

Fundraising for direct action and legal defense: a case study of the 2000 RNC protests

Kris Hermes and Ezra Berkley Nepon

The year 2000 saw the precipitous rise of the Global Justice movement. Following the November 30th, 1999 protests against the World Trade Organization in Seattle, mass demonstrations erupted in resistance to the International Monetary Fund/World Bank in Washington, DC (April 2000) and Prague, Czech Republic (September 2000). The December 2000 U.S. Supreme Court ruling in *Bush v. Gore* marked the beginning of eight long years of President George W. Bush. Less known, however, are the groundbreaking and foreshadowing events that unfolded in Philadelphia during the July/August 2000 protests against the Republican National Convention (RNC).

That summer, under the authority of then-Philadelphia Police Commissioner John Timoney, local, state, and federal governments colluded to violate laws protecting free expression. Timoney used Philadelphia as a laboratory to develop our contemporary form of political policing, later coined the "Miami Model" for the brutal reaction to the 2003 Free Trade Area of the Americas protests carried out by then-Miami Police Chief Timoney. The RNC protests in Philadelphia offered an early showcase and trial run of a repressive strategy that has since been used widely, with police violating protesters' human-rights through beatings, pre-emptive and mass arrests of more than 400 people, and levying serious felony charges against non-violent demonstrators.

At the same time, activists from several social change movements came together in creative and determined ways to resist this repression. Once arrested, RNC protesters defiantly refused to give their names, jamming up the booking and charging process in a moving and resolute example of jail solidarity. Activists maintained their collective resistance despite further violence perpetrated against them by jail authorities. And after they were released, hundreds of activists took their resistance and solidarity into the courtroom.

But none of that would have been possible without the underlying legal support effort and a fundraising apparatus that achieved unexpected results. R2K Legal, an activist and defendant-led collective, organized hundreds of people to engage in court solidarity to politicize trials, build support, and fight the charges. In a very short period of time, before the advent of social networks and online "crowdfunding" tools, activists managed to raise \$200,000 for bail and legal defense costs. How did a scrappy radical protest group raise so much money in so little time? What follows is a case study of the RNC 2000 protests and a look back on that period, nearly fifteen years later, to better understand what happened. What worked and what didn't? How can we use these lessons in our fundraising work today?

Funding direct action organizing

The August 1st Day of Direct Action against the RNC was designed to include a major march with floats and giant puppets, while a series of smaller “affinity groups” attempted to block major intersections in the city to tie up traffic and put a stop to “business as usual.” The protests were organized to resist a number of foreign and domestic policies, with a special focus on the expanding prison system in the U.S. Fundraising for the costs of these protests began in May 2000, with a draft budget of \$30,000, including a range of expenses covering the multi-day protest convergence and the plan for direct action:

- **outreach and education:** printed materials, postage, phones, informational event costs
- **communications:** cell phones, website, press release, flyer distribution
- **logistics:** food, water, convergence space, welcome packets, loaner bicycles
- **medical support:** first aid supplies and other protective gear
- **legal support:** office space, phones and other office equipment
- **travel scholarships**
- **fundraising costs**

There were no plans for a bail fund, because Philadelphia police did not have a track record of requiring bail for arrests at demonstrations.

The Philadelphia Direct Action Group (PDAG), which was largely responsible for organizing the August 1st Day of Direct Action, spread word around the country encouraging people to organize benefits, house parties, group endorsements and other methods of grassroots fundraising in order to raise enough money to cover the projected budget. Local and regional activists got creative, too, putting on fundraising events that drew attention and much-needed money to the mobilization in the final month before the protests.

Besides events, most of the money raised by PDAG came from individual donations by people sending in checks, which were solicited by letters, flyers, in-person conversations, and through email lists. PDAG also applied for and received several small grants.

In order to build the fundraising capacity and keep things moving, PDAG delegated complete fiscal authority to a fundraising committee. While this structure enabled us to get the job done, the relaxed level of oversight made the fundraising committee vulnerable. Hindsight taught us that if any members of the committee had been dishonest or ill-intentioned, it could have been disastrous.

Fiscal sponsorship

In order to receive tax-deductible donations, PDAG needed a nonprofit organization to act as a fiscal sponsor. Fiscal sponsorship is a common legal

means in the U.S. by which smaller organizations without nonprofit status can receive money, including grants and large gifts, while donors receive the benefits of tax credit for their donations. In the final weeks before the protests, we changed fiscal sponsors three times in search of a stable fundraising “home.” These quick transitions came in response to complex logistical demands: PDAG’s fundraising team needed a high level of autonomy and access to funds on short notice in order to serve the fast-paced organizing.

