
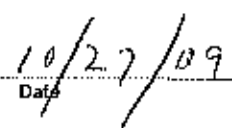


US PROGRAMS
National Security and Human Rights Campaign
2009 Docket IV - Summary of Recommended Grants
October 19, 2009

National Security and Human Rights Campaign (T1: 21095)

Organization	Recommended	Term	2009	2010
Bill of Rights Defense Committee	250,000	2 years	125,000	125,000
Cato Institute	80,000	2 years	40,000	40,000
National Security Archive Fund ¹	650,000	2 years	350,000	300,000
Rabbis for Human Rights / North America	100,000	18 months	50,000	50,000
Total Recommended:	\$ 1,080,000		\$ 565,000	\$ 515,000
GRANTMAKING TOTAL THIS DOCKET: \$				1,080,000


Approval Signature


Date

¹ The total grant recommended to the National Security Archive Fund is to be co-funded by the NSHR Campaign T1: 21095 (\$450,000) and the Transparency & Integrity Fund T1: 21093 (\$200,000).

MEMORANDUM

To: Aryeh Neier
From: Ann Beeson, Nancy Chang, Sophia Conroy, and Hyon Seo Kwon
Date: October 19, 2009
Subject: National Security and Human Rights Campaign's Grant
Recommendations for Docket IV of 2009

The National Security and Human Rights Campaign recommends four grants on its last docket of 2009.

Toward its goal of mobilizing the public to advocate against abusive counterterrorism policies, the Campaign recommends renewed support for the **Bill of Rights Defense Committee**, a national grassroots organization that engages in public education, grassroots mobilization, policy advocacy, research, and communications to defend the civil liberties and human rights that have been eroded through U.S. counterterrorism efforts.

To advance its priorities of seeking accountability for torture, ending arbitrary and indefinite detention, and supporting new and credible voices in the movement for a progressive national security policy, the Campaign recommends renewed support for **Rabbis for Human Rights / North America**. This organization of rabbis from all the movements of Judaism provides religious and moral leadership on the issues of torture and detention, within the Jewish community and, increasingly, beyond it through strategic alliances with other religious communities and human rights activists.

In its effort to protect against the loss of privacy, the Campaign recommends renewed support for the **Cato Institute's** Information Policy Studies Department as it engages in a national and state education campaign on the dangers of creating a national system of identification in the name of increasing national security and strengthening enforcement of immigration laws.

Lastly, the National Security and Human Rights Campaign and Transparency and Integrity Fund jointly recommend support to the Open Government and Accountability Program of the **National Security Archive Fund** to strengthen the capacity of this watchdog organization to document government abuses and reduce excessive government secrecy in national security policy; build its Torture Archive, a searchable on-line repository of documents on U.S. interrogation and detention policies; and hold government officials and private actors to account for past abuses and violations of the law.

The total grant amount for the four grants on the National Security and Human Rights Campaign's fourth docket of 2009 is \$1,080,000, of which \$830,000 will be paid from the Campaign budget. Our grant write ups and financial summary are attached.

National Security and Human Rights Campaign

Docket IV of 2009

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Name of Organization: Bill of Rights Defense Committee

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

Purpose of Grant: To provide core support

FPOS Grant Description: To provide core operating support for the Bill of Rights Defense Committee, a national grassroots organization that engages in public education, grassroots mobilization, policy advocacy, research, and communications to defend the civil liberties and human rights that have been eroded through U.S. counterterrorism efforts. This grant will advance the National Security and Human Rights Campaign priority of strengthening the capacity of grassroots organizations to advocate against a range of abusive counterterrorism policies and for a progressive national security policy that respects civil liberties, human rights, and the rule of law.

Previous OSI Support: \$371,000 from Civil Liberties (2004-2007)

Organization Budget: \$351,495 (2010)

Project Budget: \$351,495 (Year 1)

Major Sources of Support: CS Fund \$25,000; Funding Exchange \$20,000; One Nation \$5,000; Heyman Family Fund \$2,500; National Lawyers Guild Haywood Burns Fellowship \$1,000; Individual donations \$73,600; Earned income \$4,250

Amount Requested: \$250,000 over two years

Amount Recommended: \$250,000 [NSHR Campaign, T1: 21095]

Term: Two years (January 1, 2010 – December 31, 2011)

Matching Requirements: \$25,000 from each of the two annual grant payments of \$125,000 will be contingent on a 1:1 match (for a total of \$50,000 in matching funds to be raised over two years)

Description of Organization:

The Bill of Rights Defense Committee (BORDC) was formed in late 2001 in Northampton, Massachusetts, in response to the passage of the Patriot Act, to educate community members and legislators about post-9/11 threats to civil liberties and to encourage the passage of a resolution establishing Northampton as a “civil liberties safe zone.” The organization has since then grown into a grassroots organization seeking to promote, organize, and support a diverse, effective, national grassroots movement to restore and protect civil rights and liberties by educating people about the significance of

constitutional rights, encouraging widespread civic participation, and disseminating organizing tools and strategies for people to convert their concern, outrage, and fear into debate and action. BORDC has four full-time members of staff, and supports the activities of 75 local groups and over 12,500 individual activists.

