

# CREATING COALITIONS TO END EXTREME SENTENCING FOR WOMEN

*Convening Proceedings*

September 24 & 25, 2020

## THE ALICE PROJECT

Presented by the Cornell Center on the Death Penalty  
Worldwide, the National Black Women's Justice Institute,  
The Sentencing Project and Harm Reduction International



**Cornell Law School**  
Cornell Center on the  
Death Penalty Worldwide



## **CONTENTS**

**Healing-Centered Justice:** ..... 2

**Framing the Movement** ..... 3

**Centering the Voices and Leadership of Women with Lived Experiences**..... 4

**Overcoming Obstacles** ..... 6

**Working Groups** ..... 8

    Intersectional research and advocacy ..... 8

    Media and Storytelling ..... 9

    Prison Conditions ..... 9

    Improving Legal Representation ..... 10

    Academic Research Initiative..... 11

    Building Inclusive Movements ..... 12

    Life Sentences ..... 13

    Incorporating International Law into Domestic Advocacy Campaigns..... 14

**Closing**.....Error! Bookmark not defined.



Cornell Law School  
Center on the Death Penalty Worldwide

## **Plenary: Healing-Centered Justice**

24 September, 11:00-12:15pm

*Our entire punishment paradigm, not only capital punishment, is too extreme. By raising up individual women's complex stories that challenge the victim/perpetrator binary, we can shift the paradigm from punishment to healing-centered justice. Healing-centered justice, which recognizes that harms are rooted in structural violence and social inequality, requires collective organizing to make structural and cultural changes.*

**A focus on women challenges the punishment paradigm.** Our entire punishment paradigm, not only capital punishment, is too extreme. The Alice Project allows us to shift away from the punishment paradigm, reflect upon dismantling mass incarceration, and explore preventative models. The public may more easily accept complex stories about women, since people tend to be more comfortable viewing women as victims and rarely view them as threats to public safety. A focus on women reveals the false dichotomy between victims and perpetrators, since most women involved in the criminal justice system are also victims of abuse and/or sexual violence. Focusing on the complex stories of individual women opens up a broader narrative about all people accused of crimes. We should avoid framing certain groups, such as men or perpetrators of abuse, as deserving of punishment, since the gains made in this movement should benefit everyone.

**A paradigm shift from punishment to healing-centered justice is necessary.** The healing-centered justice paradigm recognizes that prisons are not designed to heal: empirical evidence suggests modern prisons do not have a rehabilitative effect. The healing-centered justice model understands crime as a societal failure. Individuals have an increased likelihood of committing a crime after having been a victim to a crime themselves, and vice versa. The binary that the criminal legal system establishes between victim and perpetrator is therefore a false dichotomy. Violence begets violence: people harm others often because they themselves have been harmed. The healing-centered justice model thus supports individuals and also pushes for broader systemic changes, such as investments in community-based programs that seek to address trauma. This model requires collective organizing and a nationwide cultural shift to valuing all people. Those who are most impacted, including formerly incarcerated individuals and victim groups, must be at the center of the movement.

**The current moment demands action.** The #MeToo movement revealed the prevalence and devastation of sexual violence, and the Black Lives Matter protests sweeping the country interrogate discrimination in the criminal legal system. Now is the time to collaborate to re-imagine how society addresses harm. Some participants suggested that, since a single model cannot replace the current system, we should support community-based movements that are experimenting with many different models.



Cornell Law School  
Center on the Death Penalty Worldwide

## **Plenary: Framing the Movement**

24 September, 1:30-2:45pm

*Participants suggested future directions for this movement. To amplify the voices and leadership of women with lived experiences, some participants suggested that we forge partnerships and create platforms where women can share their stories. We must address the injustices that disproportionately impact women, while recognizing that this movement will benefit society as a whole by challenging extreme sentencing for all people. We should foster connections between communities, attorneys, and the media, and expand partnerships with communities such as racial/economic justice and anti-violence groups. We also need to reject the idea that Life Without Parole (hereafter “LWOP”) is an acceptable alternative to the death penalty.*

**Amplify the voices and leadership of women with lived experience.** Women with lived experience have the best insights into what this movement’s priorities should be. We should connect with more women who have experienced extreme sentences and partner with the organizations they lead. We should also connect with women’s groups on the inside and explore ways to offer them support while giving them a voice in the movement. Women’s stories demonstrate the complexity of their experiences. To support women in telling their stories, we can create new platforms where women feel comfortable sharing their experiences and take advantage of the media and internet.

