

Seize the Day Initiative Weekly Update September 10, 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: Health Care Reform

The anti-health care reform hostility in Congressional town meetings across the nation during the August recess has been well documented. Several national articles, including in *The New York Times* and the AP wire, have also dissected the relative lack of impact on the debate that the vaunted Obama “Organizing for America” network has had. The rise of right-wing, anti-health care reform activity and the declining ability of Obama’s network to inspire public participation has made the role of independent advocacy and organizing groups all the more essential if the debate is to reach a positive policy conclusion. To that end, during the August recess several OSI grantees*, including the **Center for Community Change**, **USAction Education Fund**, and the **PICO** interfaith organizing network, played key roles in organizing small business owners and faith leaders to speak out for positive health care reform, including the public option.

The PICO network – a Seize the Day Initiative and Democracy and Power Fund grantee – includes 1,000 congregations nationwide and represents one million families from 150 cities and 18 states. PICO leaders led a “40 Days for Health Reform” recess campaign to amplify faith voices in the debate. The campaign featured a National Day of Action with 50 prayer vigils and rallies in 18 states, reaching over 100 members of Congress, along with a national TV ad from the faith community. On August 18, PICO joined with several other organizations, including **Faith in Public Life** and the **Gamaliel Foundation** (another large scale congregation based organizing network), both OSI grantees, for an historic national conference call on health care reform with President Obama and the U.S. faith community. The call drew 140,000 people of faith together, with an additional 160,000 listening to the call online. This month, faith leaders will return to Washington for events to ensure that health care reform legislation includes a strong affordability standard that makes insurance affordable for low- and moderate-income families. (Bill Vandenberg, Program Director, Democracy and Power Fund)

Advancing the Hardest Issues: National Security and Human Rights

On August 24, the White House announced that the Interagency Task Force on Interrogation had made a number of recommendations to the President that he had accepted. Chief among them was the recommendation – reportedly supported by all agencies in the intelligence community – that there was no need to permit interrogation techniques not contained in the U.S. Army Field Manual on Interrogation. This was a very welcome development as the Field Manual emphasizes “rapport building” approaches and does not authorize the “enhanced” techniques used by the Bush

Administration. While we have some concerns about the Field Manual that we will work to correct, the decision to reject “special rules” for the CIA is a very positive outcome. Less positive were the recommendations on the practice of rendition, which the Obama Administration will continue to use based on “diplomatic assurances” that the person transferred would not be tortured. Such assurances have been woefully inadequate in the past. Most human rights groups, along with OSI, have pushed for a system in which each detainee has an individual right to challenge his or her transfer before a neutral factfinder, along with other safeguards to protect the rights of persons subject to transfer to another country. (Wendy Patten, Senior Policy Analyst, Open Society Policy Center)

Also on August 24th, Attorney General Eric Holder announced that he was appointing Assistant U.S. Attorney John Durham to review whether Justice Department legal guidance was exceeded in the interrogation of certain terrorism suspects. Based on his review, Durham will recommend to the Attorney General whether a full investigation is warranted. Durham is already investigating whether crimes were committed when the CIA destroyed videotapes of interrogations. The announcement is troubling in the sense that it reinforces Holder’s repeated statements that investigations of people who acted within the scope of the flawed DOJ guidance should not be investigated. On the positive side, a careful reading of Holder’s statement seems to leave open the possibility that senior officials who ordered or were complicit in interrogations in violation of federal laws could be held accountable, in addition to the interrogators themselves. While falling far short of an appropriate investigation, the announcement kept the issue of accountability in the headlines and helped keep the debate on the issue alive, including leading indirectly to a number of calls for a comprehensive, independent commission. (Steve Rickard, Executive Director, Open Society Policy Center)