Description of Program for Which Funding Is Sought:

BORDC requests renewed support from OSI, in the form of core operating support for its public education, grassroots mobilization, policy advocacy, research, and communications work to advance policy reform at the national, state, and local level. Over the proposed two year grant period, the organization will continue to serve as a national clearinghouse for people who wish to support these efforts by building and engaging with coalitions at the local, regional, state, and national levels.

BORDC will produce materials to support local organizing needs, offer direct organizing support and technical assistance, and provide a national framework for local efforts. Materials produced include: a daily electronic news alert and monthly newsletter; issue analyses; sample posters and fliers; and how-to guides on issues such as community outreach and fundraising, building bridges with local Muslim communities, and writing effective letters to the editor.

Under the banner of its People's Campaign for the Constitution, BORDC is also developing national affinity groups from a range of professions to engage in concrete policy advocacy and public education. BORDC's legal professionals affinity group serves as a rapid response network, assisting BORDC staff with analysis as issues break in the news cycle and summarizing key court decisions and legislative developments. To pursue accountability for torture, BORDC's legal professionals affinity group is working with teams that have, to date, filed ethics complaints in five states seeking disbarment of government lawyers who authorized the use of torture, and are mounting a public campaign to embolden public officials to prosecute such lawyers.

Advised by a team of subject matter experts from the ACLU, Political Research Associates, Electronic Frontier Foundation, and Center for Investigative Reporting, BORDC is researching state freedom of information and sunshine laws and, with the help of its lawyers affinity group, plans to prepare records requests for additional documents on fusion centers, joint terrorism task forces, and domestic surveillance.

BORDC's education professionals affinity group, in seeking to improve civic literacy, recently compiled and developed lesson plans to assist K-12 teachers to integrate civil liberties issues into school curricula and demonstrate to students how post-9/11 policies on surveillance, detention, torture, and secrecy are undermining constitutional rights. BORDC seeks to further develop and disseminate these materials. In addition, staff may also work with the affinity group to develop a report on how security measures in schools, including metal detector scanning, biometric tracking and identification devices, requirements for clear book bags, and restrictions on student speech, are undermining the privacy of students and lowering sensitivity to constitutional rights and values.

In follow-up to its noted work generating over 400 city and state resolutions against the Patriot Act, BORDC has begun developing a series of model ordinances for introduction and passage by city councils nationwide.¹ Its first sample ordinance will seek to secure legally binding, enforceable measures to impose concrete limits on police force involvement in federal programs relating to counterterrorism, intelligence collection, and immigration enforcement. BORDC is also developing resolutions expressing municipality support for accountability for torture, which could range from symbolic support for a commission of inquiry, to a request for the investigation of a specific local actor.

BORDC also seeks to expand its organizational capacity. The organization will expand its online presence, utilize web 2.0 and online social networking to build its membership, and employ emerging mobile device technology to engage young people through initiatives such as its Arts and Culture for the Constitution Campaign and a new online videogame focused on CCTV surveillance. BORDC has begun to provide its staff with professional training in accounting and financial reporting, media outreach, and fundraising. BORDC is increasing the size of its Board of Directors from six to nine and has revitalized its Board of Advisors, and hopes to be in a position to hire a Development Coordinator next year and increase the number of internships it offers.

Rationale for Recommendation:

This grant will advance the National Security and Human Rights Campaign priority of strengthening the capacity of grassroots organizations to advocate against a range of abusive counterterrorism policies and for a progressive national security policy that respects civil liberties, human rights, and the rule of law.

Despite significant progress in some areas, the Obama administration has demonstrated a reluctance to advance many of the Campaign's policy goals. President Obama has continued to oppose holding government and private actors accountable for torture and other abuses. The administration has adopted many of the aggressive litigation postures and tactics used by the Bush administration to block the judiciary from considering suits brought by detainees. The administration has also demonstrated a lack of concern for methods of surveillance that intrude on privacy. Three provisions of the Patriot Act are scheduled to sunset at the end of this year, providing an opportunity for an expansive review of surveillance authorities and the restoration of checks and balances, but – despite strong legislation introduced in September by Senator Russell Feingold (D-WI) – Congress is moving towards renewal of the provisions without meaningful review and without examination of other surveillance provisions that are in need of curtailment, such as the overbroad provision authorizing national security letters.

At the same time, Americans seem to be, to a distressing degree, willing to accept vastly diminished privacy, not only with respect to government surveillance, but also with respect to data collection, retention, and dissemination by public and private sector sources, and to accept the continuation of U.S. detention policies. Grassroots education

¹ BORDC has submitted a bifurcated organizational budget.

and mobilization are needed to build a national constituency that can advance current policy reforms for the long term.

BORDC has an impressive record of running local public education campaigns, mobilizing local and regional action on the restoration and protection of civil liberties, and connecting these efforts to a national movement. And it has proved effective in engaging individuals from a range of political affiliations, including libertarians and conservatives, from across the nation. Its successful campaigns, begun in 2001, in support of more than 400 “civil liberties safe zone” resolutions passed by localities and states fostered debate within communities over the Patriot Act and provided opportunities for ordinary citizens to engage in activism on civil liberties issues. These resolutions were frequently cited in national and local news stories and by members of Congress to counter claims that most Americans supported post-9/11 policies.

