

## MEMORANDUM

To: U.S. Programs Board  
From: Ann Beeson  
Date: May 12, 2009  
Re: May 20-21, 2009 U.S. Programs Board Meeting

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I look forward to seeing you at next week's Board meeting. Included below is a brief overview of our meeting agenda and the enclosed materials, an update on special initiatives, 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 May 20, we hope you will join us at 6:30 pm for dinner at the home of George Soros, 1060 Fifth Avenue (enter on East 87<sup>th</sup> St). 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.

As a reminder regarding the remaining Board meetings this year, the September 30 – October 1 Board meeting will be held at our offices in New York City. We have now confirmed that the December 2-3 Board meeting will be held in New Orleans, and we are planning a series of site visits and discussions to showcase and engage Board members in our work there.

### **Overview of May Board Meeting Agenda**

We will be devoting the May Board meeting to a range of discussions about the implications of the economic crisis for OSI's work in the United States. There is no question that the economic crisis has hit communities of color, immigrants, and low-income communities first and hardest – the very communities we prioritize in our U.S. Programs grantmaking. At the same time, our foundation partners and grantees alike are losing essential resources to support advocacy as the dollars in the nonprofit sector continue to shrink.

We have been fortunate in U.S. Programs to have had the resources, the foresight and the nimbleness to move quickly in response to these trends. As part of our special Seize the Day Fund, we are funding advocacy to ensure transparency, accountability and equity in the distribution of economic recovery funds. As discussed at the last Board meeting, we moved quickly to establish an emergency fund to support grantees that lost significant funds from the closure of the JEHT Foundation. We are now considering ways to expand the kinds of technical assistance we offer to ensure the health of our grantees and the fields we support. Finally, George Soros has generously created a new national fund – the Special Fund for Poverty Alleviation – to provide the poor with essential services during the economic crisis. Working with members of the Board, we have organized a number of sessions to obtain your feedback on these critical new efforts.

Our opening panel on May 20<sup>th</sup> will explore connections between the Special Fund for Poverty Alleviation and related advocacy in U.S. Programs. See Tab 4. We are eager to build solid connections to maximize the impact of the new fund for direct services and our ongoing funding of advocacy. Geoff Canada will moderate the session and discuss the national landscape; he is an advisor to the new fund and the related grant to the Robin Hood Foundation to alleviate poverty in New York City. Mimi Corcoran, who has been hired to lead the new fund, will provide an overview of the fund's strategic goals and its overall framework. Diana Morris will outline her thoughts on how the Fund could be used to fill the gap in services for the poor in Baltimore, and Ann Beeson will comment on connections between the fund and U.S. Programs support for advocacy.

Our second session, *Strategies to Strengthen Organizational and Field Capacity in Challenging Times*, will explore the impact of the recession on the nonprofit landscape, highlight forms of technical assistance available to individual organizations and to fields, and consider changes in grantmaking practices that could ease the burden on our grantees. See Tab 5. The recession is forcing many foundations and grantees to step back and think critically about how they allocate reduced budgets while magnifying their impact. The recession may also offer an opportunity to permanently alter practices in the non-profit sector and to improve its health. The panel will consider ways to ensure that the economic downturn does not disproportionately impact the advocacy and social justice work that USP supports. Jonathon Soros will moderate the session, joined by two experts who are working to assist non-profits during the recession, Clara Miller of the Nonprofit Finance Fund, and Monona Yin of the Four Freedoms Fund.

The final session on May 20<sup>th</sup> will be a closed executive session of the Board to discuss new board member recruitment. See Tab 10. Dinner at the home of George Soros will follow at 6:30.

