
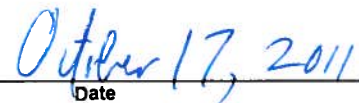


U.S. PROGRAMS
National Security and Human Rights Campaign
Summary of Recommended Grants
Docket III, October 17, 2011

Program Area/Organization

Organization	Grant Code	Recommended	Term	2011	2012	2013
Build the Capacity of Core Organizations for Policy Reform						
Bill of Rights Defense Committee ¹	T1: 21135	300,000	2 years		150,000	150,000
National Security Archive Fund	T1: 21135	400,000	2 years	200,000	200,000	
Trustees of Columbia University in the City of New York ²	T1:21135	230,000	18 months		230,000	
Challenge Profiling and Discrimination						
Focus Project, Inc.	T1: 21132	200,000	2 years	100,000	100,000	
New America Foundation	T1: 21132	250,000	1 year	250,000		
National Security Initiative	T1: 21132	200,000	15 months	200,000		
University of Southern California	T1: 21132	100,000	2 years	50,000	50,000	
End Torture and Indefinite Detention						
Physicians for Human Rights	T1: 21130	300,000	2 years	150,000	150,000	
The Constitution Project - Task Force on Detainee Treatment ³	T1: 21130 51011	100,000 50,000	1 year	100,000 50,000		
Fight Surveillance and Protect Dissent						
American Civil Liberties Union Foundation	T1: 21131	300,000	2 years	150,000	150,000	
Limit Secrecy and Expand Oversight and Accountability						
Center for Investigative Reporting	T1: 21133	180,000	13 months	180,000		
Total Recommended:		\$ 2,610,000		\$ 1,430,000	\$ 1,030,000	\$ 150,000
GRANTMAKING TOTAL THIS DOCKET:		\$2,610,000				


Approval Signature


Date

¹In each of the two years of the grant period, \$75,000 will be disbursed up front and the remaining \$75,000 will be subject to a 4:1 match until \$300,000 in matching funds is raised. At the request of the grantee, the remaining \$75,000 may be released in installments as low as \$25,000 if matched on a 4:1 basis.

²This grant of \$230,000 to the Human Rights Institute at the Columbia University Law School will be paid in two equal parts--\$115,000 will be paid at the start of the grant period and \$115,000 will be paid following the submission of an interim report after nine months.

³ This grant of \$150,000 to the Constitution Project is co-funded by the NSHR Campaign, T1: 21130 (\$100,000), and OSI - DC, 51011 (\$50,000).

National Security and Human Rights Campaign Grant Recommendations
Table of Contents
Docket III, October 17, 2011

Build the Capacity of Core Organizations to Advance Policy Reform

Bill of Rights Defense Committee	2
National Security Archive Fund	6
Trustees of Columbia University of the City of New York	11

Challenge Profiling and Discrimination

Focus Project, Inc.	15
New America Foundation	19
National Security Initiative	24
University of Southern California	28

End Torture and Indefinite Detention

Physicians for Human Rights.....	32
The Constitution Project.....	36

Fight Surveillance and Protect Dissent

American Civil Liberties Union Foundation	41
---	----

Limit Secrecy and Expand Oversight and Accountability

Center for Investigative Reporting.....	46
---	----

Grant ID: 20034044

Legal Name of Organization: Bill of Rights Defense Committee

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To provide general support

Grant Description: This grant will renew support for the Bill of Rights Defense Committee, a national grassroots organization that formed in the immediate aftermath of the 9/11 terrorist attacks to defend against U.S. counterterrorism measures that erode civil liberties and human rights. With offices in Northampton, Massachusetts and Washington, D.C., the organization is currently engaged in grassroots mobilization campaigns in over 20 cities nationwide to ensure that local law enforcement does not engage in unwarranted surveillance or profiling and to promote accountability for U.S.-sponsored torture. This grant will advance the National Security and Human Rights Campaign's 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 and human rights.

Previous OSI Support: \$621,000
\$250,000 from NSHR Campaign (2009)
\$371,000 from Civil Liberties (2004-2007)

Organization Budget: \$703,000

Project Budget: n/a

Major Sources of Support:

Atlantic Philanthropies	\$100,000
CS Fund	\$ 40,000
Nonprofit Finance Fund	\$ 25,000
Tikva Fund	\$ 12,000
Fund for Constitutional Government	\$ 5,000
Individual donors	\$ 50,000

Amount Requested: \$400,000 over 2 years

Is this a contingent grant? No

Amount Recommended: \$300,000 (T1: 21135)

Term: 2 years, beginning January 1, 2012

Matching Requirements: In each of the two years of the grant period, \$75,000 will be disbursed up front and the remaining \$75,000 will be subject to a 4:1 match until \$300,000 in matching funds is raised.

Description of Organization:

The Bill of Rights Defense Committee (BORDC) is a national grassroots organization that defends the rule of law and the rights and liberties that have come under challenge by extreme national security and counterterrorism policies. BORDC was formed in late 2001, in Northampton, Massachusetts, following 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.” In the intervening decade, the organization has worked to build, organize, and support a diverse national grassroots movement to restore and protect rights and liberties by educating the public on the constitutional rights that are at stake, encouraging widespread civic participation, and disseminating organizing tools and strategies for concerned communities to channel their concern and outrage into debate and action. BORDC has four full-time employees and one field organizer.

The staff of BORDC monitors national security and counterterrorism policy developments that impact civil liberties and produces materials that it emails to its supporters and posts on its website for the broader public. These materials include: a daily electronic news alert; a monthly newsletter; online issue analyses; sample posters and fliers; and how-to guides on community outreach and on writing effective letters to the editor. To support coalitions engaged in public education and advocacy campaigns at the local, regional, state, and national levels, BORDC offers direct organizing support and technical assistance and brings a national perspective to these efforts.

At the federal level, one of BORDC’s top goals is to restrict FBI surveillance of Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities. With other civil liberties and AMEMSA groups, BORDC advocates against the 2008 Department of Justice guidelines for FBI terrorism investigations that eased the rules for investigation and opened the door to religious and ethnic profiling. In addition, Executive Director Shahid Buttar frequently presents analysis on this subject; he participated in a Congressional briefing for House staff in January, a panel with former CIA and FBI officials at a Brennan Center symposium in March, and a debate with the U.S. Attorney for the District of Oregon at a bar association conference in Portland in June. Buttar is currently working on an issue brief on FBI abuses for the American Constitution Society, a U.S. Programs Anchor Grantee.

BORDC will continue to engage supporters and allies in its local public education and advocacy campaigns. Its Local Civil Rights Restoration Campaigns seek to end unlawful surveillance and fight racial, ethnic, religious and national origin profiling, with a focus on police involvement in federal counterterrorism, intelligence collection and immigration enforcement programs. Since 2010, BORDC has launched campaigns in 20 cities¹ across the U.S. in partnership with leading civil liberties, immigrants' rights, and religious organizations.² BORDC is also working with communities in Minneapolis, Miami and Cambridge on local campaigns seeking accountability for torture.

Under the banner of its People's Campaign for the Constitution, BORDC is working to develop staff-coordinated national affinity groups of concerned Americans within professional communities of interest in order to harness their substantive expertise and networks. BORDC's legal professionals affinity group of 10 volunteer lawyers serves as a rapid response network that provides analysis on court decisions and legislative developments. In addition, the lawyers conduct legal research and draft Freedom of Information Act requests, including one that produced a letter from FBI Director Robert Mueller to Senator Dick Durbin admitting that FBI agents routinely infiltrate groups whose activities are protected by the First Amendment in the absence of suspicion of criminal activity. With the assistance of the lawyers, BORDC has developed a model Freedom of Information Act request for its activists and legal advocates to request documents on the fusion centers³ in their states, and it is working with Yale Law School library to develop an online repository to house the documents that are released. BORDC's affinity group of education professionals seeks to improve civic literacy. In 2010, teachers in Michigan, New York and Illinois compiled and made available on BORDC's website lesson plans for K-12 teachers on current civil liberties issues and will encourage the high school teachers to use the *Securing Liberty* debate book and curriculum jointly supported by the NSHR Campaign and IDEA. Recently, military veterans have expressed interest in starting a BORDC affinity group to engage veterans in the defense of the constitutional rights for which they fought.

Description of Program for Which Funding Is Sought:

The Bill of Rights Defense Committee is requesting general support.

Rationale for Recommendation:

¹ Cities with active BORDC campaigns underway include Los Angeles and Berkeley, California; Seattle, Washington; Detroit, Michigan; Richmond, Virginia; New York, New York; Cleveland, Ohio; Northampton, Massachusetts; Hartford, Connecticut; Ashville, North Carolina; and Washington, D.C. In addition, BORDC has received requests for assistance from organizers in other cities, including Atlanta, Georgia; Jacksonville and Orlando, Florida; Houston, Texas; Portland, Oregon; and Tucson, Arizona.

² BORDC's partner organizations include the Asian Law Caucus, the Brennan Center for Justice, South Asian Americans Leading Together, the National Day Laborers Organizing Network, the NAACP, the National Lawyers Guild, the National Network for Immigrant and Refugee Rights, affiliates of the ACLU, and religious and interfaith groups.

³ More than 70 fusion centers have been created since the 9/11 attacks to provide a central place for local and state law enforcement agencies and federal authorities, including the Departments of Justice and Defense and the Central Intelligence Agency, to collect and share information on potential terrorist threats.

This grant will advance the National Security and Human Rights Campaign's 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.

Though small in size and reliant on volunteers, BORDC is playing a vital role by complementing federal policy advocacy with a grassroots mobilization campaign that is building a national constituency for human rights in national security policy. Since taking over from the founding executive director in 2010, Shahid Buttar has brought renewed vitality, ideas and partners to the organization's work. BORDC's organizing approach extends from online mobilization to on-the-ground organizing. Its innovative public education strategies, grassroots campaigns and affinity groups offer meaningful opportunities for concerned Americans of all walks of life to get involved.

Under Buttar, BORDC has taken on an increased leadership role amongst national organizations that are challenging intrusive government surveillance. Through its Local Civil Rights Restoration campaigns, BORDC is working to expand its reach from its civil liberties base to AMEMSA, Latino and African American communities. BORDC's supporters are ethnically, geographically and generationally diverse, and include libertarians as well as progressives.

BORDC's impressive Board of Advisors includes Jim Dempsey of the Center for Democracy and Technology, whistleblower Daniel Ellsberg, Ben Jealous of the NAACP, and law professors David Cole and Aziz Huq. BORDC's blog readership has increased nearly ten-fold in the past two years to more than 2,500 monthly readers, and its online action alert list has grown to 44,500. It has diversified its spokespersons, and last year it achieved a significant increase in media exposure—more than tripling print and online news coverage of its work, from 74 to 248 stories, and increasing its broadcast appearances by a factor of five, from 11 to 65.

BORDC remains dependent on continued OSF support. However, Buttar and the board have prioritized the expansion and diversification of the organization's funding base and have brought in new funding from Atlantic Philanthropies. NSHR Campaign staff is confident that BORDC will continue to grow and play an increasingly important role over the coming years. To help position the organization for stability and success, NSHR staff recommends that in each year of the two-year grant period, one-half of the recommended grant—\$75,000 per year—be subject to a 4:1 match requirement. To ensure a steady cash flow, NSHR staff recommends that OSF matching funds be released in increments as small as \$25,000 upon the grantee's request.

For the above reasons, OSF staff recommends a grant of up to \$300,000 over two years to provide general support to the Bill of Rights Defense Committee.

Grant ID: 20034024

Legal Name of Organization: National Security Archive Fund

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To support the Center for National Security Studies

Grant Description: This grant will renew support for the Center for National Security Studies (CNSS), a project of the National Security Archive Fund. Founded in 1974 and based in Washington, D.C., CNSS is the oldest advocacy organization in the U.S. that is exclusively devoted to preventing policies that claim to support national security from eroding civil liberties and human rights. The organization serves as a critical source of analysis and is relied on by key members of the press, congressional staff, and the administration for accurate information and informed advice – particularly on issues relating to unconstitutional domestic surveillance, detention policy, due process for terrorism suspects, discriminatory profiling in counterterrorism efforts, and oversight of abuses of executive power. This grant will advance the National Security and Human Rights Campaign’s priority of strengthening the capacity of core organizations to advocate against a range of abusive counterterrorism policies and for a more progressive national security approach that respects civil liberties, human rights and the rule of law.