BORDC has recently undergone a leadership transition that is expected to bring renewed vitality and new energy to its work. Founding executive director Nancy Talanian and the board were unable to resolve differences in their visions for the organization, and Talanian left the organization last fall, along with most of the organization’s Board of Advisors. The board and remaining staff did an admirable job holding the pieces together, and the board hired Shahid Buttar as executive director this spring. A 2003 graduate of Stanford Law School, Buttar previously worked for two other OSI grantees, as counsel to Muslim Advocates’ Program to Combat Racial and Religious Profiling, and as Associate Director for Communications and Outreach for the American Constitution Society. Since his arrival, Buttar has developed and begun the implementation of a bold new organizational plan, and has substantially rebuilt the organization’s Board of Advisors.

With a small staff and limited resources, BORDC is currently dependent on continued OSI support. However, Buttar and the board have prioritized the expansion of the organization’s funding base. Former OSI consultant Fred Epstein is helping the organization develop an ambitious fundraising plan and is providing executive coaching to Buttar through the end of this year.

OSI staff are confident the organization can play an important role over the coming years and seek to position the organization for stability and success. Staff recommend core support and intend to closely monitor the organization’s progress, and recommend that \$50,000 of the grant be structured as a one-to-one match to encourage the organization to leverage new funds.

For the reasons set forth above, OSI staff recommend a grant of \$250,000 over two years to support the core operating activities of the Bill of Rights Defense Committee.

Name of Organization: Cato Institute

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

Purpose of Grant: To renew support for a public and policymaker education campaign on the threats to civil liberties that the creation of a national system of identification would pose

FPOS Grant Description: This grant will provide renewed support for the Cato Institute’s Information Policy Studies Department’s public and policymaker education campaign to warn of the dangers to civil liberties of efforts that are underway to create a national system of identification in the name of national security and enforcement of immigration laws. The campaign activities will include engaging in: research; media outreach and writing op-eds, articles, and regulatory comments; targeted briefings and speaking engagements; outreach to industry; and invited testimony before Congress. The Cato Institute is a D.C.-based nonpartisan, nonprofit, libertarian think tank. The grant will advance the National Security and Human Rights Campaign priorities of protecting against the loss of privacy, restoring broad privacy protections, and supporting credible voices in the movement for a progressive national security policy.

Previous OSI Support: \$349,166
 \$187,150 from NSHR Campaign (2008)
 \$57,230 from Civil Liberties (2006, 2007)
 \$80,000 from LAP/ Anti-Corruption (2006)
 \$14,786 from U.S. Programs (1999)
 \$5,000 from Lindesmith Center (1999)
 \$5,000 from Chairman’s Grants (1999)

Organization Budget: \$19,830,000 (2009)

Project Budget: \$67,101 (Year 1)

Major Sources of Support: Carnegie Corporation of New York (to be requested); general support funds

Amount Requested: \$80,000 over two years

Amount Recommended: \$80,000 [NSHR Campaign, T1: 21095]

Term: Two years (September 1, 2009 – August 31, 2011)

Description of Organization:

The Cato Institute (“Cato”) is a nonpartisan, nonprofit libertarian think tank founded in 1977 and headquartered in Washington, D.C. Cato’s mission is to increase support for public policies based on the principles of limited government, free markets, individual liberty, and peace. To this end, Cato originates, promotes, and disseminates policy proposals that it believes will create a free, open, and civil society in the U.S. and around the world. The Institute is named for Cato’s Letters, a series of 18th century essays that warned the British people of the dangers of tyranny and advanced a vision of a free society that promotes individual liberty and limited government.

Description of Program for Which Funding Is Sought:

The Cato Institute requests renewed support for its Information Policy Studies Department’s federal and state public and policymaker education campaign on the dangers to civil liberties of creating a national system of identification (“national ID system”) in the name of strengthening national security and immigration enforcement. Cato maintains that a national ID system (including a national requirement of an ID card linked to centralized government databases) would intrude on the privacy of Americans by facilitating both government and private surveillance and expand government power, without a gain in national security. Cato contends that identity-based security systems are a diversion from effective counterterrorism policies, and that a national ID system would increase the ease and profit of identity fraud.

The REAL ID Act was passed by Congress in 2005, and the Department of Homeland Security (DHS) issued implementing regulations in January 2008. The REAL ID provisions were attached by Representative James Sensenbrenner (R-WI) as a rider to a bill addressing emergency appropriations for the Iraq War and tsunami relief funding, and were passed by Congress without meaningful debate. The REAL ID Act imposes new standards that state drivers licenses and identification cards must meet in order to be recognized for federal purposes. Notably, the Act requires the inclusion of unencrypted “machine readable zones” on the ID cards, leaving holders vulnerable to intrusive tracking by private parties and government agencies, and mandates the creation, without adequate privacy protections, of centralized government databases containing vast quantities of personal information.