We will open the second day of the Board meeting on May 21<sup>st</sup> with a session on *Achieving Equity in the Economic Recovery*. See Tab 6. This panel will explore the anticipated effects of current economic policy proposals on disadvantaged communities and identify concrete strategies for achieving equity in the economic recovery. Unemployment, soaring foreclosures and evictions, depressed wages, and decreasing benefits are disproportionately impacting minority communities, exacerbating pre-existing racial and economic inequities. With funding support through our Seize the Day Fund, grassroots advocates and a range of policy advocacy groups are developing strategies to ensure that the hundreds of billions of stimulus dollars are applied to maximize equity and create meaningful opportunities for disadvantaged groups. We will be joined by four advocates who are at the forefront of national and local efforts to ensure equity and transparency in the recovery. John Cavanagh of the Institute for Policy Studies will moderate the session, joined by Sarita Gupta of Jobs with Justice, Maya Wiley of the Center for Social Inclusion, and Gary Bass of OMB Watch.

Following the panel discussion, the Board will discuss and consider approval of a proposed \$2.5 million grant over two years to the National Immigration Forum. See Tab 7. The grant is one of a package of other recently approved grants totaling \$7.7 million

that are designed to capitalize on the current opportunity for immigration reform. The grants are the first set to be made out of the special \$15 million allocation approved by George Soros to support immigration reform through the Four Pillars Campaign. See Tab 8.

### **Program Highlights and Special Initiatives**

The last few months have been extremely busy and productive for U.S. Programs staff, as we have simultaneously launched special initiatives and moved forward with our substantial long-term agenda.<sup>1</sup> We enclose for your review and feedback the grant docket cover memos for three of our special initiatives: the Seize the Day Fund; the JEHT Emergency Fund; and the Immigration Innovation Initiative. See Tab 8. We also enclose a set of weekly updates that we have begun to develop and circulate to ensure close coordination among the many USP and OSI-DC staff working to advance transformational change through the Seize the Day initiative. See Tab 8.

As one of many processes that we have been implementing to ensure active engagement with USP Board members, we will also begin routinely to include the grant docket cover memos for each of our ongoing grantmaking programs in the Board books. See Tab 9. We prepare these cover memos for Aryeh Neier when we submit the grant dockets for approval, and they provide useful summaries of our grantmaking. Board members will also receive copies of the individual grant write-ups for each of the funds and campaigns for which they serve as Board advisors. See Tab 9. As we have recently asked some of you to serve as advisors for the special initiatives, we have also enclosed an updated list of Board Advisors. See Tab 9. We are grateful to the Board advisors for the valuable feedback you have provided over the last few months as we develop three-year strategic plans for the funds.

Finally, I offer below a few highlights from our recent work, and my thanks to the staff and our grantees for their inspiring advocacy during these inspirational and challenging times.

#### ***OSI-Baltimore***

OSI-Baltimore continues its efforts to interrupt the “schoolhouse to jailhouse” pipeline. Its support for a new school discipline code for Baltimore City public schools has already resulted in 3,000 fewer suspensions compared to last year. OSI-Baltimore recently approved two grants to establish and staff a new Baltimore Student Attendance Work Group, convened by the school district’s CEO, Dr. Andreas Alonso, and Baltimore’s mayor, Sheila Dixon, at the urging of OSI staff. The Work Group will review local and state laws, policies, regulations and practices in order to make recommendations that will

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<sup>1</sup> In addition to the special initiatives discussed below and our partnership with the Fund for Poverty Alleviation, USP staff are working with Leon Botstein and Aryeh Neier to establish an emergency fund to assist arts organizations in New York City during the economic crisis. We have not scheduled an update on this initiative during the May Board meeting because unfortunately Leon is unable to join the meeting, but we will provide updates and seek feedback from the Board as the initiative proceeds.

increase the number of students in school each day. Currently, Baltimore City has the lowest average daily attendance (89.4%) and the highest truancy rate (9.17%) in Maryland. Nearly 10% of public school students, most of whom are African-American, missed 20 or more days of school in 2006-07. The group has a diverse public and private membership, including education, juvenile services, social services, housing, police, health and public transit agencies. In the months ahead, OSI-Baltimore plans to launch a public campaign to promote school attendance.