All hands on deck! Raising funds in a time of crisis

On August 1st, the big day of direct action protests, Philadelphia was in a state of pandemonium. With the help of undercover infiltrators, police raided a West Philadelphia warehouse, arresting more than 70 people inside and seizing puppets, signs, banners and other protest materials even before they hit the streets to make their voices heard. Meanwhile, protesters blockaded several of the city’s major intersections for hours, interfering with the transportation of delegates to the convention site, while numerous marches and rallies filled the streets. Frustrated that plans for an unfettered political convention had been foiled, the police acted out by assaulting scores of people and arresting hundreds of protesters.

August 1st was also a time of crisis for PDAG whose bank account was in the red. Despite strong fundraising efforts, the group had failed to reach its goal of \$30,000. As the protests began, we did not have the money to reimburse expenses that people had put on their personal credit cards. With downtown Philadelphia under police siege, more than 400 people in jail being held on bails ranging from \$3,000 to \$1 million, and no money in the bank, this was an “all hands on deck!” moment. It was also crucial that the group’s only designated check-signer stay out of jail.

On August 5th, the newly formed R2K Legal Collective sent out its first email fundraising appeal, which read in part:

Activists who came out to the Philly streets to make their voices heard, to demand a response to the issues of police brutality, the criminal injustice system, and the brutal effects of corporate globalization are being met with inhumane and torturous conditions in Philly jails and prisons. Our first priority is to get people out of these conditions -- and that means an urgent push to raise bail funds and legal fees. We are asking people to make donations, to organize benefits, to ask everyone you know to give to this fund. This is a way you can contribute whether or not you live in Philly: by helping us get people out of jail.

Emergency calls for funds were sent out over email, posted to various websites, and spread through countless letters and phone calls. People were encouraged to send checks, donate online, and wire funds. Some people earmarked their contribution for a particular arrestee, often those with serious felony charges. In

a very short period of time, we received hundreds of donations. Ironically, after the scramble to find a fiscal sponsor, most of the donations were used for legal fees which are generally not tax-deductible.

We experienced incredible generosity and solidarity, from all angles. For instance, one \$8,000 contribution was handed-off to a fundraising team member at a concert in New York, another supporter mailed in a two dollar money order from a small town in the Midwest, and a political prisoner sent a letter of support along with a modest donation. It was a powerful example of everybody giving what they could.

Quickly following the mass arrests of August 1st, several foundations gave sizable grants, including Bread and Roses Community Fund, the Tides Foundation, Funding Exchange, and the Peace Development Fund. We also received a number of emergency loans to support the bail fund - \$30,000 in total - all of which was paid back within a year. Complementing these grants and loans, we received a staggering array of in-kind donations, including phones, fax machines, printers and other office supplies, as well as basic necessities like food, water and toiletries.

Distributing bail funds

In order to pay bail in Philadelphia and many other U.S. jurisdictions, you need sizeable assets. Without a house or other valuables to use as collateral for bail, protesters could still be released with ten percent of the bail amount *in cash* and a “surety,” someone local who would be responsible for ensuring that the defendant showed up in court. As a result, the fundraising committee had to collect and manage huge amounts of cash, presenting a considerable challenge in an era before widespread use of online banking and other electronic financial services.

It was difficult to find people who were available and willing to transport large amounts of cash (up to \$10,000) to pay bail. With numerous key organizers swept up in the mass arrests and a frenetic, understaffed environment in the legal office, the process of bailing out protesters broke down. R2K Legal often sent whoever happened to be around to pay bail, including one person who had recently - and randomly - shown up, and was previously unknown to organizers. There were a couple of people making gut decisions about how trustworthy people were and although all of the funds earmarked for bail made it to their destination, a few of the “surety” signers disappeared and, as a result, some bail payments were never returned after the trials concluded.

Transition from PDAG to R2K Legal

Within a few weeks after the mass arrests, organizers recognized that the legal defense process would require a multi-year strategy and a structure to coordinate support. Many of the PDAG organizers and participants were now also co-defendants, and the PDAG structure was not designed to outlast the

demonstrations. To move forward, R2K Legal created a new fundraising committee, which quickly drafted a budget and began to develop ways to solicit funds for the more serious criminal cases and to pay back people who had loaned money for bail. The budget was an ambitious \$200,000 and included costs for office space, utilities and equipment, phone and internet service, investigation fees for the more serious cases, evidence maintenance and research, attorney fees, an elaborate outreach effort, and media work. While most legal workers and lawyers volunteered their time and skills, nominal stipends were briefly provided to a handful of people. Over time, line items on the budget changed considerably as the legal needs became clearer, but the overall amount of \$200,000 remained relatively unchanged.

