

MEMORANDUM

To: U.S. Programs Board
From: Ann Beeson
Date: February 25, 2009
Re: March 4-5, 2009 U.S. Programs Board Meeting

I look forward to seeing you at next week's Board meeting. Included below is a brief overview of our meeting agenda and some highlights from our recent work. As always, we encourage you to review the written materials provided in the binder in advance of the meeting.

Following the board meeting on March 4th, we hope you will join us at 6:30 pm for dinner at the home of George Soros, 1060 Fifth Avenue (enter on East 87th St.).

George will be offering his comments and reflections on the economic crisis and what it means for OSI's work. If you have not already sent an RSVP, please do send a note to Orelida Hicks to let us know if you can join us: ohicks@sorosny.org or (212) 548-0372.

Overview of Board Meeting Agenda

Some of the most exciting work to promote open society here and around the world is made possible through new technologies. We have put together two panels for the Board meeting that focus on the many ways that technology is being deployed to advance our work in U.S. Programs. Technology – through the Internet, text messaging, video games and other tools – provides a new forum for organizing and outreach. Technology also offers an unprecedented platform for government transparency and democratic discourse. Six experts from a range of fields will join us to demonstrate some of these tools and to discuss the opportunities and limitations of technology to advance open society. How can organizations built online exert offline political power? Will increased access to government information lead to real reform? How do we protect and promote the use of the democratizing power of new technologies by everyone, especially traditionally underserved populations?

Our first panel on Wednesday, March 4th, ***Technology and Advocacy: New Strategies for Organizing and Innovation***, will consider how technology is being used to advance OSI issues through organizing, activism and social movements. See Tab 4.

Panelists will discuss and demonstrate case studies that include video games to raise awareness about immigration reform and Guantanamo detentions; innovative online organizing and media campaigns at the state level; and people of color led organizing online to spotlight issues like criminal justice, Katrina accountability, and confronting voter suppression.

Sherrilyn Ifill will moderate the panel, joined by Heidi Boisvert, Multimedia Manager at Breakthrough; Bobby Clark, Executive Director, ProgressNow; and James Rucker, Executive Director, ColorofChange.org.

Following the first panel discussion on Wednesday, the Board will discuss and comment on a new special funding initiative to advance open society issues during this critical make-or-break moment in the United States, outlined in detail in the enclosed memo, "**Special Funding to Seize This Transformative Moment.**" See

Tab 5. At last December's Board meeting, Board members and outside experts agreed that we should seek to maintain elevated levels of civic engagement, expand the use of new approaches to organizing and field-building, and build on last year's momentum to advance our issues. The Board also confirmed the need for OSI to stay committed to the most challenging issues – structural inequality and criminal justice – even if they are not currently on the national agenda.

The enclosed memo outlines a four-pronged strategy to advance OSI's priorities during this critical period. The strategy draws on conclusions from the December Board meeting and responds to an emerging need to ensure transparency and equity in economic recovery plans. We shared earlier drafts of the memo with Aryeh Neier, Deepak Bhargava, Jonathan Soros, and Steve Rickard, and the enclosed strategy incorporates very helpful comments from them. George Soros has now approved up to \$10 million of special funding for the initiative. Deepak Bhargava, Jonathan Soros and Bryan Stephenson have agreed to serve as special Board advisors, and we are eager to obtain feedback from all of you as we begin to implement the grantmaking and operational strategies outlined in the memo.

On Thursday, March 5th, we'll begin the day with our second panel, ***Technology and Democracy: New Tools for Transparency and Civic Engagement***. New tools and practices built on and around the Internet have changed political fundraising and movement building, and now promise to introduce a new age of governmental transparency. This session will explore some of the most promising innovations in online transparency tools, discuss efforts to build a grassroots movement for just media rules and rights to shrink the "digital divide" and present a case study of how data obtained using these types of tools directly impacted New Orleans criminal justice policy. Ethan Zuckerman will moderate the panel, joined by Malkia Cyril, Executive Director, Center for Media Justice; Laura Kurgan, Director of the Spatial Information Design Lab at Columbia University; and Micah Sifry, Co-founder and Editor of the Personal Democracy Forum.