In a new effort to get individuals and families directly affected by the criminal justice system involved in policy reform, OSI-Baltimore awarded three grants, following a Request for Proposals, to grassroots advocacy organizations. OSI-Baltimore staff regularly convene the groups to encourage collaboration and cross-issue learning and periodically connect the groups with researchers, state advocates, and policymakers.

OSI-Baltimore announced its eleventh class of Baltimore Community Fellows, bringing the total to 102. These social change activists are having a tangible impact in Baltimore's underserved neighborhoods. Fellows have created 20 new organizations, now all flourishing, to employ new approaches and tap new resources to bring opportunity and greater social justice to youth, low-income residents, and others whose stability and prospects have been undermined by discrimination. Approximately 85% of the Fellows continue to work in Baltimore City after their 18 month fellowship ends in the same or related field, often in leadership positions. Equally important, 72% of the current and alumni Fellows collaborate with each other at least monthly. OSI-Baltimore has recently commissioned a study to get a more detailed understanding of the Fellows' reach and impact on individual opportunity and policy change.

OSI-Baltimore recently reached the \$12 million mark toward the goal of meeting the \$20 million challenge issued by George Soros by the end of 2010. In April OSI-Baltimore published its first report listing the donors to the campaign, titled "*Audacious Action: Campaign Progress Report 2006-2008*", which is prominently featured on the OSI website. (See [www.osi-baltimore.org](http://www.osi-baltimore.org)). OSI-Baltimore is focusing the majority of its efforts on donors who can make gifts in the \$50,000 - \$500,000 range, with the hope of raising \$4 million more in pledges in 2009. The current economic climate is affecting the ability of some of office's prospective donors to invest in its work, at least in the near term.

### ***Equality and Opportunity Fund***

Equality and Opportunity Fund (EOF) grantees have been engaged in critical advocacy before the U.S. Supreme Court. In a unanimous decision the Supreme Court ruled on May 4, 2009 that the federal government has overreached in prosecuting immigrant workers when charging them with federal identity-theft, a crime that carries a mandatory two-year prison sentence. Last year the government charged more than 300 workers with identity-theft in a workplace raid in Postville, Iowa and almost all of them pleaded guilty to lesser charges in expedited hearings and agreed to immediate deportation without the opportunity to meet with an immigration lawyer or to go before an immigration judge.

Amicus briefs were coordinated by the NYU immigrant rights clinic and filed by several organizations, including OSI grantees the **National Immigration Law Center**, the **Immigrant Defense Project**, the **National Immigrant Justice Center**, and **MALDEF**.

On April 29, 2009, the Supreme Court heard oral arguments to determine the constitutionality of critical portions of the Voting Rights Act (VRA). EOF grantee, the **Lawyers' Committee for Civil Rights Under Law**, represents the Texas NAACP in the case, *Northwest Austin Municipal Utility District No. 1 v. Holder*. At issue is Section 5 of the VRA, which requires that new voting procedures be "pre-cleared" by the federal government in certain jurisdictions with a history of discriminatory voting practices. Judging by the tone of the questioning during oral arguments, Section 5 appears vulnerable. U.S. Programs Board member, Sherrilyn Ifill, published an incisive commentary titled, "The 100<sup>th</sup> Day Threat to Voting Rights," on *The Root*. A decision in the case is expected in late June.

EOF grantee **The National Gay and Lesbian Task Force** is advancing its advocacy to implement the recommendations set forth in its briefing book for the Obama administration aimed at eliminating discrimination against LGBTQ individuals in federal policy through regulatory reforms. In accomplishing this goal, the Task Force works closely with a broad coalition of LGBTQ rights leaders as well as allied labor, religious and civil rights organizations.

Neighborhood Stabilization Initiative grantees the **National Housing Law Project** (NHLP) and the **National Law Center for Homelessness and Poverty** (NLCHP) are leading national efforts to expand and enforce protections for tenants in foreclosed properties. Renters displaced by foreclosure also are much more likely to be low-income households and families of color than the foreclosed owner. NHLP and NLCHP are working to overcome this disparity by enhancing the quality and availability of legal representation for tenants in foreclosed properties and advocating for expanded protections to prevent displacement.