In order to sustain contributions to the legal support effort after the crisis of freeing jailed protesters was over, activists held countless fundraisers across the country, and even as far away as Berlin, Germany. From mud-wrestling parties and poetry readings to puppet shows and concerts, including hip-hop, punk and folk performances, thousands of dollars were raised in the months after the protests. The Boston Philly Defense Group (reformed as the Boston Activist Defense Association, or BADAss) organized a few events, including a concert and a house party for wealthy donors, which netted more than \$4,000. There were also several educational fundraisers in smaller cities from Bethlehem, Pennsylvania to Fort Bragg, California, which in addition to raising hundreds of dollars would also garner media attention in local papers.

Locally, Philly activists and supporters of the legal defense effort organized an amazing array of fundraising events. These events served multiple purposes: raising funds, building a culture of solidarity, and morale boosting.

A few examples:

- The Philadelphia chapter of the National Lawyers Guild (NLG) and the radical bookstore Wooden Shoe Books organized a fundraiser featuring a talk by civil liberties watchdog and author Chip Berlet, speaking on “Dissent and Surveillance: Protecting Civil Rights and Civil Liberties.”
- Several screenings of the award-winning, one-hour documentary *Unconventional Coverage* were held as fundraising events across the city. The film, which was produced by *BiG TeA PaRtY* and subpoenaed as evidence by the Philadelphia District Attorney’s Office, featured Elizabeth Fiend, the host of Philly’s only anarchist cable TV show.
- In January 2001, The Virgin Bride Cabaret included poetry, puppetry, dancing, live music, and an “eye-popping” fashion show featured a dozen naked male RNC arrestees (and friends) who were all modeling floral and fruit-decorated mirkins (pubic wigs).
- A couple of weeks later, in the middle of a snow storm, supporters hosted “Pancake Palooza.” Inspired by a similar event in San Francisco, which raised \$2,200 for R2K Legal, the Philly Pancake Palooza brought together an array of artists who shared politics with the protesters. For five hours and a suggested donation of \$10-\$100, the Palooza offered an all-you-can-eat

pancake extravaganza. “Save Democracy, Eat Pancakes!,” read the invitational flyer. The event included spoken word, puppetry and dance, with as many as 20 performers. You could also get your picture taken with a felony defendant.

Some money also came in from unexpected sources, like record labels. RNC arrestee and musician Christopher Perri devoted part of his CD proceeds to R2K Legal, and Sub City Records agreed to donate five percent of the retail price of every record sold by Adam and His Package for more than a year, directing hundreds of dollars to the legal support effort.

Nurturing the donor base

In the first 6 months after the protests, R2K Legal raised about \$130,000. Most of that money came from individuals, many with attached notes offering solidarity, love, and support. This inspired us to put thought and care into sending “thank you” letters to all of our supporters. We made a card with two woodcut images, each designed by an activist involved in the RNC protests¹. One image displayed the words, “your heart is a muscle the size of your fist, keep loving keep fighting,” and the other featured a flying monkey wrench emblazoned with the word, “liberation.” A quote by Audre Lorde accompanied the images: “When I dare to be powerful -- to use my strength in the service of my vision, then it becomes less and less important whether I am afraid.”

Gradually, as interest in the RNC protest fallout began to wane, the fundraising working-group shifted focus from fundraising events to targeted direct mail campaigns. Although it was somewhat unusual to send follow-up “asks” to donors of an emergency solicitation, we believed that our donors also cared about the long-term legal battles and the social justice movements at the core of our work. R2K Legal sent a mailing with return envelopes enclosed to hundreds of donors, giving them a legal update and an explanation of why funds were still needed. Hundreds of additional dollars were mailed in.

As we approached the one-year anniversary of the mass arrests, we were close to meeting our goal of \$200,000. One of the last formal fundraisers was held July 18th: “Freedom Breakfast,” a \$100-per-plate fundraiser. There was a lot to celebrate at that point, given the overwhelming criminal court victories, but R2K Legal needed money to launch our civil suit effort against the City of Philadelphia. The Freedom Breakfast invitation encouraged prospective donors to hold the city accountable for its “overreaction and malicious conduct resulting in major civil rights violations and the suppression of dissent.” Former defendants spoke, as did an R2K Legal attorney and the National Organization for Women’s Pennsylvania chapter president. Organizers distributed packets for the donors that included the R2K Legal timeline of events, coined “A Civil Rights Catastrophe,” a newsletter, and a collection of media clippings on the legal victories over that past year.

¹ The artists are Dalia Shevin and Morgan Andrews.

