

## **Seize the Day Initiative Weekly Update** **July 23, 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: Criminal Justice Reform***

The bipartisan National Criminal Justice Commission Act of 2009, introduced by Senator Webb (D-VA), will create a commission charged with making recommendations to Congress on comprehensive criminal justice systemic reform. The NCJCA continues to gain momentum in the Senate, and Rep. Delahunt (D-MA) has expressed interest in introducing the legislation in the House. Scores of grantee organizations\*, including **Families Against Mandatory Minimums, Legal Action Center, The Sentencing Project**, and others have endorsed a congressional sign on letter urging co-sponsorship of the bill. The coalition is also in the process of vetting names for potential Commissioners once the bill passes. (Nkechi Taifa, Senior Policy Analyst, OSPC).

On July 14<sup>th</sup>, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security held a hearing on mandatory minimum sentences. The bills under consideration, all of which would eliminate mandatory sentencing in varying degrees, were the “Common Sense in Sentencing Act of 2009” (Rep. Scott, D-VA - HR 2934); the “Ramos and Compean Justice Act of 2009” (Rep. Poe, R-TX - HR 834), and the “Major Drug Trafficking Prosecution Act of 2009” (Rep. Waters, D-CA - HR 1466). One witness, Grover Norquist (president of the conservative Americans for Tax Relief), testified that “questioning the wisdom of mandatory minimums has nothing to do with being soft on crime. I believe in strong and swift punishment when appropriate. I support the death penalty for murderers. But the government has a responsibility to use taxpayer money wisely. Viewed through the skeptical eye I train on all other government programs, I have concluded that mandatory minimum sentencing policies are not worth the high cost to America’s taxpayers.” (Nkechi Taifa).

The Attorney General recently tasked a DOJ Working Group with undertaking a comprehensive review of federal sentencing and corrections policy, including examination of the structure of federal sentencing and mandatory minimum sentencing statutes, DOJ charging and sentencing policies, alternatives to incarceration, prisoner reentry and programs to reduce recidivism, federal cocaine sentencing policy, and other unwarranted racial and ethnic disparities in sentencing. A number of grantee organizations received special invitations to participate in a July 15<sup>th</sup> “listening session” to allow Department officials to hear priorities, concerns, and recommendations from advocates. Participants in the listening session, in addition to OSPC, included the **ACLU, Sentencing Project, NAACP Legal Defense Fund, Drug Policy Alliance, Leadership Conference on Civil Rights, Criminal Justice Policy Foundation, National African American Drug Policy Coalition, National Association of Drug Court Professionals**, and the **Black Leadership Forum**. (Nkechi Taifa)

## **OPEN SOCIETY INSTITUTE Updates**

### ***Advancing the Hardest Issues: Ensuring Equity in the Economic Recovery***

Citing the more than 300% annualized rate of payday loans in Maryland, adjustable-rate mortgages with interest rates ballooning up to 15%, rapid-return tax return companies, high credit card interest rates and bank fees, and the lack of protection for people by government regulators, July 22<sup>nd</sup> brings the launch of an ambitious new campaign to pass laws against usury, the practice of overcharging borrowers. The “10% is Enough Campaign”, led by **Metro Industrial Areas Foundation (IAF)** – the 17 East Coast and Mid-Atlantic regional affiliates of the national IAF congregation-based grassroots organizing network – the campaign will organize religious leaders and congregations to fight for a 10% cap on interest rates, a standard that it says will increase financial fairness and equity in the relationship between the lender and borrower. Metro IAF has deemed recent proposals from President Obama and Congress inadequate and insufficient in addressing the fundamental right of people to be protected from exploitation if and when they seek credit. Specifically, Metro IAF calls congressional efforts to limit compensation of financial institution leaders “dramatic but token” and the creation of a new financial product safety commission “rational but bureaucratic”. IAF is the advocacy arm of the **Interfaith Education Fund**,\* a c3 organization and current OSI grantee. OSI has not provided support for the “10% is Enough Campaign” but will continue to monitor its development. (Bill Vandenberg, Program Director, Democracy and Power Fund)

### ***Advancing the Hardest Issues: Financial Regulatory Reform***

Joe Stiglitz, Robert Reich, James Galbraith, Bo Cutter, Rob Johnson, and other leading economists, former government officials, and historians have drafted an open letter to the Financial Crisis Inquiry Commission (FCIC) to push for the adoption of guidelines to strengthen the commission’s investigative work. The commission is a congressionally appointed body that is modeled after the Pecora Commission of the 1930s – led by chief counsel, Ferdinand Pecora, who uncovered abusive practices by banks and bank affiliates prior to the Great Depression. The FCIC’s mission is to examine “all causes, domestic and global, of the current financial and economic crisis” and the letter was organized by the **Roosevelt Institute** (the Institute’s new CEO is former OSI consultant, Andy Rich). Now online in petition format, the letter may be found at <http://www.whatcausedthecrisis.com>. Guidelines sought by the letter’s authors include appointing a single investigator, affording no special treatment to anyone as part of the investigation, and providing all of the tools necessary to do the job. (Bill Vandenberg)

### ***Judicial Nominations***

Last week, the Senate held confirmation hearings for Supreme Court nominee Sonia Sotomayor. While it is all but certain that the Senate will confirm Judge Sotomayor to the Court by early August, the hearings represented a setback for progressive constitutionalism and the effort to recalibrate the balance of the federal courts after decades of rightward drift. In response to tough questions from Republican Senators, Judge Sotomayor denied that diversity can play an important role in making the law more

fair and responsive, repudiated the use of foreign law in judicial decisions, rejected President Obama's addition of "empathy" to the qualities a judge should bring to his or her role, and endorsed a highly constricted role for the judiciary in our constitutional democracy. Many observers have suggested that her examination will make it even more difficult for the White House to nominate strong, progressive candidates to the federal courts going forward, suggesting the need to concentrate further on articulating and disseminating a positive vision of Constitution, law, and the courts. (Laleh Ispahani, Program Director, and Tom Hilbink, Program Officer, Transparency and Integrity Fund)

### *U.S. Census*

With the 2010 U.S. Census less than nine months away and the GAO concluding that it is at high risk of failure, the Senate on July 13 confirmed Dr. Robert Groves as Census Director. President Obama nominated Groves in April. In May, the Senate Homeland Security and Governmental Affairs Committee recommended that he be confirmed but a group of Republicans blocked a vote in the full Senate, ostensibly over concerns about statistical sampling. The census determines how almost \$400 billion annually - \$4 trillion over a decade - in federal program funds are allocated to states and localities and is used for reapportionment and redistricting along with public and private decisionmaking over siting of economic development projects.

Groves is a distinguished professor at the University of Michigan and previously served as associate census director under President George H.W. Bush. As associate director of the Census Bureau under Bush, Groves concluded that it was technically feasible to use sampling to come up with a more accurate population count. But many see the issue of sampling as a red herring: Gary Locke, Secretary of Commerce, has rejected the idea of using sampling, and Groves testified at his confirmation hearing that he would not use sampling to adjust the 2010 census count. Further, the Supreme Court ruled 10 years ago that sampling could not be used for Congressional reapportionment. (Cristóbal Josh Alex, Program Officer, Democracy and Power Fund)

\* OSI and Seize the Day Initiative funded organizations are explicitly prohibited from using OSI funding for lobbying on legislation.

This week's update was compiled by Bill Vandenberg and reviewed by Ann Beeson and Ricardo Castro.