

## **Seize the Day Initiative Weekly Update August 5, 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***

##### **Crack Cocaine Reform**

On July 29<sup>th</sup>, the House Judiciary Committee approved HR 3245, the Fairness in Cocaine Sentencing Act of 2009, introduced by Congressman Bobby Scott (D-VA), which eliminates the disparity between crack and powder cocaine sentences. This vote followed a unanimous vote out of the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security the week before. Original cosponsors of the bill include all Democratic members of the subcommittee and the sponsors of all other Democratic bills that address the cocaine sentencing disparity. Senator Dick Durbin (Majority Whip, D-IL) is expected to soon introduce a similar bipartisan crack cocaine reform bill in the Senate. Although not likely to be a co-sponsor of the Durbin bill, Senator Jeff Sessions (R-AL) during the Sotomayor confirmation hearings proclaimed to the **Leadership Conference on Civil Rights'** Wade Henderson, "I think we're going to do that crack thing." Although that statement generated significant humor, Henderson responded in a July 23<sup>rd</sup> *Politico* article, "When Sen. Jeff Sessions, a law-and-order Republican, wants to revise a law that was enacted in the midst of the anti-crack movement 23 years ago, it's time for the rest of us to come to our senses, too." Although still an uphill battle towards passage on the House and Senate floors, a perfect storm appears to be forming around crack cocaine reform. (Nkechi Taifa, Sr. Policy Analyst, OSPC)

##### **Mandatory Minimum Sentencing Reform**

H.R. 3327, The Ramos-Compean Justice Act of 2009, introduced by Congressmen Bobby Scott (D-VA) and Ted Poe (R-TX), was voted out of the House Subcommittee on Crime, Terrorism and Homeland Security on July 28<sup>th</sup>. The bill allows courts to sentence below the statutory minimum sentence if the mandatory minimum is longer than necessary to achieve the purposes of punishment. The bill is named after two Border Patrol agents, Jose Compean and Ignacio Ramos, who were granted clemency by George Bush after they received 10-year mandatory minimum sentences after being convicted of shooting an unarmed, fleeing man, later identified as an undocumented immigrant and drug smuggler. Grantee organization **Families Against Mandatory Minimums\*** worked on this legislation. (Nkechi Taifa)

##### **Juvenile Justice Reform**

On July 16<sup>th</sup>, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security held a hearing on the Youth Promise Act of 2009 (H.R. 1064), introduced by Congressmen Bobby Scott and Mike Castle (R-DE). The panel included Marian Wright Edelman of the **Children's Defense Fund**; Deborah Prothrow-Stith, MD; Leroy Baca, Sheriff of Los Angeles County; David Muhlhausen of the **Heritage Foundation**; and

Tracy Velazquez, Executive Director of OSI grantee the **Justice Policy Institute**.<sup>\*</sup> The panelists agreed that there is a serious, national problem when youth are faced with turning to a life of crime because of circumstances that can be changed. The Act is an acronym for “Youth Prison Reduction Through Opportunities, Mentoring, Intervention, Support and Education Act,” and it seeks to reduce crime before it happens by investing in research-based programs and strategies that target youth who are at risk of becoming involved in gangs or the juvenile justice system. Senators Bob Casey (D-PA) and Olympia Snowe (R-ME) introduced identical legislation in the Senate (S.435). The Youth Promise Act gained significant momentum when it went from 83 co-sponsors to 228 bi-partisan members of Congress in just four months. (Nkechi Taifa)

### **Collateral Consequences**

On July 24<sup>th</sup>, the Democracy Restoration Act was introduced by Senator Russell Feingold (D-WI) and Representative John Conyers (D-MI) as HR 3335 and S. 1516. The bill will restore voting rights to millions of Americans with past felony convictions. An estimated 5.3 million citizens cannot vote as the result of a felony conviction. Currently, 35 states continue to disenfranchise people after release from prison. The legislation will establish a uniform standard restoring voting rights in federal elections to millions who are not incarcerated, yet continue to be denied their ability to fully participate in civic life. At the forefront of this advocacy are OSI grantees the **Brennan Center**, **ACLU**, and the **Sentencing Project**.<sup>\*</sup> (Nkechi Taifa)

### **OPEN SOCIETY INSTITUTE Updates**

#### ***Ensuring Transparency, Equity, and Accountability in the Economic Recovery***

Stating that “many states are failing to support President Obama’s vow that the Recovery Act will be carried out with an unprecedented level of transparency and accountability,” on July 29<sup>th</sup> OSI grantee **Good Jobs First**, a Washington, DC based research center, released *Show Us the Stimulus*, a report documenting how most states are failing to effectively use the internet to inform taxpayers about economic recovery spending. The report, found at [www.goodjobsfirst.org/stimulusweb.cfm](http://www.goodjobsfirst.org/stimulusweb.cfm), examines both the quality and quantity of disclosure by official state websites on how American Recovery and Reinvestment Act (ARRA) funding is moving from state governments to municipalities, other governmental jurisdictions, and community-based organizations.

The highest ranking states for transparency on official state ARRA websites are Maryland, Colorado, and Washington State. Each was recognized for their main ARRA websites as well as more specific sites dedicated to high cost, shovel ready ARRA highway projects. States performing low in both measures of website transparency include Alabama, the District of Columbia, Illinois, Kentucky, and Vermont. Illinois, rattled by numerous political corruption scandals, scored a zero rating in both measures, listing only national ARRA figures and nothing on how much is being spent in Illinois. Despite the importance of ARRA related job creation and retention, only four states – Colorado, Maryland, Washington, and West Virginia – currently provide any employment data for individual projects (eighteen states do so only for highway reporting and thirty-two states have no job creation data).

Following the oft cited political maxim, coined by former Speaker of the House Tip O’Neill, that “all politics is local,” Governor Martin O’Malley, former Baltimore Mayor and now Maryland’s Governor, took all of 81 minutes once the report was released to issue a press release highlighting Maryland’s number one transparency rating. The Democratic Governors Association also has attempted to score political points from the report noting that many of the most highly rated states for ARRA website transparency were states with Democratic governors. (Bill Vandenberg, Program Director, Democracy and Power Fund)

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

On July 29<sup>th</sup>, OSI grantee **National Immigration Law Center** (NILC) released a report titled, “A Broken System: Confidential Reports Reveal Failures in U.S. Detention Centers.” According to the report, many of the more than 320,000 immigrants detained each year have been subjected to abuse and substandard conditions, including lack of access to medicine, lawyers, their families, and basic information about their case.

Although Immigration and Customs Enforcement (ICE) claims to conduct a formal review of each detention facility on a yearly basis, the NILC report shows that such reviews carry little enforcement weight, as many of the detention facilities fail to rectify problems identified by ICE inspectors. The inadequacy of ICE reviews becomes more apparent when they are compared with independent reviews of the same facilities by the American Bar Association and the United Nations High Commissioner for Refugees, which found a greater number and more severe violations in detention centers than reported by ICE.

Following the report’s release, an August 1 *New York Times* editorial (<http://www.nytimes.com/2009/08/01/opinion/01sat2.html>) highlighted NILC’s findings – and referenced the work of another OSI grantee the **New Orleans Workers’ Center for Racial Justice** – and encouraged the adoption of legally enforceable standards for the treatment of immigrant detainees. (Raquiba LaBrie, Program Director, and Shruti Garg, Program Associate, Equality and Opportunity 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 Kay Murray.