Previous OSI Support: \$3,455,640

- \$150,000 from OSI-D.C. (2011)
- \$775,000 from NSHR (2008-2010)
- \$720,000 from NSHR (CNSS) (2008)
- \$200,000 from TIF (2008-2010)
- \$110,000 from Civil Liberties (2006 – 2007)
- \$425,000 from Civil Liberties (CNSS) (2004-2008)
- \$100,000 from USP (CNSS) (2003-2004)
- \$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: \$3,400,000

Project Budget: \$570,000

Major Sources of Project Support:

Atlantic Philanthropies	\$300,000
Stewart R. Mott Foundation	\$ 10,000

Amount Requested: \$400,000 over 2 years

Is this a contingent grant? No

Amount Recommended: \$400,000 (T1: 21135)

Term: 2 years, beginning November 1, 2011

Matching Requirements: None

Description of Organization:

The Center for National Security Studies (CNSS), founded in 1974 to monitor the FBI and CIA, is devoted exclusively to preventing policies that claim to support national security from eroding civil liberties and human rights. CNSS is based in Washington, D.C. and currently has three staff members and a paid consultant.

The National Security Archive Fund is 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, the organization 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. The organization is based in Washington, D.C., and has approximately 30 staff members. It also administers the financial affairs of CNSS.

Description of Program for Which Funding Is Sought:

The Center for National Security Studies seeks renewed core support for its work to preserve civil liberties post-9/11 by seeking an end to unconstitutional domestic surveillance, detainee abuse, preventive detention, discriminatory profiling against Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities and individuals in counterterrorism efforts, and abuses of executive power. Over the next two years, through direct communication with policymakers, dissemination of position papers, outreach to the media, collaboration with the nation's leading civil liberties organizations and grassroots coalitions, and its provision of expertise to litigators, CNSS will work towards the following goals:⁴

⁴ CNSS has submitted a bifurcated organizational budget.

Replace the “Global War on Terror” Paradigm, End Arbitrary Detention, and Ensure Due Process. CNSS will work to prevent the establishment of an expanded military detention regime for terrorism suspects and will urge the adoption of a new framework for terrorism detentions, transfers, and interrogations that would comply with international understandings of the law of war, human rights law, and the protections mandated for criminal defendants. In collaboration with Ken Gude at the Center for American Progress, and with the advice of Suzanne Spaulding (principal at Bingham Consulting with over 25 years of intelligence and national security experience in the administration and Congress) and Joe Onek (former special counsel to the Speaker of the House), CNSS is currently drafting a memo stating that the legal basis for military detention authority exists only when and where the President has deployed the U.S. military to engage in hostilities. CNSS will also continue to offer its expertise to policymakers and others regarding preventive detention, military commissions, and *habeas* rights and to support ongoing efforts to secure the release of detainees held at Guantanamo and the closure of that facility.

End Discriminatory Profiling in Countering Terrorism and Discriminatory Law Enforcement Policies Justified on National Security Grounds. In addition to policy analysis and advocacy, CNSS will continue to challenge the 2008 Department of Justice guidelines that ease the rules for FBI investigations and open the door to religious and ethnic profiling. Together with OSF grantee Muslim Advocates and grassroots AMEMSA organizations, CNSS is developing an advocacy campaign to restrict the use of FBI informants in places of worship and other First-Amendment protected gatherings. CNSS will play a key role in providing policy expertise and legal analysis to the campaign’s organizers. CNSS is also exploring a campaign against local police trainings on Islam funded by the Department of Homeland Security that employ purported experts who spread anti-Muslim bigotry. In addition, CNSS is exploring the feasibility of educating political appointees at the Departments of Justice and Homeland Security and the White House about the unintended effects of their counterterrorism efforts—many of which are stoking the fires of bigotry and promoting divisiveness among American communities. CNSS is also collaborating with the Rights Working Group to educate grassroots immigrants’ rights groups about the surveillance laws. Finally, CNSS is writing an article on domestic terrorism in response to a piece by an aide to Senator Lieberman that will be included in *Patriot Debates II*, a new American Bar Association Standing Committee on Law and Security book intended as a resource for both sides of the debate.

Protect Privacy and Fourth Amendment Rights against Unconstitutional Government Surveillance. The next two years will be a critical time for debates on cyber-security legislation, amendments to the Electronic Communications Privacy Act, and revisiting the 2008 amendments to the Foreign Intelligence Surveillance Act that are currently set to expire in December 2012. CNSS will focus its policy analysis and advocacy on: (1) restoring Fourth Amendment protections for government surveillance, with a focus on curtailing the government’s ability to obtain massive amounts of “transactional data” without a showing of probable cause or even reasonable suspicion and without obtaining a warrant and providing safeguards against the abuse of

government databases; and (2) providing safeguards against improper surveillance of mosques and other First Amendment protected places and political activities. CNSS will focus on challenging FBI use of undercover informants in such settings. It will conduct this work by meeting with key officials at the Department of Justice and FBI, responding to requests from congressional policymakers, and working with current and former national security officials on the American Bar Association's Standing Committee on Law and Security. CNSS will also educate policymakers on how various surveillance authorities work together to provide the government with enormous power and circumvent safeguards against abuse.

Restore Government Accountability, Transparency, and Separation of Powers.

CNSS will offer its expertise toward efforts to place checks on the executive branch and ensure that individuals subjected to torture, preventive detention, surveillance, and discrimination are able to seek redress in a court of law. CNSS will also offer its expertise to promote constitutional limits on government's exercise of war powers and how this power relates to the government's authority to detain terrorism suspects.

Rationale for Recommendation:

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

The Center for National Security Studies has played a strong leadership role in post-9/11 advocacy for civil liberties. CNSS has a proven record of intellectual leadership, and its legal and policy analysis continue to impact public debate and policy outcomes. CNSS is frequently invited to present testimony before Congress; in 2010, for example, it participated in a set of briefings for the House and Senate on how national security is enhanced when the executive branch retains discretion to try terrorism suspects in criminal trials rather than in military commissions. In addition to savvy engagement with policymakers, CNSS provides national security policy expertise to other advocates, devoting significant efforts to advising emerging organizations and to helping to elevate AMEMSA voices in national policy debates. In these ways, CNSS has a much larger impact than one would expect for an organization of its small size.

Kate Martin, the Executive Director of CNSS, is recognized as an expert on national security surveillance, detention, secrecy and due process issues, and is respected for her ability to accurately and rapidly assess the complex constitutional and policy concerns in this arena. As Mort Halperin at OSF-DC has confirmed, Martin continues to be a valuable source of policy analysis for lawmakers, journalists and advocates, all of whom rely on her for accurate information and sound advice. She is also frequently invited to address audiences of concerned experts and members of the public, and has appeared scores of times in leading news sources, including *The News Hour with Jim Lehrer*, *NPR*, *The New York Times* and *The Washington Post*.

CNSS also plays an important role in its work with national security experts. For example, Martin is one of the few civil liberties advocates on the American Bar Association Standing Committee on Law and Security, a group dominated by government and former government officials which carries weight with policymakers. Martin is currently working with Standing Committee task forces to prepare policy recommendations regarding cybersecurity and the Foreign Intelligence Surveillance Act.

CNSS remains heavily reliant on OSF and Atlantic Philanthropies support, but is taking steps to try to diversify its funding base. With dedicated funds from Atlantic Philanthropies, CNSS is finally preparing to retain skilled development and communications assistance.

For the above reasons, OSF staff recommends a renewal project support grant of \$400,000 over two years to support the Center for National Security Studies at the National Security Archive Fund.

Grant ID: 20034052

Legal Name of Organization: Trustees of Columbia University in the City of New York

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To enable the Human Rights Institute at Columbia Law School to convene and support litigators, policy advocates and academics seeking to advance progressive national security laws and policies

Grant Description: This grant will provide renewed project support to enable the Columbia Law School Human Rights Institute (HRI) to convene and support litigators and others seeking to advance progressive national security laws and policies. Specifically, the institute will foster information sharing, strategy development and collaboration within the community of litigators, policy advocates and academics to seek redress for human rights abuses. HRI serves as the center of international human rights education, scholarship and practice at Columbia Law School. This grant will advance the National Security and Human Rights Campaign’s priorities of: strengthening the capacity of core organizations that advocate against a range of abusive counterterrorism policies and for a progressive national security policy that respects civil liberties and human rights; and supporting the development of strategies to shift the paradigm away from the “war on terror.”

Previous OSI Support: \$10,183,008
\$5,488,038 U.S. Programs (1997-2010)
\$59,938 from Public Health (2010)
\$124,000 from Women’s Empowerment and Capacity Building (2010)
\$141,060 from Research (2010-2011)
\$20,000 from Alumni Grants (2010)
\$1,120,795 Reproductive Rights (1998-2006)
\$850,000 Africa Reg Cap Building (2005-2008)
\$1,471,000 Chairman’s Grants (2002-2010)
\$469,982 PDIA Grants Programs (1996-2010)
\$438,195 President’s Grants (1996-2009)

Organization Budget: \$1,228,162 (Human Rights Institute)

Project Budget: \$154,532

Major Sources of Support: *Support for the Human Rights Institute*
Columbia Law School \$412,175
Ford Foundation \$200,000 (pending)
OSF Central Eurasia Project \$103,891
U.S. Human Rights Fund \$ 50,000 (pending)
Norwegian Refugee Council \$ 36,300

Amount Requested: \$231,798 over 18 months

Is this a contingent grant? No

Amount Recommended: \$230,000 (T1: 21135)

Term: 18 months, beginning on February 1, 2012

Matching Requirements: None

Description of Organization:

Founded in 1998 and based at Columbia Law School in New York City, the Human Rights Institute (HRI) is the center of international human rights education, scholarship and practice at the law school. HRI serves as a focal point for coordinating and developing networks of law faculty, law students and litigators who are interested in U.S. compliance with international law and human rights norms. HRI coordinates and convenes the Bringing Human Rights Home Lawyers' Network, which includes more than 500 lawyers drawn from American social justice organizations and the U.S. programs of international human rights groups and non-lawyers who are involved in the domestic human rights education and advocacy. HRI has eight full-time staff members, including two faculty co-directors, two attorneys, a lecturer in law, two fellows and a program coordinator.

Description of Program for Which Funding Is Sought:

Since its launch in 2008, the NSHR Campaign has supported the coordination and convening of litigators working to protect civil liberties and human rights against executive branch excesses committed in the name of national security. Initially this coordination and convening role was assumed by Yale Law School. However, this role was transferred to Columbia Law School in 2010, when Harold Koh left Yale to join the Department of State.

During the proposed grant period, HRI will host three closed convenings, each of which will bring together between 30 and 40 leading litigators, policy advocates and academics from the U.S. and other countries to share information and expertise, develop new strategies, and build alliances on emerging legal issues. The first of these convenings will take place in June 2012 and will explore the quagmire of legal issues raised by U.S. detention of terrorism suspects, including obstacles to the closure of the Guantanamo

detention facility, the rights of terrorism suspects detained in military facilities in Afghanistan and Iraq and the practice of transferring terrorism suspects to countries where torture is practiced.

The second convening is planned for November 2012 and will focus on the underexplored thicket of legal issues presented by the stigmatization and discrimination that Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities face as the result of the government's increased focus on eradicating "homegrown terrorism." Among the issues that will be addressed are the systematic flaws in criminal prosecutions of suspected terrorists, the insufficiency of the evidence used to support these prosecutions, the expansive definition of terrorism and the concerns that arise from the use of government informants. At the urging of litigators, HRI will study transcripts from national security prosecutions and produce a report that assesses the effect of U.S. counterterrorism policies on vulnerable AMEMSA communities.

The third convening is planned for June 2013 and will examine the legal constraints that can be placed on targeted killings of terrorism suspects, the ever expanding role of the CIA in lethal targeting, and the need for greater government transparency and accountability as civilian casualties from targeted killings mount.

Before each convening, HRI staff will consult its network and develop an agenda that is responsive to the needs of participants. Staff will prepare legal research, analyses and case summaries for distribution in advance of the meetings so participants will arrive with a common foundation for discussion. Following each convening, HRI staff will prepare a report and develop web-based working groups to facilitate ongoing exchanges of information and opportunities for collaboration. HRI staff will also circulate case updates and other materials in support of strategic litigation and advocacy. Additionally, HRI will host a set of public events in New York and Washington, D.C. intended to reach broad audiences that will highlight issues addressed in the closed convenings and expose civil liberties and human rights concerns.

Throughout the proposed grant period, HRI will regularly consult and engage with its network of litigators, experts, and academics to identify gaps where it can provide needed legal research and analysis. HRI will seek to add new members to the network with a special focus on litigators outside the U.S. As HRI staff members conduct their outreach, they will aim to catalyze innovation and fresh thinking in the area of national security and human rights litigation.