Following the panel discussion on Thursday, March 5, we will briefly discuss an emergency fund that OSI is developing with Atlantic Philanthropies to support shared grantees that lost significant funds due to the unexpected demise of the JEHT Foundation. See Tab 7. Finally, we will discuss ongoing support for the Drug Policy Alliance. See Tab 8.

Program Highlights

U.S. Programs has jumped into the new year by seizing new opportunities for change in a shifted climate and by continuing our support for long-term efforts that are beginning to bear fruit. I offer a few highlights here, and my thanks to the staff and our grantees for their inspiring work.

Equality and Opportunity Fund

In 2009, the Equality and Opportunity Fund (EOF) will focus its attention on developing an intersectional approach that knits together policy issues and supports a broad range of advocacy strategies. The OSI-funded social action campaign for the film *The Visitor* offers a powerful example of the use of popular culture and organizing to advance policy reform. Box office buzz drew new allies to special events nationwide that were hosted by local organizations challenging flawed detention and deportation policies. The campaign run by **Active Voice** spurred

many people to learn more and speak out. Similarly, in response to the most recent actions of Arizona Sherriff Arpaio who paraded hundreds of immigrants into a tent city surrounded by electric fences, the **Center for New Community** organized a major hip-hop event with local and national artists.

Other EOF grantees continue to engage in sophisticated advocacy to eliminate structural barriers to equality and opportunity. The **National Gay and Lesbian Task Force** led a collaborative effort with other LGBT rights organizations to produce a briefing book aimed at eliminating discrimination against LGBT individuals in all aspects of federal policy - from employment to healthcare to immigration reform. **Advancement Project** has been active in opposing voter disenfranchisement in Ohio, Virginia, and Missouri. Challenges include a lawsuit filed against Virginia Governor Tim Kaine and top Commonwealth election officials for unconstitutional allocation of polling site resources. The systemic advocacy of the **National Immigration Law Center** and its partner organizations culminated in a victory for the immigrant rights field. The recently passed *Children's Health Insurance Program Reauthorization Act* removed the five-year waiting period for legal immigrant children and pregnant women to receive healthcare benefits.

Founded in 2007 with significant support from OSI's **Neighborhood Stabilization Initiative**, the **Center for New York City Neighborhoods** (CNYCN) is an independent, not-for-profit organization charged with funding a major expansion and coordination of outreach, counseling, and legal assistance to borrowers facing foreclosure in New York City. CNYCN recently launched a centralized foreclosure hotline and call center, creating a single point-of-contact for borrowers facing foreclosure to connect with needed services within CNYCN's network of providers. It also established a foreclosure diversion pilot in the Queens court system that diverts foreclosure cases into settlement conferences and provides outreach, referral and legal representation to homeowners. In addition to supporting place-based foreclosure prevention efforts, the Neighborhood Stabilization Initiative is considering support for national efforts to examine the impact of the mortgage and foreclosure crisis on renters and the secondary effects of the crisis on children displaced by foreclosure.

In 2008, the **Campaign for Black Male Achievement** completed several rounds of exploratory grantmaking, awarding \$1.8 million to 14 organizations working to improve life outcomes for black boys and men. The grants covered a range of areas, including responsible fatherhood, educational equity, job quality, youth media, and faith-based organizing. One of the Campaign's grantees, the **Coalition of Schools Educating Boys of Color**, recently announced its third annual gathering of educators and community leaders titled, "The Affirmative Development of Boys and Young Men of Color." The **Urban Leadership Institute** launched its *Raising Him Alone* campaign to expose and address the particular needs of single mothers raising boys.

In December, the Campaign convened over 30 community leaders, activists, practitioners, youth organizers, researchers, and funders for a two-day retreat to help inspire and inform the Campaign's strategic direction. **Geoffrey Canada** gave a rousing call to action to launch the retreat, and **Sherrilyn Ifill** brilliantly tied together all of the ideas that emerged from the retreat in her closing remarks. The retreat was a huge success by all accounts; Lani Guinier said she "felt like a movement was born." Building on recommendations made during the retreat, the Campaign's internal working group is now developing a multi-year blueprint to

alleviate the conditions facing black men and boys while raising awareness about how those conditions are symptomatic of larger societal concerns.