From the outset, implementation of the Act has been met by substantial state opposition – fueled by concerns that implementation will require a heavy expenditure of state funds, and guided by advocacy by the ACLU and Cato. To date, 25 states have taken a legislative stand against implementation of the Act and eight have legislation pending.² In May 2006, Cato published and, with OSI funding, broadly disseminated to policy makers and opinion leaders, a clear and concise book, *Identity Crisis: How Identification*

² Statutes prohibiting the implementation of the REAL ID Act have been passed in Washington, Oregon, Idaho, Montana, Minnesota, Arizona, Missouri, Oklahoma, Louisiana, Georgia, South Carolina, Virginia, New Hampshire, Maine, and Alaska. Resolutions denouncing the Act have been passed in North Dakota, South Dakota, Nebraska, Nevada, Utah, Colorado, Illinois, Arkansas, Tennessee, and Hawaii. Currently, bills rejecting the Act’s implementation have been introduced in Virginia, Iowa, Texas, Kentucky, Pennsylvania, Connecticut, and Massachusetts, and a bill has been passed by one chamber in Alabama.

is Overused and Misunderstood, which was authored by Jim Harper, Cato's Director of Information Policy Studies. This book explores for lay persons why the REAL ID Act and the national ID system it seeks to implement will neither increase security nor protect against terrorism but will instead have the harmful effects of promoting surveillance, suppressing personal privacy and freedom, and increasing the ease and profit of identity fraud. The book charts an alternative course for identification policies and promotes Cato's view that a diverse private market for identification and credentialing services can provide all the benefits of identification with few of the drawbacks of a national ID system.³

Since 2006, with continued OSI support, Harper has educated stakeholders, often in coordination with the ACLU, on the weakness of identity-based security and, more specifically, on the dangers of creating a national ID system. Harper has opposed both the implementation of the REAL ID Act and proposals to create a national ID system through the internal enforcement of immigration law, and he has critiqued the recently introduced Providing for Additional Security in States' Identification Act of 2009 ("PASS ID Act"). Harper has maintained a steady drumbeat in opposition to each of these vehicles to a national ID system through research, speaking engagements in targeted states as well as inside the Beltway, media outreach, and writing op-eds, articles, and regulatory comments, outreach to industry, and invited testimony before Congress.⁴

Over the next two years, Cato intends to continue its educational campaign in opposition to the creation and implementation of a national ID system. Harper will speak at public events and to the media, testify before Congress when invited, author opinion pieces, and provide research and analysis. In addition, Harper will produce a white paper on alternative systems of personal identification and credentialing that maximize security and privacy while minimizing vulnerability to surveillance and identity theft. Cato will also host at least two major policy forums and two Capitol Hill briefings on these issues.

Rationale for Recommendation

This grant will advance the National Security and Human Rights Campaign priorities of protecting against the loss of privacy and restoring broad privacy protections, and supporting credible voices in the movement for a progressive national security policy.

In the face of mounting resistance to the implementation of the REAL ID Act at the state level, DHS has twice been forced to postpone the deadline for state compliance. December 31, 2009 is the current deadline by which states must certify that they intend to comply with the Act in order for their identification to be accepted for federal purposes. With this deadline fast approaching, new challenges have emerged as proponents of a

³ As was the case when U.S. Programs staff previously recommended support for this project, staff questions Cato's belief that the protection of privacy is best left largely to the private sector. However, few organizations besides Cato are working at the national and state levels to oppose a national ID system, and Cato may be one of few that can sway conservatives. While advocating for private sector solutions, Cato also advocates strongly for technological protections such as encryption and open source systems, and Cato is neither promoting one commercial interest over another nor suggesting that government not maintain a role.

⁴ The Cato Institute does not engage in lobbying activities as a matter of policy.

national ID system seek to bypass the REAL ID stalemate. In June 2009, Senator Daniel Akaka (D-HI) introduced the PASS ID Act as a “fix” to the REAL ID Act. Backed by DHS, law enforcement agencies, and the National Governors Association, the bill maintains the identification standards of REAL ID while providing greater flexibility to the states and reducing the cost of implementation. However, it fails to address the significant privacy and security concerns raised by the creation of a national ID system.

At the same time, the demand for national identification systems has intensified in a number of closely related contexts, including citizenship status verification for employment, state voter identification, and credentialing for the receipt of federal housing benefits and the purchase of prescribed medications. In June 2009, Senator Charles Schumer (D-NY) vowed to push for a national biometric worker identification card that registers fingerprints as a condition of overhauling the immigration laws. Despite appeals from privacy advocates, there is concern that immigration advocates will back identification cards in order to win comprehensive immigration reform.⁵ Under a related DHS initiative, several states have begun to issue “enhanced driver’s licenses” for use in crossing land borders that include an embedded, non-secure RFID chip that allows the data to be collected without authorization, as well as the tracking of individual movement. And citing the threat of terrorism, the FBI is currently developing a next-generation biometrics-based identification system that will include DNA records, iris scans, voice scans, and 3D facial recognition.

