

## Seize the Day Initiative Weekly Update May 6, 2009

The following are recent updates from OSPC and OSI on operational activities related to the Seize the Day initiative.

### OPEN SOCIETY POLICY CENTER Updates

#### *Advancing the Hardest Issues: Comprehensive Immigration Reform*

Senator Chuck Schumer (D-NY) has recently taken over the chairmanship of the Senate Immigration Subcommittee and last week held a hearing to kickoff the immigration debate in the 111<sup>th</sup> Congress. The hearing demonstrates the continued momentum for advancing comprehensive immigration reform this year, an Obama Administration commitment that was underscored again by the President in his day 100 press conference last week. Schumer strongly believes that reform legislation can pass this year and is committed to leading the effort. Expert testimony was presented by many high level leaders, including former Federal Reserve Chair Alan Greenspan; Wade Henderson of the **Leadership Conference on Civil Rights**; and Doris Meissner, Senior Fellow at the **Migration Policy Institute** and former Commissioner of the US Immigration and Naturalization Service. Discussion included the idea of a Standing Commission on Labor Markets and Immigration, securing identification cards as part of a sound employer verification regime, and how immigration can become a tool for economic recovery. (Maria Teresa Rojas, Senior Program Manager, Equality and Opportunity Fund)

#### *Advancing the Hardest Issues: Drug Policy Reform*

In an historic legislative hearing, the U.S. Department of Justice forcefully supported the complete elimination of the 100-to-1 quantity-based sentencing disparity between crack and powder cocaine. Assistant Attorney General Lanny Breuer told a U.S. Senate Judiciary Subcommittee on April 29 that the disparity is “difficult to justify based on the facts and science,” that it “often punishes low-level crack offenders far more harshly than similarly situated powder cocaine offenders,” and that the impact of these laws has fueled the belief that our laws are unfair. His concerns were echoed by U.S. District Judge Reggie Walton, U.S. Sentencing Commission Acting Chair Richard Hinojosa, former DEA director and Congressman Asa Hutchinson, and Miami Police Chief John Timoney. In his statement, Timoney emphasized that the distinction between the two drugs defied logic from a law enforcement perspective, saying, “It’s the same drug. It’s just manufactured differently. (Nkechi Taifa, Senior Policy Analyst, OSPC)

### OPEN SOCIETY INSTITUTE Updates

#### *Judicial Nominations*

The May 1 announcement of Justice David Souter’s resignation from the U.S. Supreme Court brought a flurry of activity over the weekend. The OSI-supported Coalition for a Fair & Independent Judiciary, led by the **Leadership Conference on Civil Rights**, the **Alliance for Justice**, and **People for the American Way**, quickly responded with press releases targeted at defining the debate around the need for a nominee who will uphold

the rule of law and Constitutional rights. President Obama's statement on Friday echoed the messaging developed through OSI polling as well as the work of OSI grantees including the **Constitutional Accountability Center**, demonstrating the impact that work is having in reshaping discussions of the federal courts. OSI has worked closely with the Coalition to develop a plan of action, which does not include lobbying in the senate, for federal nominations; that plan is now guiding the strategy on federal nominations. (Laleh Ispahani, Program Director, Transparency and Integrity Fund)

***Advancing the Hardest Issues: National Security and Human Rights***

OSI continues its advocacy to persuade President Obama to establish a commission of inquiry on detainees. Next week a Senate Judiciary subcommittee will hold a hearing on interrogation that will likely feature Bush administration officials who raised concerns about these polices. OSI and its coalition partners are preparing to use the hearing as an advocacy opportunity to press the call for a commission, including positioning validators for media, and later this month are planning advocacy around the release of interrogation photos. OSI-DC and its media consultants are also seeking to place Mort Halperin's op-ed on why the Senate Intelligence Committee's review of the CIA interrogation program is no substitute for an independent commission. (Wendy Patten, Senior Policy Analyst, OSI-DC, and Nancy Chang, Campaign Manager, National Security and Human Rights)