Transparency and Integrity Fund

The Transparency and Integrity Fund (TIF) has had an exciting start to the year. In a radical departure from the past Administration, on his first day in office, President Obama urged federal agencies to disclose information proactively, curbed the influence of lobbyists, and launched an interactive White House website that is a model for open and participatory government. These early gains are due in no small measure to the efforts of the **21st Century Right to Know Project**, mentioned in my last memo, which included OSI grantees the **National Security Archive** and the **Sunlight Foundation**, who published a clear and concise transparency agenda and presented it to transition officials.

TIF grantees are now working to ensure greater fiscal transparency around the government's huge bailouts. Six organizations including grantees **OMB Watch**, **Project on Government Oversight**, and the **Columbia Journalism Review**, have partnered to launch **Bailout Watch**, to support research, analysis, and education strategies to inform the public, press, and opinion shapers of how money is being used. Another emerging collaboration around the economic recovery, the **Coalition for an Accountable Recovery**, includes OSI grantees **the National Institute for Money in State Politics** and **Consumers Union**. The effort promotes transparency in spending under the two-year American Recovery and Reinvestment Act and would do so by building public support for state governments to track and post information on how recovery funds are being spent to a searchable public database.

On judicial independence, all eyes and ears are on a March 3 Supreme Court hearing in *Caperton v. Massey*, of a potentially landmark judicial ethics case concerning whether judges must in certain situations recuse themselves from cases involving those who helped them get elected. *Caperton* concerns a coal executive who spent more than \$3 million to elect a West Virginia Supreme Court justice who in turn helped overturn a \$50 million judgment against the executive's company. The amicus briefs submitted on behalf of Caperton – many by OSI grantees – undoubtedly impacted the Court's decision to grant certiorari. Grantee the **Justice at State campaign** submitted an amicus brief supported by 27 civic reform groups (including grantees **Constitutional Accountability Center**, **Illinois Campaign for Political Reform** and **Texans for Public Justice**). Grantee the **Brennan Center**, which submitted its own amicus brief with co-signer grantee the **Campaign Legal Center** (and the Reform Institute), also coordinated an impressive amicus effort of state Supreme Court Chief Justices and Justices, major corporations, and the **American Bar Association**, among others. Win or lose, the coordinated efforts of the Justice at Stake Campaign and its partners in this case demonstrates the value of OSI's long-standing support for capacity building in this field.

Finally, TIF is exploring a partnership with the Rockefeller Family Fund and others to take advantage of a potentially transformational opportunity in the electoral reform arena, one that would "change the rules of the game" through a comprehensive overhaul or modernization of voter registration policy.

Criminal Justice Fund

The Criminal Justice Fund successfully completed our selection process for the Soros Justice Fellowships earlier this year. From an initial pool of over 200 proposals (double the number from the previous year), we invited 30 finalists to interview with our selection committees in December 2008 and we have selected 17 individuals with a wide variety of projects to receive fellowships for 2009. The fellows include Anita Khandelwal, currently a lawyer with The Defender Association in Seattle, Washington, who will spearhead a project to limit the use of trespass laws to exclude “undesirable” individuals from large swaths of urban space – a phenomenon that threatens the meaning of citizenship and community in American cities. Another fellow, Lauren Melodia, a community organizer, will collaborate with “prison town” residents in upstate New York to organize opportunities to re-imagine their local economy and create community economic development plans. Chicago journalist Jessica Pupovac will use her fellowship to explore the impact of the aging prison population, the responses, and possible alternatives, in an effort to inform public debate and contribute to a more humane criminal justice system. By 2010, one-third of all people held in federal and state prisons will be over the age of 50, a development that portends significant hardship for those both inside and outside of prison.

CJF grantees continue to press for reforms on a number of fronts. The **National Legal Aid and Defender Association’s** assessment of the unconstitutional public defense system in Michigan State has prompted a coalition of lawyers, judges and advocates to demand reform. The group specifically cited the state’s rank, as 44th in the nation for per capita spending on indigent defense, as the impetus for their bi-partisan effort. As a result of the public education efforts of the **Constitution Project** and other OSI grantees to produce a transition primer for the new administration, *Smart on Crime: Recommendations for the New Administration and Congress*, Rep. Robert C. “Bobby” Scott, Chair of the House Judiciary Subcommittee on Crime, will host a Capitol Hill summit on March 3, 2009, “Smart on Crime Policies: Increase Public Safety, Reduce Costs, and Improve Lives,” to discuss the recommendations in the report.