In addition to opposing efforts to create a national ID system, innovative ideas and robust advocacy are needed to advance identification systems that are capable of providing security without facilitating surveillance. Along with the ACLU, with which project director Jim Harper collaborates closely, Cato is one of few organizations that is devoting substantial time on this effort. Cato has a proven ability to advocate its ideas effectively in the public arena, and placing Cato – a libertarian think tank that is often on the side of conservatives – at the center of this debate will encourage the transcending of partisan lines. Jim Harper is widely respected in the field of national security and human rights, and ACLU Legislative Counsel Chris Calabrese counts Harper as one of his key allies. Harper is co-leading a multi-year project, funded through a separate NSHR Campaign grant and by Atlantic Philanthropies, that is convening experts to develop alternative counter-terrorism strategies, and he currently serves as a member of the Department of Homeland Security’s Data Privacy and Integrity Advisory Committee.

For reasons set forth above, OSI staff recommend a project support grant of \$80,000 over two years to the Cato Institute to renew support for a public and policymaker education campaign on the dangers of creating a national system of identification.

⁵ The NSHR Campaign and Immigrants Rights’ Portfolio are organizing a meeting in November 2009 between immigration advocates and privacy advocates at which representatives from Cato and the ACLU will discuss with immigrants’ rights leaders the dangers posed by creating a national ID system through the inclusion of an identification system in comprehensive immigration reform legislation.

Name of Organization: National Security Archive Fund

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

Purpose of Grant: To support the Open Government and Accountability Program

FPOS Grant Description: To support the National Security Archive Fund’s Open Government and Accountability Program, which seeks to combat government secrecy in matters of national security and ensure independent oversight for U.S. national security practices. The Fund is an international affairs research institute, a library and archive of declassified U.S. documents, a public interest law firm that works to defend and expand public access to government information through the Freedom of Information Act, and an indexer and publisher of documents.

Previous OSI Support: \$2,655,640
\$325,000 from NSHR (2008)
\$720,000 from NSHR (for CNSS⁶) (2008)
\$110,000 from US Programs (2006-2007)
\$525,000 from US Programs (CNSS) (2003-2007)
\$3,000 from Freedom of Information (2007)
\$150,000 from Latin America Program (2005-2006)
\$14,000 from Central America Regional (2005)
\$75,000 from Rule of Law (2004)
\$16,440 from Central Eurasia Project (2001)
\$50,000 from Presidential Grants (CNSS) (2001)
\$667,200 from Pres. Grants (1993, 1995, 1997)

Organization Budget: \$3,200,000 (2009)

Project Budget: \$879,823 (Year 1)

Major Sources of Support: Carnegie Corporation of New York \$48,000; Prospect Hill Foundation \$12,000; Knight Foundation (to be requested); Schumann Center for Media & Democracy (to be requested); General support funds; Publications revenue

Amount Requested: \$650,000 over two years

Amount Recommended: \$650,000 over two years
\$450,000 [NSHR Campaign, T1: 21095]
\$200,000 [Transparency & Integrity, T1: 21093]

⁶ “CNSS” refers to the Center for National Security Studies.

Term: Two years (September 1, 2009 – August 31, 2011)

Description of Organization:

The National Security Archive Fund, Inc. (NSAF) is a not-for-profit organization dedicated to promoting research and public education on U.S. governmental and national security decision-making and promoting government openness and accountability. Founded in 1985 by journalists and historians, NSAF is a research institute on international affairs, a library and archive of declassified U.S. documents, a public interest law firm that works to defend and expand public access to government information through the Freedom of Information Act, and an indexer and publisher of documents. NSAF also administers the financial affairs of the Center for National Security Studies and the National Security Archive, a non-profit research archival institute founded in 1985 by journalists and historians. NSAF is based in Washington, D.C., and has 35 staff.

Description of Project for which Funding Is Sought:

NSAF has requested renewed support for its Open Government and Accountability Program, which works to combat government secrecy and ensure independent oversight for the U.S. government's national security practices.⁷ The Program is led by NSAF Director Tom Blanton and General Counsel Meredith Fuchs, and is supported by 15 other staff members, including attorneys, investigators, indexers, and information technology experts.

Over the proposed grant period, the Open Government and Accountability Program will on the following six related projects:

1. NSAF will continue to develop and promote the **Torture Archive**. Created with OSI support and launched publicly in August 2009, the Torture Archive is an indexed online compilation of 83,000 (and counting) pages of primary source documents relating to the detention and interrogation of terrorism suspects by the U.S. documents – including documents obtained through requests made under the Freedom of Information Act (FOIA) and habeas litigation, leaks from whistleblowers, press releases from government agencies, investigative reporting, and congressional investigations. While many of these documents are available elsewhere, the Torture Archive organizes catalogued versions in a comprehensive, searchable database. NSAF has more than 1,000 documents totaling thousands of pages in queue to be indexed, coded, and loaded into the database, and, for the foreseeable future, it expects to continue to receive new releases.⁸ OSI funding will permit NSAF to commit one full-time position to this work so that it can be kept current.

