

MEMORANDUM

TO: Aryeh Neier
FROM: Ann Beeson, Raquiba LaBrie; Maria Teresa Rojas
Cc: Erlin Ibreck
DATE: March 25, 2009
RE: EQUALITY AND OPPORTUNITY FUND JEHT DOCKET

The Equality and Opportunity Fund (EOF) embraces US Programs' grantmaking in the areas of racial justice, immigrant rights, LGBT rights, and women's rights. It also includes the work of two targeted initiatives: the Neighborhood Stabilization Initiative and the Campaign for Black Male Achievement.

Attached please find two grant recommendations prepared by EOF staff for inclusion in the JEHT docket. The first grant is to the National Immigrant Justice Center (NIJC) for its Detention, Deportation and Due Process Project. NIJC is currently a core grantee of EOF's Immigrant Rights portfolio. It is a national leader in protecting immigrants' due process rights, documenting violations of basic standards of human treatment in detention facilities, and forcing the government to divulge information on the scope, quality and procedures defining administrative detention.

For the period from July 2009 to June 2010, JEHT was to have provided \$241,000 to NIJC for the second year of a three-year grant to NIJC. OSI is partnering with Atlantic Philanthropies to fill this gap. Atlantic will provide \$120,000 to complement OSI's \$120,000 grant recommendation.

The second grant recommended in this docket is to Advancement Project (AP). AP is a national civil rights organization that seeks to build a fair and just multi-racial democracy in the U.S. through litigation, community organizing support, public policy reform, and strategic communications.

Although AP was funded by JEHT, this grant does not cover any unpaid JEHT funding. The full amount of JEHT's commitment to AP to support its voter protection work was paid before JEHT closed. Instead, this \$60,275 grant to AP covers OSI's portion of a pledged grant agreed upon through a joint arrangement with MoveOn.Org and Atlantic. In December of 2008, MoveOn.Org agreed to highlight the work of four leading social justice groups and solicit contributions for their work from MoveOn members. AP was selected as one of the four non-profits. This grant represents OSI's share.

We look forward to meeting with you on April 1, 2009.

Name of Organization: Heartland Human Care Services, Inc. (fiscal agent for the National Immigrant Justice Center)

Tax Status: 501(c)(3) public charity

Purpose of Grant: To support the National Immigrant Justice Center's Detention, Deportation and Due Process project.

Previous OSI Support: \$450,000 (Immigrants' Rights) 7/1/07 through 6/30/2010

Organizational Budget: \$3,500,000

Project Budget: \$2,600,000 in three years

Sources of Support: Atlantic Philanthropies, US Human Rights Fund, Joyce Foundation, the Chicago Community Trust and the Chicago Bar Foundation, JEHT Foundation (defunct)

Amount Requested: \$241,000

Amount Recommended: \$120,000

Term: One year (July 2009 through June 2010)

Matching Requirements: None

Description of Organization:

A program of Heartland Human Care Services, Inc., the National Immigrant Justice Center (NIJC) engages in strategic litigation and policy advocacy to defend the legal rights of non-citizens. Since the 1970s, NIJC has engaged in immigration reform through direct services, advocacy, and impact litigation. With a staff of 31 attorneys and paralegals and more than 700 active *pro bono* attorneys, NIJC is the largest legal service provider for low-income immigrants and refugees in the country. It organizes fact-finding missions to county jails and provides consultation to criminal attorneys regarding the immigration consequences that may result from guilty pleas. It meets regularly with U.S. Immigration and Customs Enforcement (ICE) representatives to negotiate for access to detainees and to advocate for more humane detention conditions.

Heartland Human Care Services, Inc. is a service-based human rights organization whose mission is to advance the human rights and to respond to the human needs of vulnerable populations, including new immigrants, refugees and the homeless, through the provision of comprehensive services to help individuals find stability.

Description of the Project for Which Funding Is Sought:

This grant recommendation is to support impact litigation that challenges the denial of legal rights of non-citizens in administrative detention in the United States. The long-term goal of NIJC's Detention, Democracy and Due Process Project is to eliminate the two-tiered system of justice as applied to noncitizens held in administrative detention.

Today, 27,500 are held in detention facilities, a 400 percent increase since 1994. Less than half are represented by counsel in court proceedings. Detainees languish for months and sometimes years as they await an asylum decision or wait to be deported. They are detained in an overcrowded, patchwork system made up of county jails, privately run prisons, and federal facilities.