**Address the injustices that disproportionately impact women, while recognizing that the strides made for women will benefit society as a whole.** Women face unique challenges within the criminal legal system. For example, women may face more extreme sentences when they violate gendered norms. Prison conditions are uniquely harsh for women, and caregiving responsibilities often place an extra burden on incarcerated women. The strides made in this movement will also produce benefits that ripple out beyond the women who are directly impacted by extreme sentencing. Society as a whole suffers when people receive extreme sentences. Some participants suggested that we focus on the broader societal harms of extreme sentencing, and then analyze these harms in light of gender roles and inequalities. For example, the extreme sentencing of parents negatively impacts children, and this harm is amplified when women are incarcerated, as they are often the primary caregivers. By framing the harms of extreme sentencing as societal, rather than inherently gendered, we will avoid compounding gender stereotypes. Men are directly impacted by many of the same issues that women are, including abuse and extreme sentencing, but the public may not be as open to the complexity of men’s stories. When women’s stories open up a public discussion about extreme sentencing, men will also benefit. Additionally, in advocating for gender justice, this movement will benefit people of all genders because gender is a construct which is rigidly enforced in the criminal legal system and affects everyone.

**Expand partnerships and connections.** Some participants suggested that we connect with more groups and individuals in the racial/economic justice and anti-violence communities. Another promising strategy is to foster partnerships between communities and legal teams to support community defense models, in which community members help tell defendants’ stories. We can





Cornell Law School  
Center on the Death Penalty Worldwide

also engender trust between reporters and attorneys, who are often suspicious of the press. Much of the movement thus far has been siloed, and this convening represents an opportunity to strategize collectively.

**Challenge the conception that LWOP is an acceptable default alternative to the death penalty.** Advocating for LWOP instead of death impedes the efforts of the anti-LWOP movement. LWOP and death bear some similarities. Both people sentenced to death and those sentenced to LWOP will die in prison, usually of natural causes. They also often endure similar disadvantages in prison, such as exclusion from programming and greater social isolation. The movement must also reject Life With Parole—as often such sentences are effective natural-life sentences—and all other extreme sentences. Abolitionists, LWOP opponents, and other sentencing reformers have the same goal: to create a criminal legal system that offers the possibility of rehabilitation and thereby preserves human rights and dignity.

### **Plenary: Centering the Voices and Leadership of Women with Lived Experiences**

25 September, 9:45-10:30am

*Women's gender/sexual identities can negatively impact their trials when the prosecution uses stereotypes to attack their personal characters and gendered social roles. The speakers during this plenary explained that their attorneys did not address gender discrimination during their trials and failed in numerous other ways to present an adequate defense. The experience of trial and incarceration is overwhelming and isolating, with many stressors including public stigma and separation from family. The speakers identified several priorities for the movement: emotional support before and after trial, support for families, hygiene and medical supplies for incarcerated women, provision of services to women upon release, and the release of elderly people. The speakers are supporting women on the inside and challenging the system by leading organizations and sharing their stories.*

**Women's gender/sexual identities can negatively impact their trials.** The speakers explained how the prosecution used gender-based stereotypes to attack their personal characters and roles as wives or mothers. Women who were not primary perpetrators were often framed as masterminds of the crime, or blamed for being victims. For example, several of the speakers' children were harmed by acquaintances, and the court considered these women's inability to predict their acquaintances' violent tendencies to be a moral shortcoming relevant to the determination of guilt or sentence. One woman also explained how the prosecution used her queer sexual identity to "prove" that she killed a man. Further, female defendants' emotional states are often weaponized against them. Women can be judged harshly for expressing anger or on the contrary for appearing to lack emotion, for crying or for failing to show sufficient remorse. Defense attorneys often fail to argue that gender discrimination affects their women clients' trials.

**Legal representation is often inadequate.** The speakers described numerous problems with their legal representation, including that their lawyers:



- told one woman that her best option was to receive the death penalty so that her case could receive additional review;
- refused to present additional mitigating evidence, claiming that the evidence was already clear;
- failed to present important mitigating evidence, such as a recent history of addiction;
- did not fact-check the prosecution;
- refused the assistance of better-qualified female investigators/ lawyers;
- did not listen to their clients or adequately explain the processes they were subject to;
- were impaired by the use of alcohol during work.