⁷ In 2008, NSAF received project grants from the JEHT Foundation, totaling \$409,315. The JEHT Foundation's closing and the recent decline in philanthropic giving has been challenging for NSAF.

⁸ Several hundred additional documents remain at issue in pending FOIA lawsuits and the military commissions process continues to produce new records. In addition, NSAF is working to acquire documents from a wide range of court and administrative proceedings, including military and disciplinary hearings related to detention and torture.

2. Utilizing data from the Torture Archive, project staff will assemble a series of **on-line “dossiers” on key decision makers and key decisions on torture and detention** to help lay the foundation for future accountability efforts. At the outset, the targets will include members of the Bush administration’s “War Council,” the primary CIA advocates for torture, and individuals responsible for misapplying the military’s Survival, Evasion, Resistance, Escape (SERE) training program techniques to detainee interrogation.
3. In coordination with the ACLU, staff will use Torture Archive data to identify grounds for demanding the release in full of key documents that have to date been released with significant redactions, and **petition administratively for their release without redaction before the Interagency Security Classification Appeals Panel (ISCAP)**⁹. Each appeal will require the creation of a substantial briefing book of supporting documentation, including copies of previously released documents together with analysis on why the requested items should be re-reviewed and declassified.
4. NSAF will continue to pursue a number of **requests seeking information on national security policymaking**, including dozens of FOIA requests for the “snowflake” memos that Secretary of Defense Rumsfeld used to communicate to his department in real-time his decisions and opinions. Through a 2006 FOIA suit, undertaken with the ACLU and the Electronic Privacy Information Center, NSAF seeks the Department of Justice Office of Legal Counsel opinions approving warrantless surveillance and setting out the legal arguments on which the Bush administration rested its expansive assertion of executive powers.
5. NSAF will continue to play a leading role in OpenTheGovernment.org and other coalitions that are monitoring opportunities to **advance government transparency policy reform** under the Obama administration. Staff will continue to make recommendations for secrecy policy reform, file formal comments in rulemaking proceedings, monitor agency performance, and, if needed, litigate to prevent backsliding.
6. NSAF is planning a series of **test cases to measure the Obama Administration’s commitment to transparency**, including implementation of the OPEN Government Act of 2007 and the Obama FOIA policy. NSAF intends to audit the 93 major agencies and dozens of sub-agencies to determine the impact of Attorney General Holder’s March 19, 2009 Memorandum on FOIA directing that it be administered with a presumption in favor of disclosure. NSAF is considering a lawsuit against a leading U.S. intelligence agency in an effort to stop the growing trend among agencies of excluding records from release under FOIA based on overbroad designation of the files as “operational.” To follow up on its success in obtaining a restraining order for the preservation of 220 million Bush White House emails, NSAF will work to improve email archiving practices throughout the executive branch and ensure that archiving and access requirements are built into the front end of all information technology purchases.

⁹ ISCAP was created as a Clinton-era reform to move declassification reviews out of the grasp of originating agencies, where appeals of initial denials were often reviewed by the very same officials who denied them. The panel consists of senior representatives of the National Archives, National Security Council, Central Intelligence Agency, and Departments of Justice, Defense, and State, and handles only mandatory declassification review requests. The process is labor-intensive, but utilizing it under Bush administration secrecy policies, NSAF won reversals of agency denials in greater than 60% of its cases.

Rationale for Recommendation:

This grant will advance the National Security and Human Rights Campaign priorities of strengthening the capacity of watchdog organizations to document government abuses; reducing excessive government secrecy in national security policy; restoring an absolute prohibition against torture; and holding government officials and private actors accountable for past abuses and violations of the law. It will also advance the Transparency and Integrity Fund priority of supporting efforts that will promote the affirmative provision of government data necessary for timely oversight and monitoring of key programs.

Despite its stated commitment to government transparency and accountability principles, the Obama administration has made troubling exceptions on national security matters, and President Obama has continued to oppose holding government and private actors accountable for abuses committed in the “war on terror.” The administration has proved responsive to transparency recommendations from advocates, including implementing a presumption of disclosure for FOIA requests, issuing an executive order restoring the Presidential Records Act, lifting a blanket ban on media coverage of the return of fallen soldiers, and ordering a review of classification policies. However, outside pressure remains essential to advance more controversial reforms, such as judicial review of the executive assertion of the state secrets privilege.

NSAF has established an extraordinary track record of award-winning investigative journalism, scholarship, and transparency advocacy – and is widely recognized for its FOIA expertise. In addition, NSAF has the technical expertise needed to effectively create useable, comprehensive archives such as the Torture Archive, and has a two-decade track record of producing dossiers designed for use in human rights inquiries. *Torturing Democracy*, a documentary film produced by Sherry Jones in close consultation with NSAF, drew national press coverage, aired on more than 260 PBS stations nationwide which together reach 80% of U.S. television households, and won the prestigious Robert F. Kennedy Memorial Journalism Award in 2009 for its “meticulous reporting” and “the definitive broadcast account of a deeply troubling chapter in recent American history.”