NIJC main areas of focus are:

(1) **Extended detention:** Litigation of cases in which individuals are detained for long periods of time, particularly relative to the rationale for their detention. NIJC also seeks cases in which individuals are detained even after they are granted asylum and/or in which they are abused by government officials acting on unfounded security concerns.

(2) **Abuses in administrative detention:** Documentation of cases involving a lack of access to medical care, including mental health treatment, overcrowding, unsanitary conditions, lack of telephone access, and the refusal to recognize individual religious practice.

(3) **The use of remote, isolated jails for detention:** Advocacy to eliminate impediments that remote jails create, including less access to legal counsel, family members and expert witnesses. NIJC will also file a petition to establish standards regarding the appointment of legal counsel on immigration proceedings.

Rationale for Recommendation:

This grant recommendation is part of a special package of emergency funding to cover the shortfall left in the project by the closing of the JEHT Foundation. NIJC is currently a core grantee of the Immigrants' Rights portfolio. OSI awarded a three year grant for \$450,000 (7/07 through 6/2010) for its Detention, Deportation and Due Process project.

For the period from July 2009 to June 2010, the JEHT Foundation was to have provided \$241,000 to NIJC for the second year of a three year grant. OSI is partnering with Atlantic Philanthropies to fill this gap. Atlantic Philanthropies will be providing \$120,000 to complement OSI's \$120,000 grant recommendation.

Seven years after September 11, severe detention policies are still in effect. The result is a two-tiered system of justice, in which basic legal and human rights required by U.S. and international law are violated for non-citizens. In the absence of immigration policy reform to address this at a federal level, litigation brought by the professional, experienced litigators at NIJC can have an impact on an individual's case while setting precedent for the system as a whole.

NIJC is well positioned to continue to assert and protect immigrants' due process rights, to document violations of basic standards of humane treatment in detention facilities across the country, and to force the government to divulge information on the scope, quality and procedures defining administrative detention. Through their direct communication with law enforcement, administrative authorities and oversight bodies, we expect that they will be able to negotiate alternatives to prolonged detention.

Name of Organization: Advancement Project

Tax Status: 501(c)(3) public charity

Purpose of Grant: To provide general operating support

Previous OSI Support: Total: **\$3,925,000**

Program on Law and Society	\$1,360,000	2000-5 U.S.
Programs, General	\$50,000	2002-3
Governance and Public Policy	\$150,000	2002-3
CJI Policy and Research	\$150,000	2002-5
Racial Justice Initiative	\$600,000	2005-10
The After Prison Initiative	\$200,000	2005-7
Strategic Opportunities Fund	\$550,000	2006-8
Progressive Infrastructure	\$400,000	2006-8
OSI-B/Education and Youth Dev.	\$65,000	2007-8
Transparency and Integrity	\$400,000	2008-10

Organizational Budget: \$5,097,300

Project Budget: N/A

Sources of Support : 2009: Atlantic (\$60,000); Bauman (\$75,000); Carnegie (\$100,000); Ford (\$525,000); Herb Block (\$25,000); OSI (\$574,000); Stoneman (\$100,000); Election Admin Fund (\$85,000); Skadden (\$54,000)

Amount Requested: N/A

Amount Recommended : \$60,275

Term: One year, beginning January 1, 2009

Matching Requirements: None

Description of Organization :

The Advancement Project (AP) is a national civil rights organization that seeks to build a fair and just multi-racial democracy in America through litigation, community organizing support, public policy reform and strategic communications. Based in Washington, D.C., AP functions as an advocacy organization and intermediary providing technical assistance to communities to challenge systemic barriers. Strategically, AP represents a new model of lawyering that links communities with external resources such as legal support, journalists, policy analysts, data and relevant research to advance opportunity and social justice. AP seeks to address civil rights issues by cultivating long-standing relationships among grassroots initiatives and national policy and legal resources. The Advancement Project is co-directed by Judith Browne-Dianis and Penda Hair, both served with the NAACP Legal Defense and Education Fund. The Advancement Project works in three core programmatic areas: (1) Power and Democracy, (2) Opportunity to Learn; and (3) Strategic Initiatives.

Power and Democracy

AP's Power and Democracy initiative is built on the core belief that low-income and minority communities must establish an active electorate by increasing paths to civic participation and eliminating barriers that hamper these efforts. Since 2001, through its voter protection efforts, AP has identified multiple barriers to the franchise and a wide range of disparities. Going forward, it will take steps to promote the idea of an explicit and enshrined federal right to vote, including developing a national mapping project that will document disparities nationwide and mobilize a groundswell of support by building a coalition of national and local groups.