**The experience of receiving extreme sentences is overwhelming and isolating.** The speakers described the heartbreaking experience of being separated from their children. While incarcerated, they could not provide for their children and missed the opportunity to watch them grow up. In one case, the pain of separation was exacerbated by unsupportive foster parents who told a woman's children negative things about their mother and implied that her children had inherited her traits. The speakers also received upsetting messages from members of the public. One woman described how people from the Christian community sent her letters telling her that her soul needed to be saved; another woman said that a social worker told her upon her arrival in prison that she would die in prison. The press portrayed them as evil or "crazy." The speakers stressed how important supportive communication from the outside world is. The speakers also explained how, on top of the many stressors of trials and incarceration, working through other tragic life events is overwhelming. One woman described the overwhelming pain of mourning the recent loss of her son while also trying to prove her innocence and cope with incarceration.

The speakers identified several important priorities for the movement:

- **Support for women who are at risk of gender-based violence.** One speaker explained how, if she had been able to access support such as domestic violence support services, the incident that led to her sentence would never have occurred.
- **Emotional support during and after trial.** The existing emotional support systems for women facing extreme sentences are often inadequate. Defense attorneys rarely provide sufficient emotional support, and many women do not feel comfortable speaking to the psychologists inside. Women's family and friends often cannot offer adequate support, and negative media portrayals can strain relationships. Outside support is a lifeline for incarcerated women. Even just a letter or phone call can offer vital emotional support by providing women with hope and reminding them that they are not forgotten.
- **Support to families.** The foremost concern of many incarcerated women is their children. Services should provide support to women's families, help families understand the situation, and help women maintain a relationship with their families. When women know that their families are safe, they feel calmer and can focus on their trials and coping with incarceration.
- **Physical needs, including hygiene and medical supplies:** Many supplies are not available in prison and medical care is often unaffordable.



- **Release incarcerated elderly people**, who are dying in prison without access to their families.

**These women are leading organizations and sharing their stories to support women on the inside.** They are participating in and leading organizations that challenge extreme sentences by, for example, raising money, empowering women on the inside, and working with prosecutors. They are also sharing their stories, and said that they believe the pain of re-traumatization is worth the opportunity to change the system for women who may face extreme sentences in the future. Participants lamented that often, due to restrictive funding structures, formerly incarcerated women are not adequately compensated for their contributions to the movement. This needs to change.

### **Panel: Overcoming Obstacles**

25 September, 11:00-12:15pm

*Participants identified obstacles and brainstormed strategies.*

Obstacles and strategic solutions:

- **Women's experiences may be minimized because there are fewer women than men facing extreme sentences.** Most well-known figures under an extreme sentence are male, and it is difficult to change this public perception. We need to draw attention to the fact that women are directly impacted by extreme sentencing and show how focusing on women will benefit everyone impacted by extreme sentencing.
- **It may be easier to advocate for certain groups and ignore the larger population.** For example, it might be easier to advocate for women who are factually innocent or who have experienced domestic violence. We need to resist the temptation to focus on innocence and advocate for *all* women by creating narratives for women who are factually guilty. To escape the innocent/guilty framework, we can attack the victim/perpetrator binary and base our arguments on systemic injustice. For example, we can tell stories based on redemption or the fact that people age out of periods of higher risk for offending.
- **Long-term strategies can ignore or worsen urgent issues.** Structural changes take a long time to come to fruition. Meanwhile, there are urgent needs, including an aging lifer population, inadequate therapy in prison, and sexual assault in prison. We need to allocate time and resources to these immediate issues while working towards long-term goals. Defense attorneys must also do everything they can to immediately help their clients, even if that means using gender stereotypes that might impede the long-term movement. When defense attorneys' narratives conflict with other movement goals, community partners can present alternative narratives through participatory defense models.
- **We might struggle to partner with anti-domestic violence organizations** that advocate for carceral responses to gender-based violence and/or choose not to work with incarcerated women. A potential solution to this obstacle is to continue to create spaces for



conversations about carceral feminism, centering the voices of women who have directly experienced extreme sentencing.