In recent months, two grantees of the Campaign for Black Male Achievement have made strides in raising awareness around the need to improve the educational outcomes of black boys. The **Congressional Black Caucus Foundation (CBCF)** held the first of its series of district-level forums designed to disseminate and implement the policy recommendations of their report, *Breaking Barriers: Plotting the Path to Academic Success for School-Age African-American Males*. Close to 300 individuals attended the April 24<sup>th</sup> forum on Capitol Hill. **The 21<sup>st</sup> Century Foundation (21CF)** released its film "Bring Your 'A' Game!" which seeks to reverse the trend of poor educational outcomes for black men and boys. The film includes commentary from a number of successful African American men, including U.S. Programs Board member, Geoffrey Canada. OSI will host a special community forum and screening on May 18<sup>th</sup>, 2009.

## *Transparency and Integrity Fund*

Transparency and Integrity Fund grantees continue to work to ensure greater fiscal transparency of the government's bailouts and stimulus spending. TIF is encouraging the national **Coalition for an Accountable Recovery** to collaborate with state-based groups in ensuring transparency and equity in the economic recovery. The Fund has also recently made significant general support grants to core watchdog organizations including **OMB Watch** and the **Project on Government Oversight** to provide these groups with capacity to monitor the allocation and use of public dollars while pushing the administration to make good on its promises of transparency and public engagement. TIF and the Arca Foundation will co-host a gathering in Washington to mark the release of a **Columbia Journalism Review** edition dedicated to mainstream media's coverage of finance and the economy in the years leading up to the economic crisis, and the role progressive advocacy organizations can play in changing the frame of the conversation.

The Fund is deeply engaged in the many current discussions relating to the future of journalism and is trying to determine how to have the greatest impact through philanthropic dollars. Recent discussions have centered on how to increase sustained coverage of state capitols, and Columbia Journalism Review has launched a major study focused on finding broadly applicable ways of shoring up original news reporting and editing in metropolitan areas and state capitols. Other TIF grantees are engaged in experiments to increase state capitol coverage that TIF is following with interest such as the **Center for Public Integrity's** effort to support online operations that have a sustained focus on state-houses and state-level issues. Congress is also examining the role of government in responding to this crisis – the Senate and House have recently held hearings on the topic.

Justice Souter's retirement leaves a vacancy on the Supreme Court that will be a major focus of TIF efforts in the coming months. In its first docket of 2009, TIF made several grants in preparation for this eventuality. They include a sizeable grant to the **Leadership Conference on Civil Rights Education Fund** for its role as convener of the Coalition for a Fair and Independent Judiciary, an OSI-supported coalition that engages in nonpartisan nominations-related activities, as well as a grant to the **National Council of Jewish Women**, highlighting the Fund's increased focus on grassroots strategies on judicial nominations. At the same time, current TIF grantees the **Constitutional Accountability Center**, the **National Senior Citizens Law Center**, and the **American Constitution Society** have been highly visible in the media and at events around the country using the Court vacancy to engage the nation in a conversation about the text, history, and meaning of our Constitution.

TIF is partnering with the Rockefeller Family Fund to modernize voter registration policy at the national level, and intends to recommend a companion grant to PEW to drive the effort at the state-level, broadening the voices calling for reform by raising the profile of elections officials, private sector partners, research teams and others who are advocating for a government-driven approach to voter registration. These simultaneous efforts will increase the momentum and likelihood of comprehensive reform.