Rationale for Recommendation:

This grant will advance the National Security and Human Rights Campaign priorities of: strengthening the capacity of core organizations that 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; and supporting the development of strategies to shift the paradigm away from "the war on terror."

In the decade since 9/11, litigators have played a vital role in the effort to protect civil liberties and human rights against executive branch excesses committed in the name of national security. But the challenges they face are considerable. While important victories have been won in the courts, judges readily defer to the executive branch when national security concerns have been invoked. The Obama administration has adopted many of the Bush administration's broad assertions of executive power and arguments for secrecy, and the barriers to litigation on national security matters remain formidable. Furthermore, Congress has been trying to undo the victories gained through *habeas* litigation against unlawful detentions in Guantanamo. In this context, it remains critically important to coordinate the response of the national security and human rights legal community, generate new and creative litigation strategies, and encourage litigators and national security experts to work together to move beyond the present policy impasse.

While the majority of litigators challenging U.S. abuses in the "war on terror" work in the U.S., others work in such countries as the U.K., Germany, France, Spain, Poland, Romania, Macedonia, Afghanistan, Pakistan, Iraq, Yemen and Somalia. The three meetings that Columbia Law School proposes to sponsor will provide this community with critically needed venues for productive exchanges of information, brainstorming about legal strategies, and coordination of their efforts at a transnational level.

HRI is situated to leverage its position at a major law school and tap the wealth of resources available to it as it engages in research and advocacy, cultivates broad networks of litigators, advocates, practitioners and scholars, and coordinates a network of advocates in addressing common challenges. HRI has developed expertise in the subjects that will be addressed in the three proposed convenings and has published related papers, including *Promises to Keep: Diplomatic Assurances against Torture in U.S. Terrorism Transfers* (December 2010), a comprehensive source on the evolving practice and jurisprudence of assurances, and *Monitoring Detainee Transfers in Afghanistan* (December 2010), recommendations on how to prevent abuse of detainees transferred to Afghan custody based on human rights standards. The HRI staff is also adept at innovative programming and at providing technical assistance to practitioners in the field.

HRI boasts an expert staff that includes faculty co-directors Sarah Cleveland and Peter Rosenblum. Cleveland returned to HRI in August 2011 after two years of service as Counselor on International Law and principal legal adviser to Harold Koh at the Department of State. Peter Rosenblum, a Professor at the Human Rights Clinic, has more than 20 years of experience in the human rights field and has conducted extensive research and writing on the use of flawed diplomatic assurances to sidestep the international ban on torture.

For the above reasons, OSF staff recommends a renewal project support grant of \$225,000 over eighteen months to Columbia University to support the Columbia Law School Human Rights Institute's project to support the national security and human rights litigation community.

Grant ID: 20034043

Legal Name of Organization: Focus Project, Inc. (operating as OMB Watch)

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To support the Charity and Security Network Project

Grant Description: This grant will renew support for the Charity and Security Network of the Washington, D.C.-based OMB Watch. Launched in 2008 with NSHR Campaign support, the Charity and Security Network is a collaboration of 100 geographically diverse member organizations, including humanitarian aid groups, international development organizations, charities, grantmakers, foundations and civil liberties and civil rights organizations. Its members seek to reform a draconian counterterrorism regime of criminal penalties and civil sanctions that restricts them from providing “material support” to any organization designated as terrorist by the U.S. government, even when the support consists of economic development, humanitarian aid, training on peace-building and human rights advocacy. This grant will advance the NSHR Campaign’s priorities of shifting the national security paradigm away from the “war on terror” and challenging the profiling and discrimination of Arab, Middle Eastern, Muslim, and South Asian charities, which have been the primary target of U.S. government enforcement of this regime.

Previous OSI Support: 2,700,000
\$600,000 from NSHR (2008-2010)
\$775,000 from Seize the Day (2009-2010)
\$1,150,000 from TIF (2008-2010)
\$175,000 from SOF (2003, 2006)

Organization Budget: \$2,476,151

Project Budget: \$280,722

Major Sources of Project Support:

Anonymous	\$100,000 (pending)
Proteus Fund	\$ 20,000 (pending)
ICP/Zurich	\$ 15,000 (pending)
Cordaid	\$ 14,500

Nathan Cummings Found. \$ 10,000 (pending)

Amount Requested: \$200,000 over 2 years

Is this a contingent grant? No

Amount Recommended: \$200,000 (T1: 21132)

Term: 2 years, beginning November 1, 2011

Matching Requirements: None

Description of Organization:

Founded in 1983 under the name Focus Project, Inc., the Washington, D.C.-based OMB Watch is one of the leading research and advocacy organizations dedicated to promoting government accountability and citizen participation in public policy. Its goals include: increasing government transparency and accountability; ensuring sound and equitable regulatory and budgetary policies; and protecting and promoting democratic citizen participation. OMB Watch has 24 full-time and two part-time staff members and an annual budget of approximately \$2.5 million.

Description of Program for Which Funding Is Sought:

Launched in 2008 with NSHR Campaign support, the Charity and Security Network (CSN) is a collaboration of 100 geographically diverse member organizations, including humanitarian aid groups, international development organizations, charities, grantmakers, foundations and civil liberties and civil rights organizations. The network seeks to reform a draconian counterterrorism regime of criminal penalties and civil sanctions that bar the provision of “material support” to any organization designated as a “foreign terrorist organization” by the U.S. government. This regime is restricting the ability of network members to engage in their core activities of providing humanitarian aid, international development and human rights advocacy, and engaging in peacebuilding in strife-torn regions.

The legal challenges to this regime are not faring well. On June 21, 2010, the Supreme Court decided in *Holder v. Humanitarian Law Project* that providing a “foreign terrorist organization” with expertise and training on peace-building, conflict resolution and human rights advocacy can subject a nonprofit organization to criminal conviction for providing “material support” to terrorism, a crime punishable by 15 years in prison and financial penalties. Further, in *US v. Holy Land Foundation for Relief and Development*, currently on review by the Fifth Circuit Court of Appeals, a Texas trial court upheld the Department of the Treasury’s decision to shut down the charity and freeze its assets of approximately \$5 million in charitable funds. The court convicted the charity’s top officials of providing material support not to Hamas itself, which is a designated foreign terrorist organization, but to local charities in the West Bank and Gaza, none of which

were designated. The court instructed the jury that it could convict if it found that these charities were “controlled by” Hamas, but did not require the jury to find that defendants knew or should have known that the charities were controlled by Hamas, or that defendants intended to support Hamas by aiding these charities.

To date, the Department of the Treasury has shut down nine U.S. organizations, seven of which have been Muslim charities, under this regime, and more than \$8 million in charitable funds have been frozen. Treasury has refused all requests to transfer these frozen assets to other organizations that could ensure that the funds will be used for charitable purposes. In addition, humanitarian aid to noncombatants has been cancelled by the Department of State and the U.S. Agency for International Development in consultation with Treasury when contacts must be made with listed terrorist organizations in order to deliver the aid.

The U.S. government’s justification for its broad “material support” ban rests on its argument that all aid is fungible and aid directed to benefit vulnerable civilians may fall into the hands of terrorists, particularly if they control the territory where civilians are in need of aid. CSN, in conjunction with its members and leading American Muslim organizations, has developed and disseminated a set of guiding principles that would lift obstacles for legitimate charities, development programs, grantmakers, peacebuilding efforts, human rights advocacy and faith-based organizations while respecting the fundamental principles of access to civilians, non-discrimination and neutrality.

During the grant period, CSN intends to build on the strong foundation it has established during its first two years by focusing on education and outreach, increasing its membership base and building bipartisan support for its advocacy agenda, particularly among conservative faith-based groups, evangelical leaders and prominent operational charities. Among CSN’s top priorities will be demanding due process for charities that are shut down by the Department of Treasury, changing the “material support” rules so that they allow civilians in need to gain access to humanitarian aid, imposing on the government the burden of proving guilt through specific intent to further unlawful ends, and permitting NGOs to engage in peacebuilding efforts and negotiations involving “foreign terrorist organizations.” CSN will also work to garner media attention upon release of its new reports, including *Muslim Charities and the War on Terror 2006-2011: Status Report and Top Ten Concerns* (October 2011); *U.S. National Security Obstacles to Disaster Relief in Conflict Zones* (October 2011); and *The Humanitarian Imperative: The Need to Reconcile U.S. International Obligations and Counterterrorism Measures* (November 2011).

Rationale for Recommendation:

This grant will advance the National Security and Human Rights Campaign priorities of shifting the national security paradigm away from the “war on terror,” which has been used to prevent organizations from engaging in humanitarian aid efforts and First Amendment activities, and challenging profiling and discrimination of Arab, Middle

Eastern, Muslim, and South Asian (AMEMSA) charities which have been the primary target of U.S. government enforcement of “material support” provisions.

While the Obama administration has been extremely cautious in calling for progressive reforms in national security policy, its commitment to a “3D” (defense, diplomacy and development) approach to countering terrorism offers openings for CNS’s efforts on behalf of nonprofit and civil society organizations to build bipartisan and public support to exempt peacebuilding undertaken on behalf of a “foreign terrorist organization” from the ban on “material support.” Concern over cuts in U.S. famine aid to drought-stricken areas of Somalia controlled by rebel groups⁵ has focused public and policymaker attention on the impacts of overly broad counterterrorism measures that impede humanitarian action, thus harming civilians, without improving security. On May 12, 2011, CSN organized a letter to Secretary of State Clinton—signed by 18 organizations and 27 individuals, including the Constitution Project, Human Rights First, Rockefeller Brothers Fund and Ambassador Nancy E. Soderberg, President of the Connect U.S. Fund—urging her to use her statutory authority “to exempt expert advice or assistance, training, and personnel from the material support prohibition when you find these activities will not further terrorism.”

In the upcoming months, CSN will promote this policy shift by working with allies in the National Security Council and the Department of State to address ways to balance national security priorities and address concerns about the fungibility of aid to vulnerable populations. CSN has an impressive and successful track record of bringing together a cross-section of top-notch civil liberties organizations, international charities, and peacebuilding groups under one analytical framework in pursuit of joint advocacy strategies. A committed Advisory Committee meets regularly and adjusts its strategies to account for changes in the political and policy environment. Though the mid-term elections and rising Islamophobia in the U.S. have hindered its progress, CSN has developed a participatory structure to tap the expertise of its membership and take advantage of external opportunities for policy reform. Initially envisioned as a three-year campaign set to end in October 2011, the Advisory Committee has recommended that the project continue for another two years, through October 2013.

Kay Guinane has been the Director of the Charity and Security Network since its formation. Prior to assuming this role, she directed OMB Watch’s Nonprofit Speech Rights division. Her expertise in these issues is unmatched, and she is considered a highly credible leader in the field of freedom of nonprofit speech. Guinane is assisted by a communications coordinator who tracks new developments and a civil rights lawyer with extensive experience in policy analysis of charity and security issues.

For the above reasons, OSF staff recommends a renewal project support grant of \$200,000 over two years to support the Charity and Security Network of OMB Watch.

⁵ U.S. humanitarian aid to Somalia has dropped from \$319 million in 2007 to under \$30 million in 2010 due to concerns that rebel groups will divert funds to Al Shabaab, a designated terrorist group.

Grant ID: 20034064

Legal Name of Organization: New America Foundation

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To launch Rights-Based Counterterrorism: Empowering Communities, a project to promote counterterrorism strategies that protect civil rights

Grant Description: This grant will support the launch of a New America Foundation project, Rights-Based Counterterrorism: Empowering Communities. Drawing on the expertise and connections of a research fellow from the Arab, Muslim, Middle Eastern and South Asian community, who will be hired specifically for this project, New America will cultivate and promote counterterrorism strategies that protect civil rights. Staff and the fellow will conduct research and publish papers on pressing national security questions and work to broaden the public discourse on terrorism, which currently maintains a disproportionate focus on Muslims. The fellow will aim to advance rights-based domestic counterterrorism policies by opening lines of communication and building bridges between American Muslim thought leaders and government officials. Launched in 1999, the New America Foundation is a nonprofit, nonpartisan public policy institute headquartered in Washington, D.C. This grant will advance the National Security and Human Rights Campaign's priorities of combatting anti-Muslim bigotry, supporting new voices in the movement for a progressive national security policy and supporting paradigm-shifting research.