- **When framing women's stories, it is challenging to incorporate the complexity of their experiences, avoid feeding gender stereotypes, and tell stories that are accepted by policymakers and the public.** We need to avoid reductionist storytelling and acknowledge the role of trauma in women's lives without denying their agency.
- **Transgender and gender nonconforming people are often left out of the conversation.** This is a problematic omission as transgender and gender nonconforming people are overrepresented in the criminal legal system and suffer egregious and particular harms. They are often not treated in accordance with their gender identity and are subjected to extreme levels of sexual violence while incarcerated. This movement needs to focus on these individuals' unique situations.
- **Attorneys lack the time and skills necessary to support and connect with their clients.** Defense attorneys are often under-resourced and rarely receive trainings on trauma, women's issues, and how to support their clients emotionally. One possible response to this problem is to provide trainings to fill this knowledge gap.
- **Women facing extreme sentences need support beyond what individual lawyers and women's biological families can provide.** This problem is exacerbated for queer defendants whose families may refuse to support them because of their gender identity or sexuality. Some participants suggested that we address this problem by fleshing out the participatory defense model at all levels of litigation so that the community can provide support.
- **People are often resistant to discussing or addressing gender issues.** Everyone has been socialized in sexist communities, and we cannot take allies for granted. To bring gender into the conversation, we can use examples of women and gender nonconforming people in mainstream trainings. In spaces where discussions about gender will not be welcomed, we can introduce the topic without naming it directly.

Other strategies for positive change:

- **Continue to foster connections and partnerships.** By bringing together the criminal justice reform and women's rights movements, we push back against carceral feminism. Participants identified communities that we should seek to partner with, including the Black Lives Matter and Defund the Police movements. Some participants also suggested that we help retired people and college students get connected to women inside to exchange letters (many existing letter-writing initiatives are religiously-affiliated and may not serve the needs of all incarcerated people). We can also elevate the advocacy of groups that are not seen as being directly involved, to demonstrate how this movement has far-reaching effects and support.
- **Connections with women with lived experiences** are powerful. Human connections foster empathy. These emotional conversations are painful, but important. Scaling up conversations about women's lived experiences will be challenging. We must ensure that formerly incarcerated advocates are paid fully for their work.





Cornell Law School  
Center on the Death Penalty Worldwide

- **Research** the relationship between domestic abuse, untreated trauma, and crime.
- **Develop a media strategy.** We can utilize social media and find reporters around the country who are willing to push counter-narratives.
- **Fill the courtrooms** so that the public witnesses the injustices. These public demonstrations of support can also affect decision-makers.
- **Call out problematic behavior** in professional settings.
- **Prioritize outward-facing work to seize the current moment of public awareness.** We can encourage people who are questioning the role of police to question the entire carceral system.

## Working Groups

### Intersectional research and advocacy

24 September, 3:00-3:35pm

*Intersectional approaches are important to conceptualize how people's multiple identities intersect and interact. However, lawyers lack training on how to use intersectional framing in their advocacy, and policies often ignore intersectionality. Research often fails to conceptualize intersectionality, especially when researchers use only quantitative analyses or face barriers to gathering intersectional data. One way that researchers can better incorporate intersectionality in their research is by using both quantitative and qualitative analyses. Diverse research teams can also encourage intersectional analysis by incorporating many perspectives and approaches. People directly impacted by the research topic can offer an especially valuable perspective.*

**Lawyers, policy-makers, and researchers often fail to take intersectionality into account,** even though intersectional framing is necessary to conceptualize how people's multiple identities intersect and interact. Lawyers lack training on the importance of intersectional framing and how to use it for their advocacy. Policymakers often create laws that ignore intersectionality; French law, for example, prohibits people from filing discrimination claims on more than one basis. Additionally, research on extreme sentencing often fails to incorporate intersectionality. Since identities are not additive but mutually constitutive, pure quantitative research is especially ineffective at framing intersectionality. Researchers also face barriers to gathering intersectional data. For example, researchers can better understand intersecting identities by conducting interviews, but often struggle to access prisons to speak to incarcerated women.