Democracy and Power Fund

The Democracy and Power Fund is heavily engaged in strategy development to support grantees that are using this new moment to advance a more transformative open society agenda. Many D&P grantees, led by the **Center on Budget and Policy Priorities** and the **Center for Community Change**, educated policymakers during the economic recovery debate about new efforts needed to assist the poor. Bob Greenstein of CBPP shared that, while not perfect, the new law is the best package to address a recession he has seen in his 36 years in Washington and believes that it will also do more to combat poverty than any legislation in a very long time.

The D&P Fund is also contributing to field building so that national grassroots groups, like the 1,000 congregation **PICO** organizing network active in 150 cities, can sustain the record numbers of new people who were inspired to activism in 2008. With our capacity support, they can more effectively move large bases of people to lift up OSI priorities on housing, equity, and immigration reform, among others. The D&P Fund also continues to represent USP in the **Funders' Census Initiative** and national conversations related to minimizing the undercount of marginalized communities in the 2010 U.S. Census.

National Security and Human Rights Campaign

On his second day in office, with 16 retired military officers lined up behind him, President Obama signed executive orders to end torture, close the Guantanamo Detention Center, and review U.S. detention and interrogation policies. These orders stand as a testament to the tireless efforts of human rights organizations, lawyers, grassroots activists, and religious leaders, as well as to the foresight of this board in launching the National Security and Human Rights Campaign in November 2007. With a full year's lead time before the close of the Bush administration, the Campaign has supported the field's core organizations, nurtured innovative projects, held convenings of the field and its funders, and built the communications capacity of the field. But much work remains to be done. While Obama's executive orders represent a tremendous step forward, Bush administration policies have yet to be dismantled, and unless the fear-mongering backlash that is being unleashed by defenders of Bush administration policies is effectively countered, the *New York Times* headline from February 18 could prove prescient: "Obama's War on Terror May Resemble Bush's in Some Areas."

The Campaign's top priorities include positioning the national security and human rights field to take advantage of new opportunities to restore human rights to U.S. national security policy, supporting strategic and coordinated media and public education efforts that will offer Obama political cover so that he can stay true to his principles, and developing an alternative national security paradigm to replace the flawed "war on terror" construct. And – with the closing of the JEHT Foundation, a major funder in this area, and the overall decline in the economy – engagement with other funders is also a top Campaign priority. On January 7, OSI and Atlantic Philanthropies hosted a full-day educational convening on national security, civil liberties, and human rights that brought together presidents and senior staff members of several leading philanthropic institutions. The following day, the Campaign hosted the first docket meeting of the National Security and Human Rights Pooled Fund, which OSI and Atlantic Philanthropies established last June. The pooled fund has approved a set of grants designed to build the strength, coordination, and capacity of the Arab, Middle Eastern, Muslim, and South Asian organizations and a set of grants designed to equip the field with a communications and messaging "hub" that will provide media tools, rapid response resources, messaging guidance, trainings, and other technical assistance.

Strategic Opportunities Fund

The Strategic Opportunities Fund (SOF) is U.S. Program's discretionary fund, which serves two purposes. SOF provides rapid response funding to address urgent and unanticipated needs that merit quick action, and also serves as a laboratory for research and development to explore new directions or issue areas that do not yet feature prominently in our existing portfolios. In a separate memo we have outlined a recent example of our rapid response approach – the development of an emergency fund in response to the closure of the JEHT Foundation. See Tab 7. SOF staff are working closely with other funding partners, and expect to propose a number of grants to former JEHT grantees next month.

Current R&D explorations in SOF include a place-based approach to our grantmaking in New Orleans. We are building on existing investments in criminal justice reform and post-Katrina rebuilding, and applying lessons learned from our field office in Baltimore. One new project currently under consideration, in collaboration with the

Transparency and Integrity Fund, would strengthen transparency and accountability in New Orleans city government; corruption and inefficiency have plagued rebuilding and equity efforts since Katrina. We are also supporting groups that use the unique artistic and cultural traditions of New Orleans to advance social justice. We look forward to highlighting some of this work at the next USP Board meeting, which will be held in May in New Orleans.

