry, as well as Nydesha's words, to have Kenneth and his family represent themselves. This chapter would have been incomplete and our campaign, quite possibly, unsuccessful had their voices not been included.

CONCLUSION

Currently, Kenneth Foster is off death row and serving a life sentence in a prison in Beeville, Texas. He continues to correspond and work with the Campaign to End the Death Penalty, and, as indicated earlier, we maintain contact with his family. As of 2011, the national tide is turning against capital punishment. Although a majority of U.S. Americans still support the death penalty, their numbers have declined significantly since the 1990s

Robert Garza have become politically active to challenge the Law of Parties on behalf of their loved ones.

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7

DISRUPTING WHITENESS AT A FIREHOUSE

Promoting Organizational Change through Relational Praxis

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There have been certain historical events in the United States that have shaped public perceptions of fire and emergency response organizations, and the individuals who work in them. On the one hand, events such as September 11, 2001 cultivate images of emergency workers selflessly risking their lives for the public good. Thus, for some people, the uniforms of public service workers stand as symbols of bravery, heroism, and protection (see Scott & Myers, 2005; Tracy & Scott, 2006). On the other hand, the race riots of the 1960s and more contemporary events, such as Hurricane Katrina, plague U.S. social consciousness (see, e.g., Dyson, 2005), with the sirens, lights, and uniforms of emergency responders standing to many members of