**Researchers can design their research model and teams to foster intersectional framing.** One way for researchers to incorporate intersectional analysis into their work is to use both quantitative and qualitative analyses. Diverse research teams can also encourage intersectional analysis by incorporating many different perspectives and approaches. People directly impacted by the



Cornell Law School  
Center on the Death Penalty Worldwide

research topic can offer an especially valuable perspective by helping analyze research or offering input.

### Media and Storytelling

24 September, 3:00-3:35pm; 25 September, 1:00-1:45pm

*Women can be punished for trying to get their stories out, and stories told without context can backfire. Further, the media often fails to represent the humanity of women. We need to avoid compounding gender norms when telling women's stories, and recognize that stories that benefit individual clients can harm the long-term movement. Carefully managed media strategies can have a powerful impact by mobilizing public support and revealing systemic injustices.*

**Telling women's stories is often challenging and problematic.** Women can be punished by the criminal legal system, their communities, and their families for trying to get their stories out. Stories can backfire if they are told without context. It takes a lot of bandwidth to cover a story properly, and often editors don't grasp the complexities or allocate the necessary time and resources. The media often represents women inaccurately and fails to show their humanity. This is compounded by the burden on women who are interviewed to re-live trauma repeatedly.

**Telling stories can inadvertently compound gender norms.** Narratives that fit familiar gender norms are often easier for the public to understand and accept but compound gender stereotypes. There is thus tension between what is good for individual clients and what is good for the movement. We should be careful about the language we use, including victimhood terminology. Finding reliable, committed journalists who understand trauma is essential.

**Carefully managed media strategies can have powerful short- and long-term impacts.** By amplifying the complex aspects of people's lives, media stories can attract public attention and pressure decision-makers to distribute justice. Short-term strategies can have positive long-term effects when they both help the individual case and reveal systemic injustices. Telling individuals' stories can be a powerful way to encourage the public to recognize and accept larger structural issues.

### Prison Conditions

24 September, 3:00-3:35pm

*Prison conditions often violate international and US law. Incarcerated women endure abuses and deprivations, including prolonged solitary confinement, lack of health care, and cruel treatment by guards. Many prison abuses are gender-based. Women on the inside often internalize the experience as a profound daily assault on their dignity. Criminal reform advocates often focus more on abolition than on addressing the harsh prison conditions that are affecting women now. The stories of what women are undergoing need to reach the general public.*

**Incarcerated women suffer cruel and humiliating abuse.** Incarcerated women experience physical and mental torture. Many women are suicidal. Women often have no access to medical



treatment because doctors refuse to listen to their healthcare needs. They are forcibly separated from their children, and often endure prolonged periods—sometimes years—in solitary confinement. Many women are assaulted by guards and know that the guards will likely remain immune from any consequences. Many incarcerated women feel that the treatment they suffer at the hands of guards and other prison personnel is more painful than the physical conditions of confinement. The formerly-incarcerated participants present stated that they felt they had been treated like animals and that prisons are like human warehouses. One speaker said she no longer felt like she owned her body after years of being subjected to invasive strip searches. Some women found that they needed to remind themselves every day that they were human.

**Many abuses are gender-based.** Incarcerated women endure gender-based abuses such as sexual assault and rape, gender-based harassment, strip-searches, and unnecessarily painful gynecological exams. Women are often sent far away from their children and families with few, if any, means of communicating with them. Some incarcerated women are forced to wear ill-fitting uniforms made for men and do not have access to doctors who understand women's health or mental health care needs.

### Improving Legal Representation for Women Facing Harsh Sentences

24 September, 3:00-3:45pm

*Lawyers need to receive training on how their implicit gender biases affect their work and on how to take their women clients' unique needs and situations into account during trials. Lawyers also need better access to data on gender-based discrimination that will help them better represent their women clients. Women lawyers sometimes face gender discrimination in the legal community, which adds another barrier to effective legal representation. An additional challenge for this movement is that domestic violence organizations often refuse to serve criminalized survivors.*

**Lawyers need to access more training and better data so that they can provide effective legal representation to women and gender nonconforming people.** Lawyers often fail to address important issues that their women clients raise, such as their client's history of domestic violence. Further, many lawyers hold implicit biases against women. Lawyers need to be educated on how to address these issues. Some participants suggested that law schools could help address this knowledge gap by teaching students about to take women clients' unique needs and situations into account during trials. Another possible response to this problem is that the capital community could receive implicit bias and cultural competence trainings focused on gender. Trainings led by women with lived experiences could be especially effective. Lawyers also need better access to data on how living with stress factors such as patriarchy, domestic violence, and transphobia affect individuals and narrow their choices for survival. Such studies could help lawyers provide mitigating evidence and explain to juries why some individuals engage in violence.