### ***Criminal Justice Fund***

The Criminal Justice Fund's Death penalty abolition grantees, including **Maryland Citizens Against the Death Penalty**, **National Coalition to Abolish the Death Penalty** and **Equal Justice USA**, saw the fruits of the many years of community education and organizing efforts as New Mexico repealed its death penalty statute and the Maryland legislature substantially limited the scope of capital punishment in its state. A coalition of grantees, including **Drug Policy Alliance**, **Correctional Association of New York**, the **Fortune Society** and the **Legal Action Center** saw a similar victory, as their long fight for reform of harsh drug penalties in New York resulted in a substantial repeal of the infamous Rockefeller Drug laws.

CJF grantees issued a number of reports to support the call for needed reforms, among them the **National Association of Criminal Defense Lawyers**, "*Minor Crimes, Massive Waste: The Terrible Toll of America's Broken Misdemeanor Courts*", the **Constitution Project's** National Right to Counsel Committee Report "*Justice Denied: America's Continuing Neglect of our Constitutional Right to Counsel*", and the **Sentencing Project's** *Changing Racial Dynamics of the War on Drugs*. In a continuing effort to highlight the plight of the mentally ill caught in the bowels of the criminal justice system, CJF supported grantee **WBGH**, of Boston, Massachusetts, in the dissemination of the documentary film *The Released* (available at [www.pbs.org/frontline](http://www.pbs.org/frontline)), and the development of a highly informative website to accompany the film. The documentary is a sequel to *The New Asylums*, also supported by OSI, which depicted seriously mentally ill incarcerated men receiving "therapy" and being shuttled back and forth between a maximum security prison in Ohio and the state's hospital for the criminally insane. *The Released* follows some of the same men who were subsequently returned "to the community" – but more often to the street – and in some cases have ended up back in prison. It promises to be as powerful and disturbing as the first film.

### ***Democracy and Power Fund***

The Democracy and Power Fund and its grantees have had a busy spring with many grantees – including the **Center for Budget and Policy Priorities**, **Center for Community Change**, and the **Economic Policy Institute** – playing key roles in economic recovery and budget advocacy efforts. The groups have spotlighted the need for greater public investment in programs that assist those hit the hardest by the economic recession, specifically low-income people, people of color, and immigrant families, and have chalked up many victories for expanded funding for services to assist those most in need. Other D&P grantees are playing leadership roles in fights related to housing and foreclosure issues, including the **National Training and Information Center/ National Peoples' Action** (NTIC/ NPA), a state-based organizing network of low-income and people of color community members that led the fight, some thirty years ago, for the Community Reinvestment and Home Mortgage Disclosure Acts. For the past year, NTIC/ NPA members from across the country have used grassroots organizing and strategic direct actions to get Federal Reserve Chair Ben Bernanke to listen to community

members facing foreclosure. When Bernanke would not meet with the community members last year, NTIC/ NPA held a 500 person peaceful protest outside of his home and then showed up at the Federal Reserve the next day. He then quickly agreed to meet. Since then, NTIC/ NPA has built a relationship with Chairman Bernanke that led him to recently call for ten field hearings in cities across the U.S. where community members can share their housing and foreclosure struggles while offering solutions that benefit those most in need.

Democracy and Power Fund staff and grantees continue to be engaged in efforts to increase participation in the 2010 U.S. Census, a key effort to ensure that OSI communities of interest – immigrants, incarcerated and formerly incarcerated people, low-income people, and people of color – will not be undercounted. The count is not merely about demographics, for it determines how billions in federal programs get distributed, how congressional, state, and local political representation is divvied up, and how economic development occurs – or not – in communities. D&P grantees the **Leadership Conference on Civil Rights Education Fund** and **Democracia-USA** are engaged in conversations about how to maximize community participation, especially Latina/o participation as Latina/os were missed in the 2000 Census count at higher rates than other communities. Many D&P grantees are encouraged by the nomination of Dr. Robert Groves as President Obama’s Census Director. His confirmation hearing will be held late in the week of May 11.