The NSAF staff lead the field in the development and implementation of government transparency reforms. Tom Blanton co-chairs OpenTheGovernment.org, and Meredith Fuchs coordinates the FOIA Litigator’s Group. NSAF staff also played a lead role in developing a “Right-to-Know” agenda for the Obama administration. To maximize the utility of its anti-torture efforts, NSAF is undertaking its work in consultation with leading field advocates, including the ACLU, Physicians for Human Rights, New York University Law School, and the Open Society Policy Center.

For the reasons set forth above, OSI staff recommend a grant of \$650,000 over two years to support the Open Government and Accountability Program of the National Security Archive Fund.

Name of Organization: Shomrey Mishpat¹⁰ Rabbis for Human Rights / North America

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

Purpose of Grant: To support the *K'vod Habriot*: A Jewish Human Rights Network and its campaign, Honor the Image of God: Stop Torture Now, A Jewish Campaign to End U.S.-Sponsored Torture and Arbitrary and Indefinite Detention

FPOS Grant Description: To provide support to Rabbis for Human Rights / North America (RHR-NA) for its public education, advocacy, and religious and moral leadership in the effort to seek accountability for U.S.-sponsored torture and to end arbitrary and indefinite detention by the U.S. RHR-NA will work to increase the membership and activities of its multi-denominational network, *K'vod Habriot*, and hold the Third North American Conference on Judaism and Human Rights to educate and train rabbis and lay people on these issues. This grant will advance the National Security and Human Rights Campaign priorities of restoring an absolute prohibition against torture; stopping arbitrary and indefinite detention; holding government officials and private actors accountable for past abuses and violations of the law; and supporting credible voices in the movement for a progressive national security policy.

Previous OSI Support: \$40,000 from NSHR Campaign (2008)

Organization Budget: \$1,090,000 (2009)

Project Budget: \$273,500 (Year 1)

Major Sources of Support: Dorot Foundation \$20,000; National Religious Campaign Against Torture \$4,000; Poretsky Foundation \$50,000 (pending); Vivian Paul Olum Charitable Foundation \$15,000 (pending)

Amount Requested: \$100,000 over 18 months

Amount Recommended: \$100,000 [NSHR Campaign, T1: 21095]

Term: 18 months (October 1, 2009 – March 31, 2011)

¹⁰Shomrey Mishpat means guardians of the law, and is taken from a verse in Psalms which reads: “Happy are the guardians of the law, those who preserve justice at all times.”

Description of Organization:

Founded in 2002, Shomrey Mishpat Rabbis for Human Rights / North America (RHR-NA or Rabbis for Human Rights-NA) is an organization of rabbis from all the movements of Judaism that is dedicated to expanding support in North America for the work of its sister organization in Israel, Rabbis for Human Rights (RHR). RHR-NA runs a human rights program that, to date, has focused almost exclusively on public education and advocacy against U.S.-sponsored torture. With its recent change in executive directorship from Rabbi Brian Walt to Steven Gerber, formerly a Program Officer at the MacArthur Foundation, RHR-NA has moved from Cape Cod to Washington, D.C. RHR-NA currently has two full-time and one part-time staff members, a 25-member board of directors, and a 14-member advisory council of rabbis representing all of the Jewish denominational movements.

Rabbis for Human Rights in Israel was founded in 1988 as a multi-denominational organization of rabbis to advance the human rights of all persons, Jewish and otherwise, living in the state of Israel. The organization develops educational resources on human rights and Judaism; teaches courses on human rights in Israeli schools and army training programs; promotes economic justice in Israel; provides support for Palestinian families whose homes have been demolished by the government; and protects the access of Palestinian farmers to agricultural lands. RHR has received the Knesset's Award for Quality of Life and the 2006 Niwano Peace Prize. The work of RHR has been endorsed by the North American rabbinical associations of the Conservative, Reform, and Reconstructionist Jewish movements.

Description of Program for Which Funding Is Sought:

Rabbis for Human Rights / North America seeks renewed OSI funding for its public education, advocacy, and moral and religious leadership to promote accountability for U.S.-sponsored torture in the "war on terror," and to end arbitrary and indefinite detention by the U.S. at the Guantanamo Bay detention center and other detention facilities.

Over the past four years, RHR-NA has sponsored or participated in hundreds of educational programs before Jewish and non-Jewish audiences, and mobilized and trained rabbis to engage in anti-torture advocacy and speak for human rights from their pulpits and interfaith events. In 2005, in response to the detainee abuses depicted in the Abu Ghraib photographs and the silence in the Jewish community in the face of such clear evidence of torture, RHR-NA launched Honor the Image of God: Stop Torture Now, A Jewish Campaign to End U.S.-Sponsored Torture. To provide a structure for the campaign, in December 2007, RHR-NA established *K'vod Habriot*: A Jewish Human Rights Network (Network), the first Jewish multi-denominational entity dedicated to upholding the Jewish tradition of human rights and the Universal Declaration of Human Rights. The Network was originally devoted exclusively to ending torture, but this year, its work has been expanded to include seeking accountability for torture and ending arbitrary and indefinite detention.