Holder’s special prosecutor announcement on August 24th was coupled with the release of a heavily redacted 2004 report by the CIA Inspector General on detention and interrogation activities from Sept. 2001 to Oct. 2003. The report’s disturbing accounts of abuse, including the use of techniques exceeding those authorized by the Justice Department, reportedly had a powerful impact on the Attorney General and impelled him to proceed with a review. Internal opposition to the use of abusive techniques from within the CIA spurred the Inspector General’s investigation; the report documents concern about the legality of the interrogation program, citing an agent’s apprehension about the possibility of facing criminal sanctions. The report, as well as related documents released on the 24th, provides additional evidence concerning the questionable relationship between the CIA and Justice Department Office of Legal Counsel, highlighting the assertion that legal guidance was produced to justify predetermined policy outcomes. (Sara Greenberg, Manager, Commission on Accountability Campaign)

OPEN SOCIETY INSTITUTE Updates

Advancing the Hardest Issues: Comprehensive Immigration Reform

In August, DHS Secretary Janet Napolitano and senior White House staff met with 130 immigrant advocates and leaders from faith, business, law enforcement, and labor to

discuss immigration reform. President Obama made a surprise brief appearance and talked about holding accountable local law enforcement agencies that are enforcing federal immigration law under the 287(g) agreements. Many OSI grantees participated, including the **National Immigration Forum**, **Center for Community Change**, and **America's Voice**, to name a few. The President reaffirmed his commitment to comprehensive immigration reform in this Congress while Secretary Napolitano agreed to communicate more effectively in favor of reform. This is the second White House meeting on immigration reform under President Obama, the first one taking place in June with a bipartisan group of about 30 congressional leaders. After the meeting in August, the OSI supported campaign **Reform Immigration FOR America** delivered 4,000 questions for Secretary Napolitano that were submitted in less than 24 hrs by immigrant advocates across the nation. The questions represent the widespread field concern about the administration's willingness to take on legislation and show how united the field is in demanding comprehensive reform.

DHS announced significant changes to the way they conduct oversight and accountability in immigration detention and the closing of the T. Don Hutto immigrant detention facility in Texas where families and children are held. This followed a July report by OSI grantee **National Immigration Law Center** that showed that 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. The changes—which include creating an Office of Detention Oversight, allowing independent medical officers to examine detention centers' medical complaints and denials of requests for services, sending federal employees to monitor the largest facilities, and augmenting field operations—are indicative of movement toward better protecting due process rights of detainees. However, Immigration and Customs Enforcement (ICE) announced that it would not make any of its own detention standards legally enforceable. OSI grantees continue to work with DHS and ICE to change the immigration detention system and creating a more rational detention policy. (Maria Teresa Rojas, Senior Program Manager, Equality and Opportunity Fund)

Strengthening the Social Safety Net

The **National Employment Law Project** (NELP), a Criminal Justice Fund grantee (and possible future Seize the Day recommended grantee), the Center for Urban Economic Development, and the UCLA Institute for Research on Labor and Employment, recently released a study documenting violations of employment and labor laws in American cities. The study, based on a survey of workers in low-wage industries in Chicago, Los Angeles, and New York City, finds that employment and labor laws are regularly and systematically violated with workplace violations ultimately being the result of decisions made by employers – whether to pay the minimum wage or overtime, whether to give workers meal breaks, and how to respond to complaints about working conditions.

The study also finds that workplace violations are not limited to immigrant workers or other vulnerable groups in the labor force, but affect everyone, with women being far more likely to suffer minimum wage violations than men. Among American-born workers, African-Americans experienced a violation rate nearly triple that for whites.