**Women lawyers sometimes face gender bias in the legal community.** The participants cited examples of gender bias among lawyers. One female lawyer was kicked off a case because she



“offended the ego” of another lawyer. An all-female legal team was denigrated as “hysterical” and “too emotional.”

**Organizations focused on ending domestic violence often refuse to serve criminalized survivors.** People advocating to end extreme sentencing for women often struggle to get the support of domestic violence organizations, which often dismiss survivors who are labeled as “defendants.” Organizers on the inside often cannot convince domestic violence organizations to offer support; domestic violence organizations, for example, often refuse to provide trainings for incarcerated women. One promising strategy to encourage support from domestic violence organizations is to lift up the voices of criminalized survivors.

### Academic Research Initiative

25 September, 1:00-1:45pm

*Research needs to address urgent issues, including the aging prison population, harsh prison conditions, lawyers’ problematic strategies, and gender bias in jury composition. We need to develop research models, including population-wide surveys and in-depth analyses, to study these issues. We need to translate academic research into accessible publications that are tailored to our target audiences. To effectively conduct and share research, we must share resources, maintain engagement, and form partnerships, especially with impacted communities.*

**Research needs to address the urgent issues that incarcerated women are facing.** Participants identified several critical topics, including the aging prison population and problematic prison conditions such as inadequate medical care. Some participants also suggested that we research lawyers’ strategies so that we can curtail lawyers’ problematic behavior and create legal trainings on gender issues and intersectionality. Participants also suggested that we study jury composition and peremptory challenges used against women, perhaps by reaching out to jury consultants.

**We need to develop effective research models to study these critical issues.** Some participants suggested that we survey all of the women facing extreme sentences in the US about basic factors such as their ages and crimes. We could then select sample cases to conduct in-depth intersectional research on specific topics by coding transcripts and conducting interviews. Some participants also suggested that we focus on all the women facing an extreme sentence in a specific state or county to create research models that scholars working in other locations could use.

**Different publication formats reach different audiences.** It is important, but challenging, to translate academic concepts into publications that are accessible to the general public. Participants suggested that academic pieces are useful for lawyers, but that lawyers tend to have more access to The Champion and publications from professional networks such as the American Bar Association. By distributing fact sheets to lawyers, service providers, and other organizations, we can support networking and raise awareness about extreme sentencing. Op-eds reach the general public and are an effective way to center the voices of impacted women. Some participants suggested that we reach young people through podcasts and documentaries.





Cornell Law School  
Center on the Death Penalty Worldwide

**We must form partnerships, share resources, and maintain engagement to effectively conduct and share research.** Impacted communities will be key partners for researchers. Community members can often access more information than other researchers because people tend to feel more comfortable speaking with researchers from their own communities. We need to address the obstacles to working with impacted women. It is often difficult for researchers to access prisons to speak with incarcerated women. Working with researchers can also be dangerous for women on the inside, who might be punished for sharing information with researchers or whose cases might be negatively impacted by publicized information. One way to avoid these risks is to center the voices of impacted women who have been released. We need to make sure to pay consultants for their valuable contributions. Additionally, we should develop strategies for effective collaboration. For example, we can share resources through a resource hub and share our research agenda with the public. To maintain engagement, we should periodically remind ourselves of our goals.

### Building Inclusive Movements

25 September, 1:00-1:45pm

*Campaigns need to address not only LWOP and capital punishment, but other extreme sentences as well. Campaigns for reparation should aim to fulfill survivors' unmet needs; often, conviction of perpetrators is inadequate. Powerful movements expand out of the courtroom and draw on the unique skills and perspectives of people from diverse fields, and center the people who are directly impacted and involved in on-the-ground organizing. Advocates should establish values for the movement to ensure fair involvement. To support efforts to reject extreme sentences for all people, movements should encourage advocates and the public to question the idea that some people are deserving of extreme punishment.*

**LWOP and capital punishment are not the only extreme sentences.** It is important that advocates and the general public recognize that other sentences also have extreme effects on people's lives. For example, people convicted of engaging in sex work—disproportionately women, queer, and transgender individuals—are often prohibited from accessing housing or employment, and their children may be taken away. These barriers are especially problematic for people who were trading sex to survive and were already struggling to access services. In some areas, the names of people convicted of sex offenses are listed in a registry and their drivers licenses are marked with “sex offender” labels, putting them at greater risk of violence and unsolicited requests for sex.