Previous OSI Support: \$4,781,875
\$575,000 from Transparency & Integrity Fund (2009-2011)
\$635,000 from NSHR Campaign (2009-2011)
\$50,000 from Chairman's Special Projects (2010)
\$775,000 from Chairman's Grants Overseas (2007-10)
\$500,000 from Democracy & Power Fund (2008)
\$1,431,875 from Strategic Opportunities Fund (2004-2008)
\$575,000 from Progressive Infrastructure (2006)
\$150,000 from Governance and Public Policy (2002)
\$100,000 from U.S. General Fund (2001)

Organization Budget: \$16,000,000

Project Budget: \$250,000

Major Sources of Organizational Support:

Gates Foundation	\$1,380,000
Eric Schmidt	\$1,000,000
Bernard and Irene Schwartz Foundation	\$ 850,000
Ford Foundation	\$ 750,000
McArthur Foundation	\$ 700,000

Amount Requested: \$250,000 over 1 year

Is this a contingent grant? No

Amount Recommended: \$250,000 (T1: 21134)

Term: 1 year, beginning November 1, 2011

Matching Requirements: None

Description of Organization:

Launched in 1999, the New America Foundation (NAF) is a nonprofit, nonpartisan public policy institute in Washington, D.C. With an emphasis on innovation, impartial analysis and pragmatic solutions, NAF invests in individuals whose ability to communicate to wide and influential audiences can change the country's policy debates and bring promising new ideas and debates to the fore. Through issue-specific policy programs and fellowships, NAF sponsors research, writing, conferences, and public outreach on important global and domestic issues, including national security, human rights, health care, education, climate change, and fiscal and tax policy. NAF's staff of more than 80 and its pool of fellows are led by President and CEO Steve Coll.

Description of Program for Which Funding Is Sought:

The New America Foundation requests support for the launch of a one-year project, Rights-Based Counterterrorism: Empowering Communities, which will cultivate and promote counterterrorism strategies that protect the civil rights of the broader community of Arabs, Middle Easterners, Muslims and South Asians (AMEMSA) with a special focus on Muslims in America, whom Representative Peter King and the rising Islamophobia industry seek to portray as domestic terrorists.

The project is timed to seize an opportunity presented by the White House's August 3, 2011 release of a new strategy paper, *Empowering Local Partners to Prevent Violent Extremism in the United States*. With this document, the White House signaled its

readiness to consider new counterterrorism approaches that respect the rights of AMEMSA communities and to bring new voices to the table. The strategy calls on federal and local law enforcement to prioritize engaging communities instead of relying on surveillance, arguing that communities empowered to participate in the national security conversation will be better situated to identify and repel extremist efforts to radicalize vulnerable individuals. The project concept was formed after key White House staff reached out to the organization seeking its input on this new strategy. NAF, in turn, enlisted a small group of AMEMSA thought leaders, including Wajahat Ali, al-Husein Madhany and OSF Fellow Arun Kundnani, to brainstorm ways to take advantage of this invitation. These three individuals are committed to joining with others from the AMEMSA community to shape and advise the project throughout its duration.

As a first step, NAF plans to hire a fellow from the AMEMSA community who has strong research and writing skills and has established, or is in a strong position to win, the trust and respect of two communities that have maintained a wary distance from one another in the decade since 9/11 – American Muslim leaders on the one hand, and the government officials responsible for national security, counterterrorism and law enforcement policies on the other hand. Working in close collaboration, the fellow and a small team of NAF staff with expertise in national security will cultivate and promote counterterrorism strategies that respect civil rights by:

1. Conducting timely research and publishing papers on pressing questions related to violent extremism in the U.S. New America’s research and papers will aim to challenge the notion that security must come at the price of sacrificing civil rights, and key findings will be amplified through speaking events and media appearances featuring NAF staff and the AMEMSA fellow. Staff will develop areas of research as the project evolves, but they have already identified a few critical subjects. One paper will explore ways to create a “safe space” in which Muslims in America feel free to hold controversial political dialogues, organize without fear of unwarranted government surveillance, and discuss and attempt to counter radical propaganda without setting off a red flag for law enforcement. NAF will explore ways of giving disaffected youth reasons to believe that civic engagement is a viable and preferable alternative to violence. A second paper will aim to correct mistaken public beliefs that Al-Qaeda’s brand of terrorism is unique to Islam and that most terrorists are Muslim. This paper will compare al-Qaeda and right-wing propaganda statements to show how adherents of each extremist ideology use different language to justify very similar political means and goals. By demonstrating parallels among militant groups, this paper will aim to separate politically focused terrorism from the religion of Islam.

2. Convening American Muslims and government officials to engage in dialogue and jointly develop proactive solutions for rights-based counterterrorism policies. The NAF fellow will convene administration officials with AMEMSA, civil liberties and other civil society leaders for candid, off-the-record conversations regarding surveillance, domestic intelligence, internet radicalization and the White House’s commitment to empowering communities. Key national security officials and experts have expressed strong interest in participating, including Quintan Wiktorowicz, the National Security

Council director for Countering Violent Extremism, Shaarik Zafar, his deputy, and Dan Sutherland, the director of Countering Violent Extremism at the National Counterterrorism Center. As the project proceeds, efforts will be made to include officials from the Departments of State, Justice and Homeland Security in these conversations.

3. Working to redirect public discourse on terrorism away from its current disproportionate focus on Muslims. NAF and the AMEMSA fellow will engage national media and Washington insiders to recontextualize and reframe the public discourse on terrorism—which since 9/11 has focused almost exclusively on Islam and Muslims—both in the public sphere and within the government bureaucracy. To do so, NAF will mine and expand its comprehensive database on post-9/11 extremism cases in the U.S., which includes violence inspired by both al-Qaeda and right-wing groups, to keep mainstream media and political narratives about the scope and sources of domestic extremism rooted in facts.

Rationale for Recommendation:

This grant will advance the National Security and Human Rights Campaign’s priorities of combating anti-Muslim bigotry, supporting new voices in the movement for a progressive national security policy and supporting paradigm-shifting research.

In an era of heightened fear about the threat of terrorism linked to al-Qaeda, U.S. government policies and public debates have skewed to emphasize surveillance, profiling, and data collection at the expense of American Muslims’ constitutional rights. The White House’s August 2011 recommendations on “empowering local partners to prevent violent extremism” could pave an alternate path—but only if they are implemented in ways that protect civil liberties and position AMEMSA community members as partners, not suspects.

To many civil rights leaders and American Muslims, “community engagement” still sounds like a loaded proposition. Civil liberties suffer greatly when people feel they are under surveillance not only by the government but also by their neighbors, and when they live in fear that even constitutionally protected expressions of dissent could cast a suspicion of terrorism. The difficulty lies in implementing true community partnerships, not merely turning cooperative individuals into the covert eyes, ears and mouthpieces of law enforcement agencies. OSF Fellow Arun Kundnani’s research shows that several early FBI efforts to engage community members in counterterrorism have fallen into this dangerous mold. Moreover, many local and national counterterrorism efforts still rely on profiling and misguided stereotypes, claiming that certain changes in personal or religious behavior are precursors to violent extremism. The ultimate goal and greatest challenge of NAF’s project will be to persuade law enforcement agencies that effective counterterrorism strategies respect the rights and dignity of American Muslims.

The architects of the White House strategy, including Quintan Wiktorowicz and Dan Sutherland, are aware of the challenges involved and committed to stamping out ethnic and religious profiling. The strategy paper states, “Government officials and the

American public should not stigmatize or blame communities because of the actions of a handful of individuals.” Furthermore, it specifies that “strong religious beliefs should never be confused with violent extremism” and that “opposition to government policy is neither illegal nor unpatriotic and does not make someone a violent extremist.” The strategy’s contributors are determined not to repeat the mistakes of the United Kingdom’s Prevent program—which viewed Muslim communities first and foremost as a terrorist threat and failed to support their civil liberties. For this reason, the White House solicited input from NAF fellow Brian Fishman, whose June 2011 paper, *Countering Domestic Radicalization: Lessons for Intelligence Collection and Community Outreach*, argues that the most effective counterterrorism efforts empower communities and safeguard civil rights.

The consensus among the AMEMSA thought leaders and civil rights leaders whom the NSHR staff has consulted, including Farhana Khera of Muslim Advocates and Professor Aziz Huq of the University of Chicago Law School, is that it is far more advantageous to the AMEMSA community to be part of the conversation than to be left out. They also agree with NAF that the project is still evolving and will require continued dialogue with diverse stakeholders to craft a counterterrorism approach that truly empowers communities. NAF’s AMEMSA fellow will play a critical role in the success of this project, as will the American Muslim advisors that NAF will enlist to offer additional perspectives throughout the project year. A thoughtful collaboration among open-minded government officials, talented researchers and AMEMSA leaders presents a unique opportunity to redirect counterterrorism practices and the public narrative on American Muslims. As a respected think tank with close connections in government, academia, mainstream media and the AMEMSA community, NAF is well-positioned to serve as the neutral broker who can ensure that this vital project succeeds.

For the above reasons, OSF staff recommends a grant of \$250,000 over one year to support the New America Foundation’s project, *Rights Based Counterterrorism: Empowering Communities*.

Grant ID: 20034076

Legal Name of Organization: National Security Initiative

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To support From Knowledge to Action: The “Arab Spring” and U.S. Policy Choices

Grant Description: This grant will support the launch of a National Security Initiative (NSI) project, From Knowledge to Action: The “Arab Spring” and U.S. Policy Choices. Based in Washington, D.C., NSI is the 501(c)(3) arm of the National Security Network, the membership of which includes hundreds of progressive foreign policy, security and counterterrorism experts who are working to promote pragmatic and principled national security solutions. The project will aim to increase the public’s understanding of the democratic uprisings in the Middle East and North Africa and take a fresh look at how the U.S. might break with the “war on terror” paradigm and instead adopt counterterrorism policies that respect human rights. NSI will hold a series of discussions in strategically selected cities across the nation on the Arab Spring and its consequences for U.S. policies in partnership with universities, think tanks, human rights advocacy organizations and Arab, Middle Eastern, Muslim and South Asian organizations. These discussions will inform NSI’s media strategy, policy analysis, a white paper and other work products. This grant will advance the National Security and Human Rights Campaign’s priorities of combating anti-Muslim bigotry and supporting new voices in the movement for a progressive national security policy.

Previous OSI Support: \$475,000 from the National Security and Human Rights Campaign (2009-11)

Organization Budget: \$1.1 million

Project Budget: \$200,000

Major Sources of Organizational Support:

Hewlett Foundation	\$100,000
Colombe Foundation	\$100,000

Ploughshares Fund	\$100,000
Connect U.S. Fund	\$ 50,000
Board Members	\$ 5,000

Amount Requested: \$200,000 over 15 months

Is this a contingent grant? No

Amount Recommended: \$200,000 (T1: 21132)

Term: 15 months, beginning November 1, 2011

Matching Requirements: None

Description of Organization:

The National Security Initiative (NSI) is the 501(c)(3) arm of the National Security Network, the membership of which includes hundreds of progressive foreign policy, security and counterterrorism experts who are working to promote pragmatic and principled national security solutions. Based in Washington, D.C. and founded in 2005, NSI coordinates closely with think tanks and opinion leaders to build media, policymaker and public support for the use of diplomatic, humanitarian, economic and cultural tools rather than military force. NSI’s around-the-clock rapid response operation pushes back against conservative attacks on progressive national security policies in both mainstream and new media. With its 12 state affiliates, NSI holds dozens of events outside the Beltway each year to spark local debate and generate public demand for progressive national security policies. Executive Director Heather Hurlburt, Senior Advisor Major General Paul Eaton (retired), and a staff of eight are supported by a board of directors and an advisory board composed of established and rising national security experts and thinkers.

Description of Program for Which Funding Is Sought:

The National Security Initiative seeks OSF support for the launch of From Knowledge to Action: The “Arab Spring” and U.S. Policy Choices. This project will take advantage of the opportunities presented by the democratic uprisings in Tunisia, Egypt, Libya, Yemen, Bahrain and Syria to increase the American public’s understanding – and defuse its fears – of the Middle East and North Africa (MENA) region and the broader Muslim world. The project will also take a fresh look at how the U.S. might break with its use of the “war on terror” paradigm and instead adopt counterterrorism policies that advance democratic values and human rights.