***Advancing the Hardest Issues: Confronting Structural Inequality/ Immigrants' Rights***

In a unanimous decision the U.S. Supreme Court ruled on Monday that the federal government has overreached in prosecuting immigrant workers when charging them with federal identity-theft, a crime that carries a mandatory two-year prison sentence. Last year the government charged more than 300 workers with identity-theft in a workplace raid in Postville, Iowa and almost all of them pleaded guilty to lesser charges in expedited hearings and agreed to immediate deportation without the opportunity to meet with an immigration lawyer or to go before an immigration judge. The ruling in *Flores-Figueroa v. United States* was written by Justice Stephen Breyer and stipulates that a worker who used a Social Security number solely to work, without knowing that number belonged to another person, cannot be charged with federal identity theft. Amicus briefs were coordinated by the NYU immigrant rights clinic and filed by several organizations, including OSI grantees the **National Immigration Law Center**, the **Immigrant Defense Project**, the **National Immigrant Justice Center**, and **MALDEF**.

The recently named Border Tsar Alan Bersin met last week with members of the **US/Mexico Border and Immigration Task Force**, funded by OSI and led by the **Border Network for Human Rights**, to discuss border policy priorities. Bersin committed to organizing a forum or tour to learn more about the concerns of border communities and complemented the group for presenting a "comprehensive strategy that includes national security, community security and human rights." The Task Force also met with White House representatives and more than a dozen members of the Department of Homeland Security. DHS reaffirmed that it will conduct a review of the training of federal immigration law enforcement agents and a review of the internal complaint process related to border enforcement agencies. (Maria Teresa Rojas)

### ***Ensuring Transparency in Economic Recovery***

Congressman John Tierney (D-MA) is gathering signatures from colleagues to support a letter to the Office of Management and Budget that he will send by the end of this week. The letter is regarding guidance OMB issued on April 3 for implementation of the ARRA funds requiring contractors and subcontractors receiving direct federal funds to report on how they are spending the money. The letter notes that the guidance has yet to require the disclosure of contractor and subcontractor data when stimulus money is funneled through states and localities, and requests OMB to expand its disclosure requirements for recipients of funds to include funds which are transferred from a federal agency to a state and then a local government or organization. (Laleh Ispahani)

### ***The Crisis in Journalism***

In another sign of the importance of the crisis in journalism, on April 21, Congressman John Conyers held a hearing before the House Subcommittee on Courts and Competition Policy on "A New Age for Newspapers: Diversity of Voices, Competition and the Internet." Ben Scott, Policy Director for OSI grantee **Free Press**, testified at the hearing and called for a national journalism strategy to address the problems in the newspaper industry and promote a vibrant news marketplace. He discussed the press and its problems; why we need journalism and journalists; what the wrong answers are (bailouts and consolidation included); and what the right ones are – the development of a comprehensive effort across government, industry, and public stakeholders to work together to meet common goals. He suggested certain guiding principles: protect the First Amendment; produce quality coverage; provide adversarial perspectives; promote public accountability, and prioritize innovation. (Laleh Ispahani)

### ***Seize the Day Fund Grantmaking***

A correction to last week's update: Following two recent docket reviews, fourteen grants have been awarded to date through the Seize the Day Initiative, totaling \$3.25 million. An additional ten recommendations, totaling roughly \$1.6- 2 million in requests, are in the grant review pipeline. The grants awarded to date reflect a mix of criminal justice, structural inequality, economic recovery, and public participation priorities. Several of the grantees, including **OMB Watch** and **PolicyLink**, are prior OSI grantees that are expanding their work to take on timely federal advocacy opportunities, including work to ensure transparency, equity, and accountability in the economic recovery. Six organizations, including the **PICO National Network** and **Color of Change**, are new OSI grantees, bringing well recognized expertise on expanding public participation around key priorities like TARP accountability, criminal justice reform, housing access, and immigrants' rights. A full list of Seize the Day grants approved to date is attached. (Bill Vandenberg, for the Seize the Day Grantmaking Committee)

This week's update was compiled by Bill Vandenberg (Program Director, Democracy and Power Fund) and reviewed by Ann Beeson (Executive Director, U.S. Programs) and Kay Murray (Associate General Counsel, OSI).