**Successful reparation campaigns fulfill survivors' unmet needs.** Often, the conviction of perpetrators is not enough to meet all of survivors' needs. Reparation campaigns can address survivors' unmet needs by, for example, advocating that survivors receive money, official apologies, and mental health services, and establishing public memorials that validate and elevate survivors' experiences.

**Effective movements expand beyond lawyers and the courtroom.** Wider campaigns are often necessary to advocate for legal, legislative, political, social, and cultural changes. Movements need



to incorporate individuals and organizations in numerous fields to increase public attention and to draw on diverse skills and perspectives. In some fields, such as public health and anti-violence communities, we may struggle to find organizations with a consistent commitment against criminalization, but supportive organizations in those fields do exist and can be powerful partners. Diverse teams can improve campaigns' advocacy both in and out of the courtroom by, for example, organizing public teaching events, social media campaigns, marches, and public memorials, packing courtrooms, and encouraging the media representatives to attend trials.

**Movements need to center the voices and leadership of on-the-ground organizers and those who are directly impacted.** The voices of impacted people are powerful. Lawyers need to recognize this and work to center their clients' voices. Attorneys, afraid that the prosecution will use their clients' words against them, often try to stop their clients from speaking out. One participant suggested that, instead, lawyers should provide advice and then grant their clients the freedom to speak. Many on-the-ground activists leading campaigns struggle to find lawyers who are willing to partner with them. One participant suggested that we build a network of lawyers who are interested in getting involved in such movements.

**Movements need to establish values to ensure fair cooperation.** One speaker emphasized, for example, that it is important for campaigns to establish a decision-making process and a plan for the distribution and sharing of funds.

**It can be difficult for movements to avoid carving out specific groups and reject extreme sentencing for all people.** When fighting for one group to not receive an extreme punishment, movements might imply or even advocate that the punishment is appropriate for other groups. Advocates can struggle to organize people around certain cases, such as cases that involve violence or certain categories of sex offenses. Some people who are directly impacted might also feel that, while they do not deserve the extreme punishment, people in different situations do. Participants emphasized the importance of encouraging discussions about whether it is appropriate for anyone to experience extreme punishment.

### Life Sentences

25 September, 1:00-1:45pm

*Participants identified a need for raw data on women facing extreme sentences. We also need to develop more effective ways to collect and share data. Felony murder provides a good gender lens through which to look at criminal culpability: many women have received life sentences for felony murder even though they played minor roles in the offense or acted under duress. We can help abolish extreme sentencing by bridging research initiatives and expanding Second Look programs to people serving LWOP.*

**The absence of actionable research is preventing progress.** We need more data on discreet issues, such as felony murder, that may have broad implications. We also need more data on women lifers, including racial and other intersectional data. We need better research models,



methods to share research nationally, and a central repository where ongoing research can be listed before publication.

**Felony murder provides a good gender lens through which to look at criminal culpability.** Many women have received life sentences for felony murder even though they played minor roles in the offense or acted under some form of duress. Stanford is looking nationally at how many victims of domestic and sexual violence are incarcerated, and how many for felony murder. In Georgia, well over 60% of women were convicted for aiding and abetting a male perpetrator, and almost all said that abuse and trauma played a role.

**Extreme sentencing must be abolished.** One strategy to help abolish extreme sentencing is to bridge and expand research initiatives on aging prisoners and women lifers. Some participants also suggested that we expand Second Look programs—which have successfully decreased sentences in juvenile and elderly populations—to people serving LWOP.