During the proposed grant period, NSI will conduct a set of facilitated in-depth discussions and public events in eight cities across the country that will provide local community leaders – including Arab, Middle Eastern, Muslim and South Asian (AMEMSA) leaders – with the chance to speak with and learn from local, national and

international experts on human rights, counterterrorism, national security, foreign policy and the MENA region and to explore with them the consequences of the Arab Spring for U.S. policies. NSI will hold events in cities that are expected to be in the media spotlight during the 2012 presidential election such as Des Moines, Iowa, Tallahassee, Florida, Charlotte, North Carolina, and Richmond, Virginia, in addition to cities with large AMEMSA populations such as Detroit, Michigan, and Chicago, Illinois. NSI's state affiliates will identify and recruit local community leaders, policy experts and human rights activists, turn out engaged audiences, provide meeting spaces and other on-the-ground resources and share local media contacts. NSI plans to invite to each event speakers from the MENA region who have been witnesses to the Arab Spring and who have the ability to break the negative stereotypes of the region's residents that Americans all too often hold.

These discussions will move from a focus on the crisis in the headlines to a strategic assessment of the conditions in the region and America's policy options. While these discussions will delve into U.S. foreign policy, NSI will ensure that they address the NSHR Campaign's areas of concern, including combating anti-Muslim bigotry and bringing an end to the self-defeating cycle in which hyped up fears of terrorism give way to counterterrorism measures that violate human rights. To ensure that these discussions are noticed by policymakers inside the Beltway, NSI will seek to place op-eds, letters to the editor and blog posts penned by participating community leaders and experts in regional and national media outlets. It will also disseminate widely messaging guidance and policy analysis with, and offer policy briefings to, national security experts, human rights and AMEMSA advocates, the press and government officials. Toward the end of 2012, NSI will produce a white paper and place articles in popular magazines that provide a set of recommendations to guide the second term of President Obama or the first term of an incoming president.

NSI is in the process of engaging a broad set of potential partners for this project, including: universities and local professional organizations such as Drake University, the Iowa City Foreign Relations Committee, the UN Association of Iowa, the Florida State University's Center for the Advancement of Human Rights, Duke University, the University of North Carolina at Chapel Hill, Wayne State University and the Michigan Bar Association; think tanks such as the New America Foundation, the Center for American Progress, the Middle East Institute and the Institute for Social Policy and Understanding; advocacy organizations such as Human Rights First and the Project on Middle East Democracy; AMEMSA organizations such as the Arab American Institute and the Muslim Public Affairs Council; and experts on the media such as Media Matters and the Public Religion Research Institute.

Rationale for Recommendation:

This grant will advance the National Security and Human Rights Campaign priorities of combating anti-Muslim bigotry and supporting new voices in the movement for a progressive national security policy.

By funneling billions of dollars into foreign aid and military equipment and training, the U.S. has purchased the cooperation of some of the most repressive and despised regimes in the Middle East and North Africa as allies in its post-9/11 “war on terror.” In a short-sighted quest for security, the U.S. has not only turned a blind eye to the human rights abuses committed by these allies, but it has committed human rights abuses of its own – including torture, holding innocent persons in secret and indefinite detention without charge, and the use of military force that has failed to respect the sovereignty of other nations and has produced an alarming number of civilian casualties. These actions, which many Muslims see as evidence that America is at war with Islam, are fueling widespread anti-American sentiment and providing fodder for terrorist recruitment.

The Arab Spring presents the U.S. with an opportunity to reset its priorities, repair its relationships with the Muslim world and emerge as a global champion for human rights. If the U.S. fails to seize this moment and instead continues to allow Islamophobic forces at home and abroad to inflate and manipulate the public’s fears of terrorism, it is likely to lose the trust of the MENA region’s emerging democracies and, in the process, harm America’s long-term security interests.

The National Security Initiative’s project, *From Knowledge to Action: The “Arab Spring” and U.S. Policy Choices*, is designed to take advantage of the window of opportunity opened by the Arab Spring to build a broad-based demand for a progressive shift in U.S. policies. NSI will elevate the voices of community leaders and constituents whose opinions are trusted by critical audiences, including the media and key policymakers in Washington, D.C.

NSI brings invaluable assets to this cutting edge project. The organization has an impressive record of effectively convening stakeholders to explore solutions to pressing problems and of providing timely, strategic advice and messaging guidance on national security developments. The organization has earned the respect of the progressive national security community and of human rights and AMEMSA advocates, including many of the NSHR Campaign’s grantees. It has also gained the trust of key policymakers in the executive branch as well as in Congress. Additionally, this project will allow NSI to leverage its robust state affiliate infrastructure as it convenes community leaders and generates local media coverage across the U.S.

NSI is hopeful that former Representative Tom Periello will join the project as its senior advisor. In this role, Periello would be the principle author of a white paper and articles that will advance a human rights-centered counterterrorism agenda. Prior to serving in Congress, Periello supported transitional justice efforts in Africa and the Balkans. This year, Periello has traveled to Egypt and other MENA nations to meet with democracy activists.

For the above reasons, OSF staff recommends a project support grant of \$200,000 over 15 months to support the launch of the National Security Initiative’s project, *From Knowledge to Action: The “Arab Spring” and U.S. Policy Choices*.

Grant ID: 20034022

Legal Name of Organization: University of Southern California

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To support the American Muslim Civic Leadership Institute

Grant Description: This grant will provide core support for the American Muslim Civic Leadership Institute in its work to strengthen the capacity, impact and collective voice of American Muslim leaders as they work to resist discrimination, inspire civic engagement and advocate for national security policies that protect human rights. Since its launch at the University of Southern California's Center for Religion and Civic Culture in 2008, the institute's fellowship program has hosted 64 leaders of diverse organizations that represent and serve Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities. A grant from the NSHR Campaign will support the institute's national security and human rights programming for two classes of 22 fellows during the 2011-2013 academic years. This grant will advance the Campaign's goals of promoting the acceptance of AMEMSA communities in American society, building the capacity of AMEMSA organizations to fight abusive national security policies that are disproportionately directed at them, and supporting new voices in the movement for a progressive national security policy.

Previous OSI Support: \$85,000
\$75,000 from Strategic Opportunities Fund (2004)
\$10,000 from U.S. Programs General Grants (1998)

Organization Budget: \$2.7 billion

Project Budget: \$300,000

Major Sources of Support:

Kazi Investment Group	\$100,000
Pillars Fund, Chicago Community Trust	\$ 10,000
McCormick Foundation	in-kind
The Carnegie Foundation of New York	\$100,000
(pending)	

Fellows' Fees⁶ \$ 16,500

Amount Requested: \$100,000 over 2 years

Is this a contingent grant? No

Amount Recommended: \$100,000 (T1: 21132)

Term: 2 years, beginning September 1, 2011

Matching Requirements: None

Description of Organization:

The American Muslim Civic Leadership Institute (AMCLI) was launched in 2008 to help leaders of Muslim organizations from across the country develop skills to fight discriminatory national security policies and spur civic engagement. AMCLI seeks to strengthen the broader field of Muslims working in public life by addressing identified needs within American Muslim nonprofit organizations and by developing a dynamic learning network. AMCLI's goals are to help these organizations and their leaders have an impact on domestic policies and increase their visibility in order to shift the public narrative about American Muslims from one of suspicion to one of acceptance.

AMCLI is housed at the University of Southern California's Center for Religion and Civic Culture in Los Angeles and works in partnership with the Waleed bin Talal Center for Muslim Christian Understanding at Georgetown University. Over the past three years, AMCLI has graduated 64 fellows from 59 organizations and 17 states, and it will be welcoming its fourth cohort of 22 fellows in October 2011.

Description of Program for Which Funding Is Sought:

The American Muslim Civic Leadership Institute is requesting support for its work to strengthen the capacity, impact and collective voice of American Muslim leaders and organizations as they fight to resist discrimination and restore national security policies that protect human rights. A two-year core support grant from the NSHR Campaign will enable AMCLI to welcome two new cohorts of fellows representing 44 Arab, Middle Eastern, Muslim and South Asian (AMEMSA) organizations in 2011 – 2013.

AMCLI fellows must be between the ages of 25 and 40 and hold leadership roles within an American Muslim organization or an organization that provides services to a large AMEMSA community. Fellows represent the range of diversity within the American Muslim population, which includes African-Americans, Caucasian converts, and people from countries such as Egypt, Pakistan, Iran, India, Bangladesh, Somalia, Turkey, Syria, Vietnam and Montenegro, among others. Fellows include leaders of national and grassroots advocacy organizations, social service providers, civil rights lawyers,

⁶ Each of the 22 AMCLI fellows will be charged a program fee of \$750 for the 2011-2012 academic year.

journalists and government officials. Over the course of the fellowship year, participants convene three times for intensive four-day sessions of workshops and lectures. They will also be assigned to complete case studies that analyze challenges facing AMEMSA organizations and provide a range of solutions. The fourth AMCLI class (2011 – 2012) will meet for the first time this October in Chicago. In January and April of 2012, fellows will convene in Los Angeles and Washington, D.C., respectively.

AMCLI prepares each cohort of fellows to help American Muslim organizations and communities stand up against violations of their civil rights committed in the name of national security. Session 1 of the AMCLI program is designed to develop participants' leadership skills and cultivate relationships among leaders of diverse AMEMSA communities. Fellows receive guidance on defining and articulating the goals and visions of their organizations and professional trainings on capacity building and organizational development.

Session 2 provides fellows with strategies and skills for advocacy, alliance building, and creating social change. A full day is spent on the theory and practice of community organizing to promote civic engagement among AMEMSA communities. After identifying goals and strategies for social action, AMCLI fellows delve into the national security and human rights issues that affect American Muslim communities.

In Session 3, fellows study specific national security laws and policies, develop strategies for working effectively with government agencies and officials, learn how to access public resources, and identify common challenges and opportunities. Past speakers have included experts on national security, American Muslims who hold high public offices, and human rights advocates.

In addition to the core education and training undertaken in each AMCLI session, the organization holds a reception with key government, nonprofit, foundation and community leaders in each host city. In Washington, D.C., AMCLI will collaborate with the White House Office of Public Engagement to co-host a briefing and reception for Administration officials and AMCLI fellows during each year of the grant period. AMCLI will also hold two AMCLI xChange events, during which fellows will speak before an audience about topical issues and share their stories and visions for the future. Last year's sold-out public event featured talks on the new role of women in Muslim communities, confronting and ending torture, and what it means to be a model American Muslim citizen.

During the grant period, AMCLI plans to expand its program and impact in several ways. To enrich its curriculum and provide resources for the broader AMEMSA population, AMCLI will develop educational materials that use an Islamic perspective to address civic engagement, justice and human rights. AMCLI will also consolidate the 64 case studies from previous years with the 44 new case studies by the fourth and fifth classes of fellows to create a learning resource for AMEMSA organizations. Finally, they will hold a gathering for 110 AMCLI alumni in 2013.

Rationale for Recommendation:

This grant will advance the National Security and Human Rights Campaign priorities of promoting the acceptance of AMEMSA communities in American society, building the capacity of AMEMSA organizations to fight abusive national security policies that are disproportionately directed at them, and supporting new voices in the movement for a progressive national security policy.

The suspicion of homegrown terrorism cast over American Muslim communities since 9/11 has created a challenging and stressful environment for AMEMSA leaders. AMCLI equips individuals and the organizations they represent to counter discriminatory policies, engage their communities in civic action, and speak out against bigotry. AMCLI is unique in providing a confidential space in which American Muslim leaders can openly and honestly discuss national security issues that affect their communities and craft solutions. These conversations help fellows from diverse backgrounds, geographical locations, and areas of expertise understand the policies, as well as the civil and human rights challenges, that have materialized since 9/11. Fellows also learn about current efforts underway to protect the rights of Muslims across America and explore ways to involve their organizations and communities.

AMCLI plays a crucial role in introducing fellows to key players in the post-9/11 national security space, from government officials, to academics and researchers, to advocates and other experts. AMCLI fellows have appreciated the opportunity to meet with policymakers, including White House National Security staff and Department of Homeland Security officials, to ask questions, evaluate their current strategies for interfacing with government, and determine whether they are directing their resources and energy to have the greatest impact.

The three AMCLI sessions each year also shed light on critical needs facing diverse AMEMSA communities, helping AMCLI organizers identify and invite underrepresented voices into the conversation. During the grant period, AMCLI plans to expand the representation of fellows from disadvantaged and marginalized AMEMSA communities and propel them into national discussions about security and rights. As American Muslims are increasingly the target of discriminatory and invasive security policies, it is crucial that members of these communities feel empowered to speak out.

AMCLI's director, Nadia Roumani, is an experienced consultant on international, multi-stakeholder projects and an advisor for organizations engaged in innovative social change. In addition to leading AMCLI, Nadia serves as the consultant program officer for the Doris Duke Foundation for Islamic Arts' Building Bridges Program and as a senior advisor to the United Nations Alliance of Civilizations.