Last, but not least, the Democracy and Power Fund continues to elevate the importance of grassroots organizing efforts that expand public participation and strategic advocacy on OSI priority issues like immigration reform, economic equity, and confronting structural inequality. In coordination with the OSI Global Fellows Program, we recently participated in a panel on “Organizing in the Obama Era” that featured representatives from the National Domestic Workers Alliance, New Organizing Institute, and the Obama campaign. D&P staff are researching a set of six states where social justice capacity is lacking and the opportunities for and threats to an open society are great; states currently under consideration include Colorado, Florida, Nevada, New Mexico, North Carolina, and Virginia. D&P is working with peer funders – from Atlantic Philanthropies, Carnegie, Ford, and New World Foundations, among others – to increase national funding for building state capacity to influence issue work at the state and federal levels.

### *National Security and Human Rights Campaign*

The long sought and hard won release on April 16 of Department of Justice memos that set out the Bush administration’s legal framework for the torture of persons detained following the 9/11 attacks has inspired National Security and Human Rights Campaign grantees to ratchet up efforts to hold those responsible for these abuses to account. Through rapid response grantmaking, the NSHR Campaign has funded two projects that have elevated media, opinion leader, and public understanding of the issues. **Human Rights First** sponsored a standing room only forum at the Newseum in Washington, D.C. on April 21, **Reestablishing U.S. Leadership on Human Rights and National Security: Accomplishments of the First 100 Days and Next Steps for the Obama**



**Administration**, at which former Secretary of State Madeleine Albright and former Republican Senator Chuck Hagel were keynote speakers. And **Link TV** premiered, on May 3, ***Torture on Trial***, a video documentary that weaves in original interviews with investigative journalists Jane Mayer and Mark Danner; retired Col. Lawrence Wilkerson, the former chief of staff to Secretary of State Colin Powell; Matthew Alexander, a former U.S. Air Force interrogator; Elisa Massimino, Executive Director of Human Rights First; and George Hunsinger, founder of the National Religious Campaign Against Torture.

On May 1, the **Eisenhower Project** and the West Point Military Academy's Department of Social Sciences jointly sponsored – with funding and input from the NSHR Campaign – a ground-breaking **Civilian-Military Safe Havens Conference**. This off-the-record meeting brought together active and retired members of the military with distinguished opinion leaders from the media, the academy, think tanks, and the human rights community for a candid and robust exchange on the state of civil-military relations and America's national security challenges. George Soros, Aryeh Neier, Ann Beeson, and NSHR Campaign staff participated in the conference. Campaign staff look forward to exploring with the Eisenhower Project how to build on the ideas generated, and the relationships forged, at the conference.

### ***Strategic Opportunities Fund***

The Strategic Opportunities Fund (SOF) is coordinating and overseeing our expedited response to the JEHT Foundation's closure. In the first round of grantmaking out of the JEHT Emergency Fund, U.S. Programs recently awarded 19 grants, prioritizing support for grantees that JEHT shared with U.S. Program's Criminal Justice Fund, National Security and Human Rights Campaign, and Transparency and Integrity Fund, as well as international human rights grantees supported through the President's Office. See Tab 9. The first set of grants helped to fill the gap in funds expected from JEHT through the first quarter of 2009. For maximum flexibility, most organizations received general support grants. We are now evaluating JEHT's unpaid commitments for the balance of the year as well as groups that are not current grantees but whose work is critical to USP's priority policy areas. In considering funding levels, OSI staff has worked in close collaboration with Atlantic Philanthropies and the Ford Foundation.

As part of our ongoing efforts to coordinate and expand grantmaking in the Gulf region, SOF and the Transparency and Integrity Fund (TIF) collaborated on a grant to the **Greater New Orleans Foundation** (GNOF) to strengthen transparency and accountability in New Orleans. The grant provides vital support to a group of key stakeholders that are developing a strategic plan of action to promote accountable and transparent systems of governance in New Orleans. GNOF will act as the conduit for re-granting and will oversee a planning process with the local groups. TIF is also considering additional support for local civic activists to research, build networks, and collaborate with local, national and possibly international partners to design integrated strategies that support the goal of increased transparency and accountability in government.