

MEMORANDUM

To: Aryeh Neier
From: Ann Beeson & Erlin Ibreck
CC: Nancy Chang, Sophia Conroy, Thomas Hilbink, Laleh Ispahani
Date: June 17, 2009
Re: JEHT Emergency Fund Docket II

You will be meeting with U.S. Programs staff next week on June 26 to discuss the next round of recommendations for the JEHT Emergency Fund. Recommendations come from: the National Security and Human Rights Campaign and from the Transparency and Integrity Fund. The attached package contains thirteen recommendations for your review in advance of that meeting.

Consistent with our original plans for the JEHT Emergency Fund, we have assessed the impact of lost JEHT funding on groups that are grantees as well those that are not current grantees, but whose work is critical to our priority policy areas. In determining levels of funding recommendations we have evaluated JEHT's unpaid commitments or expected renewals to these groups for the balance of the year. In addition, staff has continued to consult with Atlantic Philanthropies and the Ford Foundation in regard to the grants under review so as to inform our recommendations. We have just learned that Atlantic Philanthropies has approved one JEHT related grant as part of their final package, which is on this docket, to the Aspen Institute. Both foundations have indicated that they are unlikely to make further JEHT related grants.

The National Security and Human Rights Campaign and Transparency and Integrity Fund are recommending two grants to support judicial training on international law. A grant to the **American Society of International Law** will support a project to mainstream international law in judicial training at the federal and state levels that will include the development of training curricula and teaching materials. A grant to the **Aspen Institute** will support the development and presentation of a two and a half day seminar for federal court judges on international human rights and international humanitarian law and their application in American jurisprudence.

The Transparency and Integrity Fund (TIF) is recommending ten organizations for funding. TIF and JEHT's Fair and Participatory Elections Program shared many programmatic priorities related to electoral administration reform and judicial selection reform. Each of the recommended organizations is engaged in efforts connected to current TIF priorities and was expecting funds from JEHT in 2009.

Several organizations that are being recommended by TIF advance its priority of supporting fair and impartial courts. The **Justice at Stake Campaign** is TIF's flagship judicial independence grantee, serving as the information hub and organizer for allies in the field. The **Center for Political Accountability** works to increase the transparency of campaign finances (including in judicial elections) by pressuring and persuading major

corporations to reveal the recipients of corporate political spending – a major source of campaign contributions for judicial elections.

On electoral reform, TIF prioritizes broad and equal access to the ballot. The **Brennan Center for Justice** and **Demos** each lost funding for electoral reform projects that advance this priority in the short-term while new reform efforts are developing over the longer-term. The relevant recommendations in this docket are for Brennan's Ballot Design project and Demos' work on enforcing the National Voter Registration Act at the state level. TIF is also recommending **Democracy North Carolina**, which works to increase government transparency and accountability, promote electoral reforms that increase access to the ballot and build coalitions of pro-democracy organizations, all in a key Southern state that is likely to receive ongoing support from other USP funds.

TIF is recommending several grants in this docket on campaign finance reform to preserve gains that have been made at a time when the confluence of events of recent years, including OSI's and Carnegie's departure from the field, the closure of the JEHT Foundation and the current economic downturn; has understandably left campaign finance groups struggling financially. OSI support to these organizations on an emergency basis would recognize its funding history with them and allow the groups to continue their work to protect progress made in this arena while seeking potential longer-term funding.

Two of the grants recommended by TIF are engaged in the legal defense of current campaign finance laws; a priority given the desire to protect the gains of recent years. The **Campaign Legal Center** and **Democracy 21**, along with the Brennan Center for Justice, are spearheading the effort to defend campaign finance laws at the state and federal level. The attacks on current law take aim at disclosure requirements and transparency standards which make possible the ongoing work of TIF grantees such as the Center for Responsive Politics and the National Institute for Money in State Politics.

Also being recommended are three organizations engaged either in supporting or conducting research on current campaign systems to better understand their effects on the electoral process and public participation in campaigns, and identify approaches with likely future success. A grant to the **Campaign Finance Institute** would allow for completion of research into the impact of small donors on campaign financing and identify opportunities for future finance reform strategies. Support to **Common Cause Education Fund (Connecticut)** would similarly allow that group to complete its work defending the state's public financing system and engage in community outreach to support that advance. Finally, a grant to the **University of Wisconsin** would allow completion of research into the effect of Connecticut's public financing system on electoral competitiveness. The study is one of three that JEHT was financing at the time it closed. TIF is collaborating with Rockefeller Brothers Fund (RBF) and Carnegie Corporation to support the three studies, with OSI agreeing to support the Wisconsin study while RBF and Carnegie cover the other two. Although TIF does not presently fund projects to advance broad public financing policies such as Connecticut's, it does seek to preserve and defend past advances as well as to promote public financing as a solution to the corrupting effects of money in judicial elections. Thus, the above mentioned recommendations would allow for the responsible closing-out of past OSI funding efforts and be of ongoing value to TIF's judiciary-related grantmaking efforts.