### Incorporating International Law into Domestic Advocacy Campaigns

25 September, 1:00-1:45pm

*International law often lacks traction in US courtrooms, but there are other ways to incorporate it into advocacy initiatives. International human rights law requires states to protect individuals from gender-based violence, and it arguably views both LWOP and the death penalty as cruel, inhuman, and degrading treatment. This framework can be helpful in global and domestic campaigns against the death penalty.*

**Lawyers in the US face legal and ideological barriers to basing their arguments in international law, but there are some opportunities to use international law effectively in the US.** US states can act independently, and many have explicitly deferred to international law to reach their decisions. Additionally, international actors can submit amicus briefs. Further, some international fora may carry greater authority than others, and it is worth exploring the different options. International law can also impact cultural and social global norms. For example, by bringing up international law issues during discussions with prison personnel, advocates can encourage prison personnel to help their clients.

**International human rights law provides arguments to abolish the death penalty and rethink extreme sentencing, but lacks awareness of how the delivery of justice is gendered and racialized.** International law clarifies that states have a responsibility to protect people from gender-based violence; this argument can shift emphasis from the “fault” of women defendants to the fault of the state to protect women from violence. Additionally, international law arguably views both LWOP and the death penalty as cruel, inhuman, and degrading treatment. However, advocates in international fora often fail to consider the structural reasons behind women’s incarceration. We must work hard to ensure that a complex understanding of gender becomes part of the legal landscape.



Cornell Law School  
Center on the Death Penalty Worldwide

## **Plenary Closing Discussion**

25 September, 2:30-4:00pm

*Participants summarized the main ideas discussed during the Convening. Our priorities are to shift the narrative around extreme sentencing and gender, build communities, and supportively center the voices and leadership of women with lived experiences. We need to focus more on transgender and gender nonconforming individuals, balance short- and long-term gains, and address sexism within the criminal defense community. Participants also discussed some concrete next steps: tools we need to develop, research we need to conduct, and resources we need to gather. Participants emphasized the need to sustain this community and conversation.*

Priorities for the movement:

- **Shift the narrative around extreme sentencing and gender.** We need to bring gender into the conversation about punishment, and challenge the assumption that prison is the best way to address harm. We should explore ways to advocate on multiple fronts so that we are not constrained by the single, sometimes simplified, narrative presented during trial.
- **Build communities.** We need to break down the divisions between the death penalty abolition, criminal justice reform, and gender justice movements. We need to foster partnerships between lawyers, academics, advocates, and community members. One promising strategy is to expand the concept of the defense team to include community stakeholders at all stages of litigation. We need to identify and partner with other organizations that are addressing criminal justice issues and that should be thinking about extreme sentencing. Since this is a global movement, some participants suggested that we should utilize international advocacy.
- **Supportively center the voices and leadership of women with lived experiences.** We must focus on how to support our advocates with lived experiences and emphasize self-care within the movement. We should look for ways for women to share their stories without repeatedly enduring re-traumatization, such as by using documentaries. We should also explore how to support women after they are released from prison.
- **Increase the movement's focus on transgender and gender nonconforming individuals.**
- **Balance short-term and long-term gains.** While working for large-scale systemic change, we also need to serve the people who have urgent needs now. We need to address both legal needs and the other needs created by criminal legal system.
- **Address sexism within the capital defense community** by establishing best practices, values, and community agreements.
- **Develop tools**, including trauma narratives to persuade prosecutors, trainings for lawyers, and gender-sensitive investigation guides.
- **Conduct and share research.** A lack of data impedes advocacy. We started collaborating on a research agenda for this movement. We also identified other important research questions, including:





Cornell Law School  
Center on the Death Penalty Worldwide

- the costs of detaining people, to convince decision-makers that keeping people behind bars is economically unsound.
- which DAs around the country do or do not charge extreme sentences.
- the representation of women's trauma as "hysteria," which minimizes or dismisses women's real-world experiences and portrays the harms they face as irrational and therefore unnecessary to consider during trials.
- the load of generational trauma, and how women process trauma differently than men.
- **Gather and share resources.** Everyone is encouraged to contribute to the Cornell Center's Resource Hub and share the plenary videos from this convening. Some participants also suggested that we should formalize knowledge banks of information including:
  - lawyers across the country who can be partners and resources in the fight against extreme sentencing;
  - experts on the effects of trauma (the Cornell Center is currently compiling a confidential list);
  - journalists interested in pushing counter-narratives;
  - anti-violence organizations that support people in the criminal legal system;
  - films focusing on women who have suffered extreme sentences.
- **Sustain** this community, this conversation, and this energy.