Last year, RHR-NA played a pivotal role in mobilizing the Jewish community as well as the larger interfaith community, to demand a presidential executive order against the use of torture, which helped bring about President Obama's issuance on January 22, 2009 of an Executive Order ensuring lawful interrogations and the closing of Guantanamo in one year. In June 2009, in support of Torture Awareness Month, and in collaboration with NRCAT, RHR-NA's Education and Outreach Director Rabbi Rachel Kahn-Troster joined a 30-member interfaith delegation that met with the White House liaison to the religious community to draw attention to the need for investigation of Bush Administration detention and interrogation policies. RHR-NA solicited the signatures of 11 prominent Jewish leaders, including Rabbi Eric Yoffie, Rabbi Steve Gutow, and Rabbi David Saperstein, on a letter to President Obama calling for the creation of a commission for accountability.

Over the proposed grant period, RHR-NA plans to continue its work in the Jewish community and work in coalition with the National Religious Campaign Against Torture (NRCAT), Physicians for Human Rights, Human Rights First, and other advocacy organizations to develop effective and persuasive moral messages in support of a commission of inquiry on torture and against arbitrary detention, and to create opportunities for constituents to lobby key policy makers.¹¹

RHR-NA will also continue to educate its rabbi members and Jewish laity on the issues of torture and detention and galvanize them to speak out and mobilize. New educational resources will be developed in conjunction with NRCAT that address broader moral questions. In addition, RHR-NA will engage in outreach strategies targeted at rabbinical schools, college campuses, and unaffiliated Jews without formal ties to a Jewish institution and who have an interest in human rights.

In its efforts to engage rabbinical and college students, RHR-NA plans to utilize social networking tools; strategize with campus rabbis connected with RHR-NA on how to best reach students; and create a set of programs directed at students, including an interfaith program designed to draw in both Jewish and Muslim student participants. In order to reach unaffiliated Jews, RHR-NA plans to forge partnerships with the alumni of Jewish service learning programs such as the Alternative Spring Breaks of the American Jewish World Service and Jewish Funds for Justice; increase its online presence on liberal Jewish blogs such as Jewschool.com and JVOICES.com, on liberal religious blogs such as Street Prophets and Religion Dispatches, and on liberal secular blogs such as the Huffington Post and Daily Kos; and enhance its relationships with human rights groups so that their constituencies will come to know of, and support, RHR-NA's work.

Furthermore, RHR-NA will continue its tradition, initiated in December 2008, of sponsoring a Human Rights Shabbat each December. The 2009 Human Rights Shabbat will engage around 85 Jewish communities across North America in a range of programs that will include guest speakers who are expert on U.S. torture and detention policy, study sessions, and human rights worship services. Additionally, RHR-NA will hold its third Conference on Judaism and Human Rights in New York City in 2010. The conference will bring together a diverse gathering of rabbis, rabbinical students, and

¹¹ RHR-NA has submitted a bifurcated project budget.

laypersons for public education and dialogue on the intersection of Judaism and human rights.

Rationale for Recommendation:

This grant will advance the National Security and Human Rights Campaign priorities of restoring an absolute prohibition against torture; stopping arbitrary and indefinite detention; holding government officials and private actors accountable for past abuses and violations of the law; and supporting credible voices in the movement for a progressive national security policy.

Faith communities play a unique and important role in the national discourse on torture, arbitrary and indefinite detention, and other human rights violations committed by the U.S. And the Jewish community offers an especially critical perspective on these issues as international human rights law was formulated following the atrocities of Nazi Germany. Given the tensions in the Middle East between Muslims and Jews, the involvement of Jewish leaders on these issues is all the more relevant.

As the only interdenominational rabbinic organization in the U.S. that is dedicated to educating and inspiring rabbis to assume moral leadership on human rights in their communities, RHR-NA is well poised to communicate to American rabbis and Jewish communities that the problem of torture will not be solved until there is full accountability for these abuses and that arbitrary and indefinite detention violate the central tenets of Judaism. RHR-NA stands firmly against the defamation of Islam, and its leadership makes it a priority to engage with Muslim religious leaders in its work.

RHR-NA provides a theological foundation for Jewish involvement in issues of universal human rights, and it is spurring North American Jews to think about the connection of their faith tradition to human rights and mobilizing them towards action. With its emphasis on rabbinic-lay partnership, RHR-NA provides a structure that enables rabbis to join with members of their congregations in this work, and it engages and provides an activist platform for those Jews involved in communities that have not yet endorsed universal human rights.

RHR-NA was a founding member of, and works closely with, the National Religious Campaign Against Torture, a core grantee of the NSHR Campaign. In addition, RHR-NA has engaged the Jewish Council for Public Affairs, Religious Action Center of Reform Judaism, American Jewish Congress, and Orthodox Rabbis for Human Rights in anti-torture work.

For the reasons set forth above, OSI staff recommend a grant of \$100,000 over 18 months to Rabbis for Human Rights / North America to support the *K'vod Habriot: A Jewish Human Rights Network* and its campaign, *Honor the Image of God: Stop Torture Now, A Jewish Campaign to End U.S.-sponsored Torture and Arbitrary and Indefinite Detention.*