Fiscal closure

In the end, more than \$200,000 was spent on criminal defense, civil litigation, legal fees, and general expenses such as phone bills and office space. R2K Legal even paid the travel for defendants and their witnesses, though many young activists also received travel grants from the Rosenberg Fund for Children. Long after the criminal cases and civil lawsuits were resolved, R2K Legal still had about \$15,000. Some of the remaining money was used to print thousands of “Know Your Rights” brochures, and some of it funded a website for the nascent Philly legal collective, Up Against the Law. A portion of the money also went to support another one of the mass mobilizations happening at the time. By 2008, the account had been whittled down to \$5,000, at which point the current R2K Legal treasurer carried out the will of the collective, giving the remaining funds to the lawyers who did the bulk of the R2K Legal pro-bono (volunteer) criminal defense work.

The legacy of fundraising for the RNC 2000 protests

The legal fallout from the RNC 2000 protests lasted for almost ten years. In a stunning show of court solidarity, hundreds of activists fought their excessive charges and were vindicated in the courtroom, in the mainstream media, and among the general public. By the time the last trial occurred, more than 90 percent of the cases had been dismissed, acquitted or otherwise thrown out. More than 40 activists had been charged with serious felonies, but in the end not a single person was convicted of a felony at trial. This powerful legal success story was accomplished by the hard work of the defendants and their supporters, and it was enabled by a concerted fundraising effort by a small group of committed activists, much of which went on in the background and behind the scenes.

While the political and fundraising landscapes have changed in the fifteen years since the RNC protests in Philadelphia, many of the lessons remain relevant and important to our social change efforts. With the increased demand on activists to raise bail for comrades who are locked up as a result of increased arrests, effective fundraising is more crucial than ever. We hope this case study will shed light on some important themes in how to pull off a successful fundraising campaign for direct action and resulting legal defense. Here are a few key points we especially want to pull out. We know these will not all be possible in each situation - your mileage may vary - but we hope this list will be helpful:

- Plan ahead for your fundraising and cash needs. This means getting structures like bank accounts in place before you need them. Running funds through a personal bank account or paypal account will likely need to be reported as income on personal taxes, so organizational accounts are more ideal, but you also need an account you can access quickly and easily 24 hours a day, 7 days a week.

- Plan for fundraising expenses. This may include banking fees and deductions that come off the top of a crowdfunding campaign (up to 10%), help with phone bill costs for people coordinating fundraising efforts, the percentage of bail fees that don't come back after a trial is complete, postage and printing supplies for thank you notes...
- Assign trusted people (primary and back up people) to handle the finances, sign the checks, and hold the debit/credit cards. These people are signing up to explicitly avoid arrest. Depending on planned activities, people who handle the finances may need or want to be off-site during a direct action event. Know that this role may last well beyond the event of a specific action. Use a buddy system when transporting cash.
- Prepare tracking documents so you can sign cash in and out of the coordinating space, and track all income and expenses. In the chaos of activity before, during, and after an action, it's easy for funds to slip through the cracks. [For example, we found a bunch of checks between two folders, months after we had received them.]
- Take the time to acknowledge and thank your donors (including in-kind donations). The movement is a long haul, and donors who know that their support matters are more likely to stay connected.
- Remember that you are not alone, and let others know what you need. For us, in 2000, over 400 people were arrested. Even without the social networks we have now, that meant that 400+ people's friends, families, and communities went into action to spread the word about how to show support. The wide reach of social justice movements are a powerful resource for mobilizing support and solidarity.

The fundraising experience during and after the RNC 2000 protests was trial by fire. Once the crisis of mass arrests hit the national media, our capacity to fundraise was enormous. With money coming in from all over and so quickly, it was more successful than any other fundraising effort we had been a part of, and all involved were swept into a steep learning curve. We tried our hardest under tremendous pressure, and looking back we recognize that we desperately needed more structured accountability and more guidance. And still, the results were extraordinary: we got all of our people out of jail, and kept them out. We share this story with hopes for the same results for all who organize for direct action and legal defense!

About the authors

Kris Hermes is a Bay Area-based activist who has worked for nearly 30 years on social justice issues. In the lead-up to the 2000 Republican National Convention, Hermes was organizing with ACT UP Philadelphia, which spurred his interest in legal support work and led to his years-long involvement with R2K Legal. Since 2000, Hermes has been an active, award-winning legal worker-member of the National Lawyers Guild and has been a part of numerous law collectives and legal support efforts over the years. In July, PM Press will publish Hermes' *Crashing the Party: Legacies and Lessons from the RNC 2000*, which centers around the development of repressive policing policies and how activists worked collectively to overcome that repression.

Ezra Berkley Nepon is a Philly-based writer, grassroots fundraiser, and activist who coordinated much of the fundraising and finances for the Philadelphia Direct Action Group and R2K Legal Defense. Nepon is the author of *Justice, Justice Shall You Pursue: A History of New Jewish Agenda*, and is a recipient of the Leeway Foundation 2014 Transformation Award.