

**Minutes of the Meeting of the U.S. Programs Board
Of the Open Society Institute**

December 2 - 3, 2009

A meeting of the U.S. Programs Board (the "Board") of the Open Society Institute (OSI) was held in New Orleans at the Loews Hotel and the office of the Orleans Public Defenders on December 2, 2009, at 12 noon and at the Basin Street Station on December 3, 2009, at 9:00 a.m. There were present Board members Deepak Bhargava, Leon Botstein, Joan Dunlop, Aryeh Neier, George Soros, Jonathan Soros and Bryan Stevenson.

Attending the meeting by invitation were OSI staff members Katie Barnett, Ann Beeson, Mimi Corcoran, Adam Culbreath, Shawn Dove, Karynn Fish, Thomas Hilbink, Erlin Ibreck, Laleh Ispahani, Raquiba LaBrie, Lori McGlinchey, Diana Morris, Kay Murray, Leonard Noisette, Stewart Paperin, Stephen Rickard, Laura Silber, Bill Vandenberg and Nancy Youman. Also attending by invitation were Carol Bebelle, Tamiko Bolten, Derwyn Bunton, James Carter, Rosana Cruz, Lucas Diaz, Lolis Elie, Karen Gadbois, Norris Henderson, Dana Kaplan, Luceia LeDoux, Takema Robinson, Denice Ross, Timolynn Sams, Andrea Soros Colombel, Alexander Soros, Linda Usdin and Gina Womack.

At the request of George Soros, Ann Beeson, Executive Director of U.S. Programs, served as chair of the meeting.

Ms. Beeson welcomed the Board and staff and offered an overview of the meeting, site visits to come, and OSI's grantmaking in New Orleans. Like last year's visit to OSI-Baltimore, the New Orleans Board meeting and site visits were intended to provide the Board with a unique opportunity to witness the impact of U.S. Programs' grantmaking over time in a particular place, and to deepen the collective understanding of the remaining challenges to open society in the Gulf region. Ann then introduced Luceia LeDoux of Baptist Community Ministries, a close partner in funding criminal justice reform in New Orleans, who offered commentary on the broader social and political landscape of New Orleans. Board members were invited to share their experiences of New Orleans. Aryeh Neier offered a remembrance from his ACLU days of Lolis Elie (the father of one of the invited guests), and Leon Botstein noted the challenges and opportunities for school reform in the post-storm environment.

Board members and staff departed the hotel for an open-society-themed tour of New Orleans sites relevant to OSI's grantmaking. The tour was conducted by Rosana Cruz and Norris Henderson, both with Voice of the Ex-Offender, a grantee of U.S. Programs' Criminal Justice Fund. The tour ended at the office of Orleans Public Defenders, another grantee of the Criminal Justice Fund, where the Board meeting continued with a discussion of criminal justice reform in New Orleans.

Over the past twenty years there has been intense criticism of every facet of the justice system in New Orleans – overcrowded and brutal juvenile detention facilities, corrupt and abusive policing, and severely underfunded public defender services. A panel discussion on the state of criminal justice reform in New Orleans explored the complex factors and challenges facing

advocates and community leaders fighting for reform, and the impact of OSI's grantmaking over the past ten years. Dana Kaplan, a former Soros Justice Fellow and now Director of the Juvenile Justice Project of Louisiana, moderated the discussion, joined by James Carter, New Orleans City Council Member; Derwyn Bunton, of the Orleans Public Defender Office; and Gina Womack, of Families and Friends of Louisiana's Incarcerated Children. The discussion ranged over a number of topics, including 1) the tangible impact of OSI's grantmaking, including the development and expansion of the Juvenile Justice Project of Louisiana, the closure of the Tallulah and Jena juvenile justice facilities, policies that improve the conditions in juvenile facilities, the development of a professional public defender's office and an energized cadre of lawyers and new leaders; 2) the legacy of discriminatory education, health, mental health and other policies and investments that lead to mass incarceration of people of color, and that have resonated politically; and 3) perverse financial incentives (in particular for the elected sheriff, bail bondsmen and the courts to raise revenues to finance themselves) that result in mass and lengthy incarceration of non-violent offenders.