For the above reasons, OSF staff recommends a grant of \$100,000 over two years to support the University of Southern California's project, the American Muslim Civic Leadership Institute.

Grant ID: 20034045

Legal Name of Organization: Physicians for Human Rights

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To support its Anti-Torture Program

Grant Description: Founded in 1986 and based in Cambridge, Massachusetts, and Washington, D.C., Physicians for Human Rights (PHR) uses medical, scientific and public health expertise to investigate, document and expose mass atrocities and gross violations of human rights and to advocate for meaningful interventions and sound policies that would end such violations. This grant will renew project support for PHR's Anti-Torture Program, which mobilizes the skills and voices of medical and health professionals to: reform U.S. detention and interrogation policies and practices so that they prohibit and prevent abuse; require that national and state professional ethics codes prohibit health professionals from participating in or observing the torture or abuse of national security detainees; and obtain accountability for torture. This grant will advance the National Security and Human Rights Campaign's priorities of supporting credible voices in the movement for a progressive national security policy and holding government officials and private actors accountable for past abuses and violations of law.

Previous OSI Support: \$4,181,769
\$25,000 from Burma Transparency & Account. (2011)
\$2,620,032 from President's Grants (1994-2011)
\$25,000 from NSHR Campaign (2009)
\$145,020 from Harm Reduction Policy (2005-2008)
\$17,530 from African Initiative (2008-2009)
\$40,535 from Iran Grants (2008)
\$54,496 from OSI DC International Advocacy (2007)
\$30,000 from Public Health Global (2006)
\$46,700 from OSJI International Justice (2004-2005)
\$25,817 from Latin America (2004)
\$540,639 from Medicine as Profession (1998-2003)
\$506,000 from Landmines Grants (1997-2001)
\$100,000 from USJ Policy & Research (2002)
\$30,000 from Multilateralism Project (2003)

Organization Budget: \$5,300,000

Project Budget: \$398,135

Major Sources of Support: Atlantic Philanthropies \$100,000
Herb Block Foundation \$ 25,000

Amount Requested: \$300,000 over 2 years

Is this a contingent grant? No

Amount Recommended: \$300,000 (T1: 21130)

Term: 2 years, beginning September 1, 2011

Matching Requirements: None

Description of Organization:

Physicians for Human Rights (PHR) was founded in 1986 on the idea that health professionals, with their specialized skills, ethical duties, and credible voices, are uniquely positioned to investigate the health consequences of human rights violations and to work to stop these violations. PHR uses medical, scientific, and public health expertise to investigate, document, and oppose mass atrocities and gross violations of human rights, engaging medical professionals and students in its education and advocacy. The organization's work centers on four areas of concern: (1) violence inflicted on civilians during and after armed conflict; (2) gross violations of the right to integrity of the person, including torture and rape; (3) violations of medical neutrality; and (4) violations that target stigmatized groups such as stateless and persecuted minorities, displaced persons, and LGBTQ communities. A co-recipient of the Nobel Peace Prize in 1997, PHR has worked in over 40 countries. It is based in Cambridge, Massachusetts, maintains a policy office in Washington, D.C., has a staff of 32 and runs 65 student chapters.

Description of Program for Which Funding Is Sought:

Physicians for Human Rights requests renewed support for its Anti-Torture Program, which investigates and documents U.S.-sponsored torture and mistreatment of detained terrorism suspects and channels the specialized skills and expertise of doctors, nurses, public health specialists, and scientists towards restoring human rights values in this arena. Over the next two years, the program will work to:

1. Ensure that U.S. interrogation and detention policies and practices prohibit and prevent abuse, and seek accountability for U.S.-sponsored torture and mistreatment. PHR is working with other human rights organizations to advocate against proxy detention arrangements under which American allies detain individuals of interest to the U.S. without being held to account for their actions. They are working to

amend the 2006 Army Field Manual to eliminate the abusive detainee treatment practices permitted under Appendix M and seeking official accountability for torture. PHR has also provided documents to the Constitution Project’s Task Force on Detainee Treatment and will continue to support its work. With the U.K.-based legal organization Reprieve, PHR is exploring the creation of an “alternative accountability” project to provide medical treatment and rehabilitation services—and potentially redress—for released detainees who were tortured in U.S. custody and are trying to rebuild their lives. PHR hopes to pilot an international program to secure *pro bono* medical and psychological treatment for former detainees. In addition, PHR will continue to monitor the State Department’s investigation into the November 2001 massacre that PHR helped expose in Dasht-e-Leili, Afghanistan, of as many as 2,000 Taliban prisoners who had surrendered to U.S. and Afghan forces, and will press for the release of investigation findings.

2. Advocate against indefinite detention of national security detainees and establish mechanisms to monitor detention conditions of national security detainees. In June 2011, PHR released *Punishment Before Justice*, a report demonstrating the profound mental and physical health consequences of indefinite detention. PHR will continue to use the report as an advocacy tool to influence the policy debate in Congress on whether to codify the indefinite detention of terrorism suspects into law.⁷ PHR will also advocate for the U.S. to sign the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment.

3. Ensure that national and state professional ethics codes and state licensing laws clearly prohibit health professionals from participating in or observing the torture or coercive interrogation of national security detainees. PHR will continue to lead the effort to document the role played by health professionals in designing and implementing torture. PHR first focused the public’s attention on this issue in June 2010, when it released *Experiments in Torture: Evidence of Human Subject Research and Experimentation in the “Enhanced” Interrogation Program*. This report documents how CIA medical personnel violated professional ethical standards by being present at, and collecting and analyzing data from, harsh detainee interrogations that employed techniques such as waterboarding.

In addition, PHR played a lead role in a five-year effort, which succeeded last year, to pressure the American Psychological Association to reform its Ethics Code to remove language allowing the code to be contravened where the practitioner is following a “lawful” order or government regulation. Building on this work, PHR will advocate for additional changes to the Ethics Code to prohibit human subject research and experimentation in interrogation. PHR will also tap its expertise on medical ethics to educate the public and policymakers in New York and Massachusetts on bills that would prohibit health professionals from participating in the design or implementation of highly coercive interrogation and revoke the licenses of health professionals found to have engaged in such conduct. PHR medical advisor Dr. Vince Iacopino will continue to participate in the Task Force on Preserving Medical Professionalism in National Security Detention Centers that is convened jointly by the Institute on Medicine as a Profession

⁷ PHR has submitted a bifurcated project budget.

and Open Society Foundations; he is also editing three of the six chapters in a 300-page report the Task Force plans to release next year. The Anti-Torture Program will continue to mobilize PHR constituents at critical junctures to call, email and meet with policymakers and to create blog posts and submit letters to the editor of their local newspapers. To date, over 5,000 health professionals have in these ways participated in PHR's anti-torture work.

Rationale for Recommendation:

This grant will advance the National Security and Human Rights Campaign's priorities of supporting credible voices in the movement for a progressive national security policy and of holding government officials and private actors accountable for past abuses and violations of law, including the use of torture, preventive detention without due process, and violations of international humanitarian law.

With dual expertise in health care and human rights, Physicians for Human Rights plays a vital and unique role in the effort to investigate and expose U.S. complicity and participation in the torture and mistreatment of terrorism suspects and hold those responsible to account. PHR also brings a missing and invaluable medical and scientific perspective to current policy debates, advocacy around which has focused, so far, on legal and moral concerns.

PHR's reports are valuable advocacy tools widely appreciated for the unassailable scientific data and medical expertise they present. This summer, PHR representatives shared the group's June 2011 report on the negative health consequences of indefinite detention for suspected terrorists, *Punishment Before Justice: Indefinite Detention in the U.S.*, in meetings with counsel and legislative and committee staff from 35 Senate offices. PHR's June 2010 report, *Experiments in Torture*, received extensive media coverage, including an endorsement in a *New York Times* editorial. Its widely covered June 2008 report, *Broken Laws, Broken Lives*, provided the first detailed medical and psychological evaluations of former detainees who had been tortured by U.S. officials.

PHR has recently recruited several impressive new staff members for this work. Anti-Torture Program Director Kristine Huskey was one of the first attorneys to represent Guantanamo detainees and worked on the seminal Supreme Court case, *Rasul v. Bush*. Chief Policy Officer Hans Hogrefe worked previously as the Democratic Staff Director for the bipartisan Tom Lantos Human Rights Commission in the U.S. House of Representatives and as Senior Professional Majority Staff member for the House Committee on Foreign Affairs. The highly respected Dr. Vince Iacopino, who has been with PHR for over 17 years and led the group of experts who designed and drafted the United Nations Manual on the Effective Documentation of Torture, also known as the "Istanbul Protocol," and Dr. Scott Allen, who has devoted his career to working in correctional facilities, continue to serve as the Project's medical advisors.

For the above reasons, OSF staff recommends a renewal grant of \$300,000 over two years to support the Anti-Torture Program of Physicians for Human Rights.

Grant ID: 20034075

Legal Name of Organization: The Constitution Project

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

Purpose of Grant: To provide supplemental support, on a conditional basis, for the Task Force on Detainee Treatment

Grant Description: Based in Washington, D.C., the Constitution Project is an independent think tank that brings together unlikely allies to advance the rule of law, defend the Constitution and demand governmental accountability. This conditional grant will provide supplemental support to meet an unanticipated funding gap for the independent, bipartisan Task Force on Detainee Treatment, which will produce a comprehensive report on the U.S. government's treatment of current and past national security detainees. This grant will advance the National Security and Human Rights Campaign's priorities of restoring an absolute prohibition against torture, 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: \$2,832,477
\$1,450,000 from NSHR (2008-2011)
\$350,000 from Criminal Justice Fund (2008-2009)
\$812,477 from U.S. Programs (2000-2008)
\$220,000 from Law & Society Program (2002-2003)

Organization Budget: \$2,245,840 (2011)

Project Budget: \$1,429,081

Major Sources of Project Support:

Atlantic Philanthropies	\$267,500
Anonymous Foundation	\$200,000
Open Society Policy Center	\$ 50,000

Amount Requested: \$150,000 over 14 months

Is this grant contingent: No

Amount Recommended: Up to \$150,000 (\$100,000 from NSHR, T1: 21130; \$50,000 from OSI D.C., 51011)

Term: 14 months, beginning December 1, 2011

Matching Requirements: None

Description of Organization:

Founded in 1997 and based in Washington, D.C., the Constitution Project's mission is to advance institutional and systemic change at all levels of society by fighting for governmental transparency, accountability, and the rule of law. The organization pursues a range of strategies to impact the public debate, including policy analysis, the publication of reports, media outreach, public education, and the submission of *amicus curiae* briefs. With a staff of 19 employees, it conducts much of its work with the assistance of bipartisan committees composed of influential policy makers and experts that work in coalitions and on task forces with allied organizations and individuals.

Description of Program for Which Funding Is Sought

The Constitution Project requests supplemental funding to support the Task Force on Detainee Treatment. The Constitution Project launched this independent, bipartisan task force to gain a full understanding of U.S. detention policies and practices, as well as to develop consensus recommendations to promote accountability and transparency in detainee treatment, prevent the reoccurrence of abuse, and ensure compliance with domestic and international legal obligations. The Task Force consists of 13 members⁸ and

⁸ Task Force members include: **Eleanor J. Hill** - Task Force Chairperson; Partner, King & Spalding; Staff Director, Joint Congressional Inquiry on the September 11th attacks; Inspector General, Department of Defense, 1995-1999; **Asa Hutchinson** - Task Force Chairperson; Senior Partner, Asa Hutchinson Law Group; Undersecretary, Department of Homeland Security, 2003-2005; Administrator, Drug Enforcement Administration, 2001-2003; Member of Congress, (R-AR), 1997-2001; U.S. Attorney, Western District of Arkansas, 1982-1985; **Ambassador James R. Jones** - Task Force Chairperson; Partner, Manatt, Phelps & Phillips, LLP; Member of Congress (D-OK), 1973-1987; Ambassador to Mexico, 1993-1997; **Talbot "Sandy" D'Alemberte** - Past President of the American Bar Association and Co-Founder of the ABA's Central European and Eurasian Law Institute; President Emeritus of The Florida State University; **Richard A. Epstein** - Laurence A. Tisch Professor of Law, New York University Law School; Peter and Kristen Bedford Senior Fellow, The Hoover Institution; Senior Lecturer, University of Chicago Law School; **Dr. David P. Gushee** - Distinguished University Professor of Christian Ethics and Director, Center for Theology and Public Life, Mercer University; **Azizah al-Hibri** - Professor, The T.C. Williams School of Law, University of Richmond; President, Karamah (Muslim Women Lawyers for Human Rights); **Brigadier General David Irvine, USA (Ret.)** - in the private practice of law' in Salt Lake City, Utah; Retired Army Reserve strategic intelligence officer; taught prisoner interrogation and military law for 18 years with the Sixth Army Intelligence School; served 4 terms as a Republican legislator in the Utah House of Representatives ; **Lt. General Claudia J. Kennedy** (ret.), First woman to serve as a three-star general in the United States Army; three-decade U.S. Army career including Lieutenant General, Deputy Chief of Staff of Army Intelligence; **Ambassador Thomas R. Pickering** - Vice Chair, Hills & Company; five-decade career as U.S. diplomat including undersecretary of state for political affairs and ambassador to the United Nations ; **Judge William S. Sessions** - Partner, Holland & Knight; Director of the FBI, 1987-1993; Chief Judge, 1980-1987, and Judge, 1974-1987, U.S. District Court for the Western

five endorsers⁹ who were selected based on their reputation for integrity and impartiality as well as their knowledge and expertise as members of the military, intelligence, legal public service, law enforcement, foreign policy, religious, human rights, and medical communities.