New U.S. Programs Staff

I am delighted to announce the recent hiring of three remarkably talented new program officers in U.S. Programs.

Patricia Jerido brings a diverse range of personal and professional experiences to the **Democracy and Power Fund**, including working for eight years as a social worker and community organizer on human rights issues, in the Manhattan Borough President's Office, and as Co-Director for Client Services at the Minority Taskforce on AIDS, where she worked with women incarcerated at Rikers Island. As the program officer for health and safety at the Ms. Foundation for Women, from 1999- 2003, she managed three funds covering reproductive rights, women and AIDS, and sexuality education. Since 2003, Patricia has worked as an independent consultant, assisting non-profit organizations in fundraising, communications, board and program development, evaluation, executive coaching, and organizing. Patricia is a graduate of Rutgers University (B.A., Communications) and Hunter College School of Social Work (M.S.W.) and lives with her family in Brooklyn.

Cristóbal Joshua Alex ("Josh") brings a wide variety of experiences to **Democracy and Power Fund**, including most recently as the Director for the National Campaign to Restore Civil Rights, an OSI-funded project that includes more than 100 organizations united to ensure that our courts protect and preserve justice, fairness, and opportunity for everyone. Prior to joining the campaign, Josh served as a law clerk for a justice on the Washington Court of Appeals and then practiced civil rights law at MacDonald Hoague and Bayless in Seattle, WA, where he represented clients in cases ranging from prisoner abuse to voter disenfranchisement. Josh has served as the youngest president in the history of the Latina/ o Bar Association of Washington. He is the Chair of the Civil Rights Section of the Hispanic National Bar Association, a frequent public speaker and writer on issues relating to immigrant justice, voting rights, and human rights, and a regular blogger on Huffington Post. Josh is the son of immigrant parents and grew up in El Paso, TX. He is a graduate of Southern Methodist University (B.A., International Business) and the University of Washington School of Law (J.D.).

Terrance Pitts bring a rich and broad background to the **Criminal Justice Fund**. He has served as a research analyst with the United Nations, working with UNICEF, the Department of Humanitarian Affairs and the Intergovernmental Consultations on Refugee, Migration and Asylum Policies in Europe and North America. In 2001, Terrance coordinated lobbying of government officials as a participant of the International Criminal Justice Caucus at the UN World Conference Against Racism, held in Geneva, Switzerland. As a New Voices Fellow, Terrance was the international coordinator for the National Coalition to Abolish the Death penalty, where he collaborated with NGOs to raise awareness about human rights and the death penalty. Terrance has served as a Program Officer with the Academy for Educational Development, where he designed and implemented leadership development strategies to support emerging social justice leaders through the New Voices

Fellowship Program, and more recently has worked with AED to conduct research and analysis for the development of new national leadership programs, including one focused on developing leaders among the formerly incarcerated. He has also worked briefly with the American Civil Liberties Union and Penal Reform International. Terrance earned a Masters of Arts in Law and Diplomacy from Tufts University and a JD from Northwestern University.

Plans for the May Board Meeting in New Orleans

After last year's successful and deeply engaging Board meeting in Baltimore, we committed to hosting one U.S. Programs Board meeting per year in a city other than New York in which U.S. Programs has substantial investments. I am pleased to report that we are planning to host the May 2009 USP Board meeting in New Orleans. Our commitment to New Orleans has evolved and expanded over the last several years. We have long been invested in criminal and juvenile justice reform in New Orleans, and recently initiated an exciting new plan involving many OSI grantees to radically transform the criminal justice system. Shortly after Hurricane Katrina, we launched the Katrina Media Fellowships, and the Katrina fellows remain close partners in our support for rebuilding New Orleans especially for those most disadvantaged before and after the storm. Last year, we committed to researching and developing a more comprehensive, place-based funding strategy for New Orleans, and are now pursuing plans to promote government transparency and advance social justice through art and culture. We are planning a series of site visits and discussions to showcase and engage Board members in our work in this vibrant and haunting city.

I look forward to seeing you all next Wednesday.