More than two-thirds of workers surveyed experienced at least one pay-related violation in the previous work week, resulting in a 15 percent loss of annual earnings for full time workers. The study offers three principles to drive the development of a new policy agenda to protect the rights of workers: strengthening government enforcement of employment and labor laws; updating legal standards for the 21st century labor market; and establishing equal status for immigrants in the workplace. The report may be found online at http://nelp.3cdn.net/1797b93dd1ccdf9e7d_sdm6bc50n.pdf. (Jeronimo Saldaña, Program Associate, Special Initiatives)

Advancing the Hardest Issues: Confronting Structural Inequality

“Grading the Katrina Recovery: How Gulf Coast leaders rate the President and Congress four years after the storm,” was released on August 27 by the **Institute for Southern Studies**, a Durham, NC based non-profit research center (and former OSI grantee) that was founded 30 years ago by veterans of the civil rights movement. The report, based on a survey of over 50 grassroots advocates, including community, environmental, and faith-based organizational leaders around the Gulf Coast, shows a different side of the post-Katrina recovery story than what has recently been in the news and in press releases from the Department of Homeland Security. The Gulf Coast advocates gave the Obama administration low marks – an overall grade of a “D+” – for Gulf recovery leadership and say that Washington is not living up to its promises to make rebuilding a priority. The report <http://www.southernstudies.org/2009/08/special-report-obama-congress-get-d-grades-from-gulf-advocates-for-katrina-recovery-efforts.html> includes a “Katrina Recovery Index” with 80 indicators on housing, health care, hurricane readiness, coastal protection, and other measures of recovery. The Gulf Coast advocates – from Alabama, Louisiana, Mississippi, and Texas – scored the Obama administration lowest (a “D” grade) on tackling the biggest recovery priorities, including helping displaced families to return home, revitalizing infrastructure, creating living-wage jobs and business opportunities, and increasing coastal hurricane protection. The administration scored highest – still earning only a “C-” for its willingness to publicly acknowledge the challenges facing recovering struggling Gulf Coast communities. (Bill Vandenberg)

Advancing the Hardest Issues: Drug Policy Reform

The Office of National Drug Control Policy (ONDCP) is holding a series of public hearings seeking input for the development of a new national drug control strategy. The **Legal Action Center**, a Seize the Day Initiative grantee, also representing the Closing the Addiction Treatment Gap initiative (CATG), was one of 25 national organizations invited to the August 26th hearing in Washington. LAC discussed the CATG recommendations for including addiction services fully in national health reform, expanding addiction treatment and prevention, and eliminating discrimination against people in recovery based on addiction and/or criminal history. The large meeting was followed with private meetings with Deputy ONDCP Directors McLellan and Gagne to discuss Osi’s CATG grantee Alcohol and Substance Abuse Providers of New York State’s* work to change Rockefeller drug laws and expand treatment resources. Both deputies extended a future invitation to brief the ONDCP Director Kerlikowske. (Victor A. Capoccia, Director, Closing the Addiction Treatment Gap)

Ensuring Transparency, Equity, and Accountability in the Economic Recovery

The **Institute for Policy Studies** (IPS), a Seize the Day Initiative grantee for its work to facilitate the development of a new economic paradigm, released its 16th annual Executive Excess report – “America’s Bailout Barons” earlier this month. The report shows that compensation packages for top executives continue to grossly outpace the wages of the American worker and are detached from economic conditions. The report focuses on the twenty banks that have received \$283 billion out of the \$487.8 billion TARP committed to nearly 650 troubled firms. A generation ago, top executives seldom earned more than 30 to 40 times the pay of average American workers. In 2008, however, America’s top 20 financial industry executives averaged compensation that was 436 times that of the American worker and 740 times that of minimum wage. In the past three years, the top five execs at these firms took home pay packages worth \$3.2 billion. In 2008, they averaged \$14 million each even though their firms collectively laid off more than 160,000 people that year. The report finds that without real legislative limits, executive pay will go unchecked and in preparation for a legislative challenge to executive pay packages, “lobbying armies from corporate and financial trade associations are energetically doing battle behind the scenes to keep even modest changes in pay rules off the legislative table.” (Jeronimo Saldaña)

* 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 Jeronimo Saldaña and Bill Vandenberg and reviewed by Ann Beeson and Kay Murray.