This conditional grant would supplement a grant of \$250,000 from the NSHR Campaign awarded this July by the Foundation to Promote Open Society. Supplemental support will ensure that the Constitution Project is able to fill an unanticipated 2011 budget gap created by Atlantic Philanthropies' decision not to provide renewed funding for the Task Force. In order to complete its investigation in time to release a comprehensive report on the U.S. government's treatment of terrorism suspects right after the 2012 election, the Task Force needs a commitment of \$150,000 by November 7, 2011.

The Constitution Project currently has three proposals pending to other funders, but NSHR staff has learned from these funders that only one is considering awarding the Task Force a grant in 2011. This funder expects to inform the Task Force of its decision by the start of November. If between now and November 7 the Task Force receives a commitment of more than \$150,000 from this funder, then payment on OSF's supplemental grant will not proceed. However, if the Task Force's proposal is denied or if it receives a commitment of less than \$150,000 by that date, then the recommended grant will be paid in an amount that will bring the total of OSF's commitment and that of the other funder to \$150,000.

During the grant period, the Task Force plans to undertake a thorough investigation of U.S. policies governing the treatment of terrorism suspects in U.S. custody under both Democratic and Republican administrations. The fact-finding process will consist of a review of all available documents pertaining to detainee treatment relating to allegations of torture, cruel, inhuman, or degrading treatment, and rendition. The Senior Investigator on the project plans to travel to Afghanistan and the United Kingdom to interview former detainees, who are barred by law from entering the United States. A proposed second

District of Texas; U.S. Attorney, Western District of Texas, 1971-1974; **Dr. Gerald E. Thomson** - Lambert and Sonneborn Professor of Medicine Emeritus at Columbia University; Board Member, Physicians for Human Rights; Chair of the Board of the Institute on Medicine as a Profession at Columbia; Member, Institute of Medicine of the National Academy of Sciences; **Judge Patricia M. Wald** - Member, President's Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, 2004-2005; Judge, 1979-1999, and Chief Judge, 1986-1991, U.S. Court of Appeals for D.C. Circuit; Judge, International Criminal Tribunal for the Former Yugoslavia, 1999-2001

⁹ Task Force members offer their services *pro bono* and are supported by a dedicated team of researchers, writers, and media professionals hired by the Constitution Project and led by a full-time project director. In addition, a bipartisan cadre of well-respected experts serves as endorsers to lend their voices and support to this effort. Task Force endorsers include: **Wayne Budd**, Associate Attorney General of the United States (1992); U.S. Attorney for the District of Massachusetts, (1989-1992); **Lee H. Hamilton**, Member, Homeland Security Advisory Council; President and Director of the Woodrow Wilson International Center for Scholars, (1999-2010); Vice Chair, 9/11 Commission (2002-2004); Member of Congress (D-IN) (1965-1999); **L. Bruce Laingen**, Board Member and former president, American Academy of Diplomacy; former U.S. Ambassador to Malta (1977-1979); **Alberto Mora**, General Counsel of the Navy (2001-2006); **William H. Taft IV**, Legal Advisor to the U.S. Department of State (2001-2005).

investigator would help with interviews of up to 200 witnesses and conduct research and interviews in Iraq, Kuwait and other locations. In addition, a Task Force member plans to examine CIA rendition sites in Poland and Lithuania, where he will interview government officials who have privileged knowledge on the subject. Staff is also currently in talks with the Department of Defense regarding its intention to observe the military trials for accused 9/11 conspirators at Guantanamo Bay. Finally, the Task Force members plan to convene meetings to gather information from experts, former and current government officials, detainees, and other knowledgeable persons. The Task Force intends to release its report in early 2013.

Rationale for Recommendation:

This grant will advance the National Security and Human Rights Campaign's priorities of: restoring an absolute prohibition against torture; ending arbitrary and indefinite detention domestically and internationally; 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.

Many human rights, civil liberties, and justice groups funded by the NSHR Campaign and with which the OSF-D.C. office works are in agreement that, in the absence of an official inquiry, an independent bipartisan task force of experts to investigate detainee treatment is the only means to develop the necessary factual record to educate the public and build a national consensus that torture is morally wrong and that those who perpetrate it should be held accountable. The Task Force's report will keep the issue of indefinite detention in the public eye and advocate for the correction of policies and practices that have kept the United States from honoring the rule of law and advancing constitutional values, and which have alienated international allies.

Answering pressing questions about detainee treatment involves extensive investigation, interviews with many witnesses around the world, and review of an enormous volume of information—with new sources constantly coming to light. Given the breadth of this task, the Constitution Project had originally planned to hire seven or eight staff members. To date it has hired five—three lawyers, one investigator and one administrator—with the intent to bring on an additional investigator as soon as possible. Currently, it has the opportunity to hire a researcher with exceptional subject matter expertise, contacts and experience. This candidate, an attorney and scholar with recommendations from top experts in the field, is available to start this fall.

The Task Force's staff is working within a small window of time to complete its research and release its report in early 2013. In order to explore compelling leads and conduct the sort of meticulous, in-depth investigation and analysis this project demands, it needs to be operating at full capacity. Moreover, a wealth of new information has recently become available from Libya, where Human Rights Watch uncovered evidence of CIA rendition. The loss of anticipated funds from Atlantic has left a significant gap in the Task Force's funding at a moment when hiring an additional researcher is crucial. If by November other funding sources do not materialize, a supplemental grant from the NSHR Campaign

would fill this gap and give the Constitution Project the financial certainty to move forward with its work.

Travel by Task Force members to visit secret rendition sites and interview high-level sources is another crucial component of the project that cannot proceed without rapid assurance of continued funding. The international experience and prestige of Task Force members such as former Ambassador Tom Pickering and former Judge Patricia Wald could open doors to critical information, experts and officials to which staff members would not have access. Travel and face-to-face meetings conducted by these dignitaries would also raise the profile of the Task Force internationally, giving even more weight to its recommendations.

For the above reasons, OSF staff recommends a supplemental grant of up to \$150,000 over 14 months to the Constitution Project to support the Task Force on Detainee Treatment.

Grant ID: 20034060

Legal Name of Organization: American Civil Liberties Union Foundation

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To support the State Campaign to Oppose Unchecked Government Spying

Grant Description: This grant will renew project support for the State Campaign to Oppose Unchecked Government Spying of the American Civil Liberties Union Foundation (ACLUF), the 501(c)(3) arm of the American Civil Liberties Union. The Campaign will focus on three states – Massachusetts, New York and Washington – that are confronting government surveillance and the profiling of Arab, Middle Eastern, Muslim and South Asian communities and political activists. The ACLUF national office will regrant all funds under this grant to its state affiliates. This grant will advance the National Security and Human Rights Campaign’s priority of strengthening the capacity of organizations to fight surveillance, protect dissent, and restore broad privacy protections and limitations on domestic spying.

Previous OSI Support: \$19,821,576
\$75,000 from Chairman’s Grants (2011)
\$170,170 from President’s Grants (2009-2011)
\$500,000 from NSHR (2009)
\$11,800,000 from ACLU gen. support (2005-2011)
\$210,000 from OSI-Baltimore (2009-2011)
\$3,000 from Charitable Events Fund (2009)
\$2,625,000 from Chairman’s Overseas (2004-2008)
\$2,233,006 from US Programs (1997-2004)
\$1,482,400 from Law & Society (1997-2002)
\$850,000 from Reproductive Health (2001-2003)

Organization Budget: \$66,649,000

Project Budget: \$300,000

Major Sources of Organizational Support:

J.D. and C.T. MacArthur Foundation	\$500,000
LuEsther T. Mertz Charitable Trust	\$400,000

Arcus Foundation	\$350,121
David and Lucile Packard Foundation	\$350,000
William and Flora Hewlett Foundation	\$300,000
Four Freedoms Fund/Public Interest Projects	\$300,000

Amount Requested: \$300,000 over 2 years

Is this a contingent grant? No

Amount Recommended: \$300,000 (T1: 21131)

Term: 2 years, beginning July 1, 2011

Matching Requirements: None

Description of Organization:

The American Civil Liberties Union Foundation (ACLUF) is the 501(c)(3) arm of the American Civil Liberties Union (ACLU), a nonpartisan public interest organization of more than 500,000 members devoted to protecting civil liberties. Founded in 1920, the ACLU is widely regarded as the nation’s foremost advocate of individual rights. The ACLU is headquartered in New York City and maintains a significant presence in all 50 states through its network of state affiliates and local chapters. This network positions the ACLU to engage at the federal, state, and local levels in strategic litigation, policy advocacy and public education when threats to civil liberties emerge.

Description of Program for Which Funding Is Sought:

The ACLUF seeks renewed support for its State Campaign to Oppose Unchecked Government Spying, a project that works to expose, contest and educate the public on government surveillance programs that target law-abiding Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) communities and political activists. A 2009 grant from OSF supported the Campaign’s work in five states – Illinois, Massachusetts, Maryland, New York and Washington. Renewed funding will support work in three of these states – Massachusetts, New York and Washington – where the affiliates have achieved tangible outcomes on which they will build during the proposed grant period. The Campaign is coordinated by a team of experts at the national ACLUF. However, by agreement of the ACLUF, the entirety of the proposed grant will be re-granted to the three state affiliates in equal shares, and no OSF funds will be used to support the national office.

Massachusetts

The ACLU of Massachusetts (ACLU-MA) is building a public constituency for privacy rights. It recently published *Surveillance in the Age of Total Information Awareness*, a report on the dangers associated with surveillance technology featuring law-abiding individuals who have been harmed by intrusive government surveillance. In July, the affiliate launched its Sunlight on Surveillance website (www.PrivacySOS.org) to alert

Massachusetts residents to civil liberties concerns raised by local surveillance programs. The website features interactive quizzes and maps, “take action” pages, videos, podcasts, investigative reports and documents the affiliate has obtained through Freedom of Information Act requests on police monitoring of political and religious activities. The affiliate pursues this work in collaboration with strategic partners, including the Muslim American Society, the Jewish Alliance for Law and Social Justice, the Berkman Center at Harvard University, the New England Center for Investigative Reporting and Political Research Associates.

The ACLU-MA’s public education efforts led to an important victory on September 13, 2011 when the Brookline Board of Selectmen voted unanimously to oppose accepting state funds for a police automated license plate recognition system. In May, the affiliate filed a federal lawsuit raising First and Fourth Amendment claims on behalf of David House, who was questioned at an airport by Department of Homeland Security agents concerning his associations with the Bradley Manning Support Network. The agents went on to seize his computer containing membership lists and emails related to his political activities.¹⁰

New York

The New York Police Department (NYPD) is at the epicenter of a nationwide trend toward policing that takes an intelligence-based approach to counterterrorism, prioritizes prevention over prosecution and relies on broad surveillance schemes not rooted in individualized suspicion. The department’s 1,000-member Intelligence Division places informants and undercover officers in mosques and community centers to identify and surveil individuals harboring “radical ideologies.”

The NYPD operates with only minimal government oversight, and the New York Civil Liberties Union (NYCLU) works hard to fill this critical gap by assuming a citizen-watchdog role. NYCLU’s seasoned litigators regularly sue the department to seek redress for civil liberties violations, as well as to demand the release of documents under freedom of information laws. Additionally, as counsel for the plaintiff class in the 40-year-old *Handschu v. Special Services Division* litigation, NYCLU seeks court injunctions against NYPD surveillance of lawful political and religious activities.