Opportunity to Learn

AP has been a longtime advocate on issues relating to the experience of youth of color. Through its Opportunity to Learn project, AP addresses inequitable zero-tolerance policies that limit opportunities and funnel youth of color into the criminal justice system. The project supports community-based partners with legal and policy research, advocacy, litigation, and communications strategies that will increase their capacity to diagnose and address the institutional and structural barriers that contribute to the exclusion of youth of color and poor youth from quality K-12 education and college admission. This work is part of an expanded effort to develop multi-faceted, long-term strategies to help communities of color build schools that work for all youth. Over the next decade, the goal will be to improve by 10 to 15 percent the number of youth of color who are college-eligible. AP's work in this area focuses on three cities: Denver, Colorado; Chicago, Illinois; and Palm Beach County, Florida.

Strategic Initiatives

As a national civil rights intermediary, AP will continue producing and disseminating the Community Justice Resource Center, an electronic newsletter with over 3,500 subscribers, that highlights and exchanges advocacy solutions on pressing domestic civil rights issues and promotes racial justice models that address systemic social change.

AP continues to assist community-based organizations, including in New Orleans, to meet the needs of survivors of Hurricane Katrina and the workers who moved there to rebuild the city. Advancement Project Co-Director Judith Browne-Dianis chairs the Grassroots Legal Network, a legal committee consisting of approximately 15 attorneys from public interest organizations (e.g., NAACP Legal Defense Fund, Southern Center for Human Rights, Mississippi Worker's Center), law professors, legal practitioners and other legal groups. The Network is charged with conducting legal research and designing legal strategies to complement organizing strategies and goals. AP's on-the-ground staff feeds issues from grassroots organizations into the Grassroots Legal Network to ensure legal resources can be deployed effectively.

Description of the Project for Which Funding Is Sought :

AP seeks general operating support.

Rationale for Recommendation:

Since 1999, AP has been a core grantee of several OSI portfolios, achieving success and national recognition in promoting open society values. In 2005, U.S. Programs began providing general support to AP through the Racial Justice Initiative and has since moved to consolidate funding across several funds and initiatives to provide general support. U.S. Programs' recent restructuring makes the connections between AP's work and OSI's work abundantly clear. AP's work on voting rights, educational equity, government accountability, immigrant justice, and dismantling the school-to-prison pipeline tracks

closely the work of the Equality and Opportunity, Democracy and Power, Transparency and Integrity, and Criminal Justice Funds, as well as the Campaign for Black Male Achievement and OSI-Baltimore.

In December of 2008, shortly after news broke of the devastating effects of the Madoff scandal on the non-profit sector, MoveOn.Org agreed to highlight the work of four leading social justice groups and solicit contributions for their work from MoveOn members, provided that OSI and Atlantic Philanthropies agreed to provide matching funds. The deal was made and AP was selected as one of the highlighted non-profits. This recommended grant covers OSI's portion of the pledged matching funds. This grant does not cover any unpaid JEHT funding. The full amount of the JEHT commitment for AP's voter protection work was paid before JEHT's demise.

OSI staff was pleased to see AP receive the exposure that MoveOn provided. AP has played a critical role in exposing how systemic failures in a variety of contexts from voting to education not only threaten the rights of minority groups but also threaten the foundations of our democracy. Consistently, AP has partnered with local groups, collected powerful stories of injustice, and provided the national exposure needed to inform state and national policy making. Its work in challenging racially discriminatory zero-tolerance school discipline policies offers one example of how AP succeeded in mainstreaming an issue that previously received very little coverage.

In 2009, AP is devoting an increasing amount of attention to the census process and redistricting. Again, AP's work will be grounded primarily in local black and Latino communities. It is providing legal, strategic, and communications advice, as well as mapping capacity to ensure a full and accurate 2010 census count. It is also targeting grassroots organizations that seek to build unity among communities of color to prevent blacks and Latinos from being pitted against one another in the redistricting process.

The body of work that AP has successfully undertaken in the past ten years speaks for itself. AP honors the legacy of traditional civil rights work while forging new ground in the contemporary racial justice movement. This grant will allow it to take further steps to solidify its standing as a major, national civil rights and racial justice institution in the mold of colleague institutions such as NAACP LDEF. Staff enthusiastically recommends a one-year general operating support grant in the amount of \$60,275.