The presentations spurred wide-ranging discussion among Board, panelists and staff about the causes and pathways to solving the problems that have long afflicted the New Orleans criminal justice system, particularly the pace of change, and realistic assessments of how fast change can come to a jurisdiction like Louisiana, and concrete suggestions of activities that would make a difference. Panelists suggested there was need to support the implementation of new juvenile justice policies; to organize a broad multi-racial, multi-ethnic movement of people that includes the poor and people of color into a powerful, politically relevant block that can advocate for change; to coordinate allies, including unlikely allies (business community, faith community, low-income residents); to dismantle a deep and long-standing unhealthy racial dynamic; to shine a light on corrupt and outrageous practices; to use litigation more often to bring issues to light; to use the post-Katrina period of rebuilding of public institutions and infrastructure in a strategic way to demonstrate and build support for a different, more open society way of governing and of adjudicating those accused of criminal conduct, for example, by developing 5-year strategic plans about changes that could be made that would have a transformative impact.

The meeting then broke for an evening of New Orleans food, arts and culture at the Ashe Cultural Arts Center. Co-hosted by Carol Bebel, executive director of Ashe, and Lolis Elie, a journalist, filmmaker, and former OSI Katrina Media Fellow, the evening program was designed to demonstrate first-hand the power of art and culture to inspire social change. Lolis curated a dinner menu of traditional New Orleans cuisine prepared by a renowned local chef and offered remarks about the role of food in New Orleans and in the city's redevelopment after Katrina. Carol provided an overview of the role that art and culture play in advancing social justice in New Orleans and introduced artists throughout the evening. A number of local musicians and spoken word artists attended the dinner, shared their talent during the evening, and discussed their role in advancing social change in New Orleans.

The meeting resumed on December 3, 2009, at the Basin Street Station, for a panel discussion on rebuilding transparent and open government in New Orleans. The discussion explored the opportunities and challenges in working for greater government transparency and openness in New Orleans, and described the efforts of the newly formed OSI-supported New Orleans Coalition on Open Governance (NOCOG). Lack of open and accountable government has

plagued New Orleans for generations, and led to the disastrous government response after Hurricanes Katrina and Rita. Linda Usdin, Co-Coordinator of NOCOG, moderated the panel, joined by NOCOG partners Lucas Diaz, of Puentes; Karen Gadbois, of *New Orleans Lens*; Denice Ross, of Greater New Orleans Community Data Center, and Timolynn Sams, of the Neighborhoods Partnership Network.

Linda Usdin introduced the discussion by noting the long history of a lack of access to data and public decision-making. In the Post-Katrina period, there have been notable advances and there are further opportunities to open up and improve access to data and residents' participation in public decision-making. Examples of recent successes include: property assessor reforms, levee oversight reforms, a new office of Inspector General, a fully funded ethics review board, a 200 neighborhood association collaborative, the first organization to give voice to the needs of the Latino population of New Orleans, and a new online investigative journalism platform (the *Lens*). The NOCOG groups, cutting across sectors, neighborhoods, and ethnicities, are jointly advancing these goals:

- Increase citizen participation in decision-making
- Invest in hyper-local investigative journalism and documentation
- Strengthen decision-making based on data
- Improve the structures and advance policy changes that are needed to ensure open governance.

Panelists noted that before 2005, the power imbalance between populace and policy makers was "insurmountable." After the storm, the imbalance is still there, but there is greater recognition by all about the opportunity to come up with a new model for civic decision-making; the need for hard data on which to base decisions and refine implementation of programs; a greater sense of empowerment and purpose to public participation by communities; intentional efforts to enhance the roles and deepen the impact of neighborhood associations, building on the powerful social networks that already exist; and real interest in working across sectors, across ethnicities, across issues, across neighborhoods. All of this adds up to a moment when changes that would improve public decision-making, increase citizen participation, and enhance government accountability are now possible that were not possible before. During the discussion, Board members and panelists noted that much of what could be done is particular to New Orleans because of its singular history, culture, and civic pride, but models are being developed in New Orleans that may also have applicability in other places.