The NYPD operates a \$150 million surveillance system that blankets Lower Manhattan with more than 3,000 video cameras and monitors and records the movements of millions of people. NYCLU was successful this year in persuading the department to issue rules limiting the time it retains these video records. On a related note, through the *Handschu* litigation, NYCLU uncovered documentation revealing that 113 police departments around the country plan to apply Department of Homeland Security funds to purchase and install video surveillance systems. NYCLU is seeking supporting documents and will make them available on the ACLU Spy Files website.

¹⁰ The Bradley Manning Support Network is an organization created to raise funds and support the legal defense of Pfc. Bradley Manning, a soldier charged with leaking a voluminous trove of secret documents to the WikiLeaks website.

Washington

The Washington State ACLU (ACLU-WA) challenges government surveillance of political activists and AMEMSA and immigrant communities. The affiliate is involved in litigation on behalf of activists arrested during demonstrations at the Port of Tacoma protesting the shipment of a Stryker Brigade to Iraq. Also, in conjunction with the Northwest Immigrant Rights Project, the affiliate is developing a lawsuit challenging the Olympic Peninsula Border Patrol's targeting of Latinos and Native Americans for immigration checks without reasonable suspicion. The affiliate has produced an online video report called *Spy Files from Washington State*, which exposes recent incidents of suspicionless surveillance on political activists in the Puget Sound region.

The ACLU-WA's Technology and Liberty Program works at the intersection of technology, privacy and surveillance and has forged collaborative relationships with some of the state's leading experts in data-mining, security and surveillance technology. In Seattle, the affiliate was successful in getting surveillance cameras removed from public parks, and it is currently working with the City Council to develop model protocols to protect civil liberties and privacy and build accountability mechanisms as officers don wearable cameras.

Rationale for Recommendation:

This grant will advance the National Security and Human Rights Campaign's priorities of strengthening the capacity of organizations to fight surveillance, protect dissent and restore broad privacy protections and limitations on domestic spying.

In the decade since 9/11, mass surveillance has become a central component of our nation's expanding national security apparatus. Federal, state and local governments have assumed sweeping new powers to obtain, analyze, and share private information on law-abiding individuals. When unwarranted and intrusive surveillance targets protected political and religious activities, our democracy is threatened.

The State Campaign to Oppose Unchecked Government Spying provides an ideal structure for monitoring law enforcement developments in surveillance and spotting trends as they emerge across federal, state and local agencies. The campaign is designed to leverage the work of ACLUF's national office and the strength of its state affiliate infrastructure. The Massachusetts, New York and Washington state affiliates will be shedding light on a wide range of surveillance programs and finding new ways to challenge their incursions on civil liberties. These affiliates can make large strides by sharing information and strategies with one another and with the national office and can serve as models for other state affiliates facing similar issues. A team from the national office will lend its technical, legal, policy and communications expertise to the state affiliates and will coordinate the sharing of information and strategies. This team will also offer advocacy tools to ensure that the state campaigns remain strongly connected to each other and to leading national privacy groups.

For the above reasons, OSF staff recommends a renewal project support grant of \$300,000 over two years to support the State Campaign to Oppose Unchecked Government Spying of the American Civil Liberties Union Foundation on the condition that all funds under this grant are to be regranting to the ACLUF's state affiliates in Massachusetts, New York and Washington in equal shares.

Grant ID: 20034065

Legal Name of Organization: Center for Investigative Reporting

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To support America's War Within: Investigating the Legacy of Homeland Security

Grant Description: The San Francisco-based Center for Investigative Reporting has produced hundreds of in-depth investigative reports for newspapers, magazines, television, radio and the internet that have reached millions of people throughout the U.S. This grant will renew project support for the Center's investigative journalism project, America's War Within: Investigating the Legacy of Homeland Security, which was launched in 2008 with a seed grant from the National Security and Human Rights Campaign. The project will continue to monitor and investigate the Department of Homeland Security and to scrutinize its operations as well as the expenditure of its funds by state and local law enforcement agencies. This grant will advance the National Security and Human Rights Campaign's priorities of supporting paradigm-shifting communications strategies, restoring privacy protections and limitations on domestic spying, and increasing transparency and accountability on counterterrorism policies. The grant will also advance the Transparency and Integrity Fund's priorities of strengthening accountability journalism on critical open society issues and supporting investigative reporting and watchdog organizations.

Previous OSI Support: \$2,623,600
\$551,000 from NSHR Campaign (2008-2011)
\$1,100,000 Transparency & Integrity (2009-2011)
\$50,000 from Presidential Grants (2008)
\$804,600 from Judicial Independence (2000-2007)
\$75,000 from Governance & Public Policy (1999)
\$43,000 from CCCC, Gun Control (1997)

Organization Budget: \$5,200,000

Project Budget: \$180,000

Major Sources of Organizational Support:

Knight Foundation	\$1,300,000
Hewlett Foundation	\$1,200,000
MacArthur Foundation	\$ 600,000

Amount Requested: \$180,000 over 13 months

Is this a contingent grant? No

Amount Recommended: \$180,000 (T1:21133)

Term: 13 months, beginning November 1, 2011

Matching Requirements: None

Description of Organization:

Founded in 1977 to provide a home for investigative reporters to conduct in-depth, resource-intensive journalism, the Center for Investigative Reporting (CIR) is the nation's oldest nonprofit investigative news organization. CIR's mission is to produce and distribute multimedia reporting that reveals injustices and abuses of power and is relevant to people's lives. CIR has longstanding relationships with major news organizations; its reports have appeared on national television and radio shows and in leading newspapers, magazines and blogs. CIR investigations have sparked congressional hearings, United Nations resolutions, public interest lawsuits and reforms in corporate policies. CIR is based in Berkeley, California and operates with 20 staff members. In addition, with OSF support, it operates *California Watch*, a state reporting initiative.

Description of Program for Which Funding Is Sought:

CIR is seeking renewed project support for its investigative journalism project, America's War Within: Investigating the Legacy of Homeland Security. Launched in 2008 with NSHR Campaign support, this project has scrutinized how billions of homeland security dollars have been spent by state and local law enforcement agencies with minimal oversight or accountability. By cultivating sources, obtaining spending data from federal, state, and local government agencies, and reviewing Office of Management and Budget reports from every state in the nation (more than half of which criticize states for failing to adequately monitor the agencies that ultimately spend homeland security funds), the project has brought to the public a treasure trove of data and analysis on the inner workings of the homeland security machine. The project has published numerous stories and blog posts on its findings, and its reporters serve as repositories of expertise and are regularly tapped by reporters from mainstream news outlets. In addition, CIR's website¹¹ features links to voluminous public records that the project has collected through its investigations on homeland security spending in every state and in Washington, D.C.

¹¹ <http://centerforinvestigativereporting.org/projects/elevatedrisk>

In September 2011, CIR released a package of stories developed for the tenth anniversary of 9/11. A joint investigation with National Public Radio (NPR) revealed how federal programs such as the Department of Homeland Security's (DHS) "If You See Something, Say Something" campaign and the Nationwide Suspicious Activity Reporting Initiative¹² have caused innocent Americans to fall under suspicion by law enforcement authorities and become the subjects of Suspicious Activity Reports that are posted in intra-agency databases. This story appeared in a 19-minute *NPR All Things Considered* segment, on *NPR's Morning Edition*, on *PBS NewsHour* and in regional newspapers. A CIR story exposing the redundancy and irrelevance of analysis on domestic terrorism threats produced by the DHS Office of Intelligence and Analysis appeared in the September 12, 2011 edition of *Newsweek*. CIR also provides public educational content on its website, such as an animated video explaining Suspicious Activity Reports, interviews with law-abiding individuals who are the subjects of these reports, a video tour of a fusion center¹³ in Nevada, and a timeline of major political and policy milestones in the "war on terror." The site also contains a searchable compendium of reports on homeland security policy and spending by the Government Accountability Office, Congressional Research Service, and DHS Office of the Inspector General.

Over the proposed grant period, CIR plans to build on its knowledge base and develop, publish, and broadcast more hard-hitting reports on homeland security spending. The reporting will continue to track spending, reveal misuse of funds and trace the rise of domestic intelligence programs with an eye toward exposing the security, economic and civil liberties costs of post-9/11 U.S. domestic counterterrorism efforts.

CIR is currently developing a number of stories that have the potential to be ground-breaking. With the Sunlight Foundation, it is creating an online, searchable database on the political spending of the top 20 homeland security-related contractors and the influence this spending buys them. The database will include data on campaign contributions from the companies' political action committees, employees, contributions raised from company sponsored fundraising events, and company lobbying expenditures tied to current and former members of the key committees in Congress that influence homeland security policy and spending. CIR will offer analysis through written reports and online data visualization tools. Later this year, CIR plans to submit a story for publication in *Newsweek* examining how the "war on terror" and homeland security expenditures have encouraged police departments to use SWAT tactics by increasing their ability to purchase military apparel and equipment. CIR is also continuing its investigation into fusion centers and the proliferation of electronic files on Americans through the creation of Suspicious Activity Reports, and analyzing how the sharing of these reports among law enforcement authorities is giving rise to civil liberties concerns.

¹² The Nationwide Suspicious Activity Reporting Initiative is a partnership among state, local, tribal, and federal agencies, including the Departments of Justice, Homeland Security and Defense, to establish a national capacity for gathering, documenting, processing, analyzing, and sharing "suspicious activity reports" as a tool to combat crime and terrorism.

¹³ More than 70 fusion centers have been created since the 9/11 attacks to provide a central place for local and state law enforcement agencies and federal authorities, including the Departments of Justice and Defense and the Central Intelligence Agency, to collect and share information on potential terrorist threats.

Finally, CIR plans to investigate DHS's monitoring of online social media for intelligence gathering purposes.

Rationale for Recommendation:

This grant will advance the National Security and Human Rights Campaign's priorities of supporting paradigm-shifting communications strategies, restoring privacy protections and limitations on domestic spying and increasing transparency and accountability on counterterrorism policies. The grant will also advance the Transparency and Integrity Fund's priorities of strengthening accountability journalism on critical open society issues and supporting investigative reporting and watchdog organizations. The Center for Investigative Reporting receives general support from the Transparency and Integrity Fund.

DHS's cash outlays for state and local counterterrorism efforts are extremely difficult to follow because they are massive, involve numerous transactions and are enshrouded in secrecy. As newsrooms continue to shrink across the nation, there has been a dearth of credible and independent reporting on how the "war on terror" is being waged domestically. Investigation is essential if the public is to understand how wisely and with what degree of oversight and public scrutiny state and local agencies are spending DHS funds, whether this spending is improving or hindering public safety, and whether the increase in domestic surveillance that has resulted from this spending is infringing on liberties and rights.

CIR is one of a handful of organizations to assign dedicated reporters to the homeland security beat. After nearly three years of pursuing Freedom of Information Act requests and monitoring DHS activities on a daily basis, CIR has developed an expertise that far surpasses that of most newsrooms. CIR has built excellent relationships with the nation's top media outlets, and its impeccable reputation for journalistic integrity gives its reporting weight with policymakers and the public.

Lead CIR reporter G.W. Schultz has deep knowledge of the issues and is able to break down complex stories so that they can be understood by non-experts. He regularly supplies targeted information on local homeland security spending concerns to state and local news outlets that often lack the expertise and staff to generate these stories on their own. As the tenth anniversary of 9/11 approached, Schultz assisted the *Canadian Broadcasting Corporation* and suggested questions that the outlet used in an interview with former DHS Secretary Michael Chertoff. In addition, a widely circulated *Los Angeles Times* story on homeland security investments that ran on August 28, 2011 relied heavily on CIR's online interactive chart of homeland security expenditures by state.

Democracy requires well-informed citizens, and investigative reporting is an essential tool for providing citizens the information they need in order to hold government institutions and officials accountable. CIR is playing a critical watchdog role vis-à-vis DHS and state and local law enforcement agencies. Moreover, CIR's in-depth investigative research is arming civil rights and civil liberties advocates, including

grantees of the NSHR Campaign, with the information they need to advocate for an end to programs that infringe on liberties and rights and to advance policy reforms.

For the above reasons, OSF staff recommends a renewal grant of \$180,000 over 13 months¹⁴ to support the America's War Within: Investigating the Legacy of Homeland Security project of the Center for Investigative Reporting.

¹⁴ The grant term for this project will end at the same time as that of a general support grant to CIR from the Transparency and Integrity Fund, allowing for an integrated grant going forward.