The Board meeting continued with a Board and staff only discussion of the New Orleans visit. There was a lively discussion among the Board members and staff about OSI's engagement in New Orleans, and about the opportunities and challenges of the work. Bryan Stevenson rued the contrast between New Orleans and Mississippi and Alabama, which are not perceived to have the charms, history, advantages that New Orleans has and noted a bit of envy about all the attention that New Orleans has gotten from funders. Leon Botstein noted the singularity of New Orleans and was pessimistic about the success of exporting models to other places. Joan Dunlop reported that she had been both overwhelmed and riveted over the two days and that OSI was well positioned to make a difference. She offered an analogy to Bangladesh after the war with Pakistan and horrible flood, when a special time of radical innovation followed: Muhammad

Yunus's work on economic development, advancement of women's rights, new leaders emerged, etc. Jonathan Soros was struck by the fact that the panel could just as easily have been a Democracy and Power panel as a Transparency and Integrity panel; he recalled discussions of parent and neighborhood involvement in school governance and charter schools, the organization of neighborhood associations, etc. He noted that all of these changes are a direct assault on the concentrated power of political and economic elites in New Orleans and that he might not agree with every position that would be taken on every issue but that there was inherent good in changing the norms toward self-governance and redistributing power to the people of the city. Deepak Bhargava noted that he had been a skeptic about OSI's work in New Orleans – because of all the attention and resources directed to the city – but that the site visits and discussions had persuaded him that it made good sense to re-commit to New Orleans.

Overall, the Board was enthusiastic about U.S. Programs' continued engagement in New Orleans. The fact that it is a unique place did not detract from the appeals of working there. George Soros said that he saw great opportunities for open society work in New Orleans and suggested that the foundation could deepen its work there and think of it like a second Baltimore-type program. He suggested that staff develop a plan for moving ahead, with particular attention in a number of areas such as education, criminal justice and open governance. He offered a few cautionary words too, noting his interest in seeing the foundation proceed cautiously, think critically about its role and expertise, and be attentive to unintended consequences (like those that have befallen OSI in Romania and elsewhere in the world). He returned to his concern that the foundation root its work in open society values where it has expertise and understands the outcomes it wishes to advance. Other Board members and staff agreed, while also calling attention to the need to work broadly to re-orient decision-making and power. Deepak Bhargava noted that it is an illusion to think that one can achieve lasting policy reforms without achieving an underlying shift in access to power and resources. Staff noted that what New Orleans at this moment in history represents is the opportunity to empower participation in government planning and decisions about what the New Orleans of the future will look like and how decisions will be made. Staff also noted that the tools of transparency – data, training, leadership development – will allow people to challenge power. They might get it wrong sometimes, but they are more likely to get it right and avoid falling prey to ideologues and conspiracy theories with good information and strong ties among activists and community members. George Soros agreed with this formulation of OSI's approach.

Other Board business concluded the meeting:

The minutes of the September 30-October 1, 2009, meeting of the U.S. Programs Board were offered for approval. Upon a motion duly made, seconded, and unanimously carried, the Board approved the minutes.

Ann Beeson introduced and led a discussion of a grant recommendation to establish an arts education fund at the Fund for the City of New York to support the performing arts in New York City during this time of economic crisis for the arts. After discussion, the Board authorized funding of \$12.5 million dollars over several years but asked staff to conduct further discussions internally and with the National Dance Institute, its consultant Holly Sidford and a number of others before funds were granted to the Fund for the City of New York or other organizations.

The Board instructed that the funding could be considered approved but not appropriated. Appropriation of the \$12.5 million was delegated to Aryeh Neier and staff. Staff agreed to follow up. It was noted that this special fund is intended to support New York City organizations and programs and that U.S. Programs' support for the role that art and culture play in advancing social justice would be funded through the regular budgets and programs within U.S. Programs. Ann Beeson and Mimi Corcoran give a brief update on the Special Fund for Poverty Alleviation. A detailed presentation and discussion is scheduled for the February 2010 Board meeting.

Jonathan Soros gave an update on the work of the nominating committee of the U.S. Programs Board. Mallika Dutt has been invited to join the Board and has agreed. Her first meeting will be in February 2010. Bill Moyers has also been invited to re-join the board and he has accepted for a term to begin after his retirement from PBS. His first meeting will be in May 2010. There are a few other nominees being considered by the committee, and the committee continues to welcome nominations from other Board members. Suggestions should be sent to the committee, which consists of Sherrilyn Ifill, Ethan Zuckerman and Jonathan Soros.

The U.S. Programs Board meeting then adjourned.

Dated as of February 12, 2010

A handwritten signature in black ink, appearing to read "Ricardo A. Castro" with a stylized flourish at the end.

Ricardo A. Castro
General Counsel and Secretary