This editorial on the racial disparities in New York City Police Department's stop-and-frisk practices directly relates to the Criminal Justice Fund's goal of eliminating racial disparities and securing a fair and equitable justice system. CJF is collaborating with The Atlantic Philanthropies to support the launch of a Campaign for Fair and Just Policing in New York City, which seeks to: 1) substantially decrease bias-based encounters with police; 2) increase the ability of the most affected communities to hold the police accountable and prevent abusive policing; and 3) build the political will in New York City among the public and policymakers to advance a more just and humane policing paradigm in New York City.

The New York Times

The Truth Behind Stop-and-Frisk

EDITORIAL
September 2, 2011

Judge Shira Scheindlin of Federal District Court in New York made the right call when she refused to dismiss a lawsuit against the New York City Police Department, which alleged that officers use race as a basis for stopping and frisking citizens, rather than reasonable suspicion. The trial will provide an important opportunity to evaluate this increasingly troubling program, which resulted in 600,000 people being stopped on the streets last year alone.

The stop-and-frisk tactic is as old as policing itself. But it has been a central law enforcement tool in New York since the 1990's, when the police adopted the "broken windows" approach, clamping down on minor crime and emphasizing preventive measures against lawbreaking.

New York has experienced a dramatic reduction in crime. But as Judge Scheindlin pointed out, there is no conclusive proof that widespread use of stop-and-frisk itself drove down crime. Crime fell in many cities, including those that did not adopt the approach.

There is no dispute that minorities are disproportionately singled out. Blacks and Hispanics make up a little more than half of the city's population but about 85 percent of the people stopped. Supporters of the program argue that minority men are disproportionately represented among offenders as well. But analyses dating back more than a decade have shown that it is not so simple.

As Judge Scheindlin notes in her opinion, a report by the legal scholar Jeffrey Fagan found that blacks and Latinos were more likely to be stopped at police discretion, not just in high-crime, high-minority areas, but in districts where crime is minimal and populations are mixed.

Police officials say that officers stop people when they have reasonable suspicion of criminal activity. An analysis last year by The Times of street stops in one mainly black Brooklyn neighborhood found that officers listed vague reasons in half the stops, including “furtive movement,” a category that can be used to mask harassment.

The Fagan report found that arrests are made in less than 6 percent of all street stops — a lower rate than if the police simply set up random checkpoints. Less than 1 percent of stops turned up weapons. This suggests that hundreds of thousands of people, mostly minorities, have been stopped for no legitimate reason — or worse, because of the color of their skin.

The Police Department says it has a training program that explains proper arrest procedure and warns officers against racial profiling. But Judge Scheindlin was sharply critical of those efforts, noting that numerous officers did not recall ever receiving such training.

In rejecting the city’s request for dismissal, Judge Scheindlin rightly pointed out that the suit, brought by the Center for Constitutional Rights, raises issues of great public concern. New Yorkers need to know whether the Police Department has failed to properly train and monitor its officers to prevent race-based stops.

In discussing the growth of immigrant detention and its connection to the private prison industry, this article illustrates the Criminal Justice Fund's interest in reducing mass incarceration by attacking the excessive and economically destructive cost of incarceration and in eliminating harsh punishment by reforming policies that criminalize immigrants. The article mentions former Soros Justice Fellow Alina Das. In 2012, CJF will explore state-based funding to challenge the growth of private prisons.

HUFFPOST BUSINESS

After 9/11, A New Era In The Business Of Detaining Immigrants

First Posted: 9/9/11 02:18 PM ET

On a conference call with investors less than two months after the Sept. 11 terrorist attacks, Wall Street executive Steve Logan predicted a new era of unbridled growth for his industry: the for-profit prison business.

"It is clear that since Sept. 11, there's a heightened focus on detention, both on the borders and in the U.S.," Logan, the chief executive of publicly-traded prison corporation Cornell Companies, told analysts on a quarterly earnings call. "More people are gonna get caught. ... So I would say that's positive."

Logan's upbeat assessment of the post-9/11 world would prove true, as the federal government has embarked on an unprecedented campaign to round up, detain and eventually deport illegal immigrants under the guise of bolstering national security. Since Congress brought immigration enforcement under the Department of Homeland Security in 2003, the number of immigrants locked up each year has nearly doubled to more than 390,000, creating a lucrative opportunity for private corporations hired to build and supervise detention centers across the country.

Particularly in the latter half of the Bush administration's tenure, Congress appropriated ever-increasing amounts of federal money toward immigration detention efforts within the Department of Homeland Security -- a move that has led private prison executives on a massive buildout, adding beds to increase revenues. Between 2005 and 2010 alone, the amount of money appropriated for immigrant detention and removal more than doubled, from $1.2 billion to more than $2.5 billion.

"There has always been a fear of immigrants, and Sept. 11 really magnified that fear, and allowed fears that were always there to come to the surface," said Alina Das, a supervising attorney at the Immigrant Rights Clinic at New York University's School of Law. "It becomes the drive for numbers: Numbers to prove that the government is doing something about an issue that the public has come to believe is tied to national security and safety."

By 2009, nearly half of all immigrants detained by the federal government were in facilities managed by outsourced private contractors, according to a recent analysis of federal data by advocacy group Detention Watch Network. The growth of private industry tied exclusively to government policy has also led to an extensive federal lobbying campaign, and raised questions about the quality of services provided by businesses seeking returns for investors.

Over time, local and state law enforcement agencies have also been brought into the fold, entering into agreements the Immigration and Customs Enforcement agency to seek out immigration violators independently. Yet while government rhetoric has focused on detaining and deporting immigrants as a means to ensure public safety, the majority of those detained from 2005 through 2009 had no criminal convictions, according to data compiled by the Transactional Records Access Clearinghouse at Syracuse University.

Companies such as Corrections Corporation of America and the GEO Group Inc., which are publicly traded on Wall Street, have come to rely on immigration detention contracts with the federal government as a growing source of revenues over the past decade. According to filings with the Securities and Exchange Commission, the GEO Group's contracts with the Immigration and Customs Enforcement agency grew in value from $33.6 million in 2005 to $163.8 million by the end of 2010.

Contracts are generally structured around the number of inmates housed in a facility on any given day. In public filings, Corrections Corporation of America measures revenue with a term called a "compensated man-day," representing the revenues and expenses incurred by each inmate on a given day.

Yet critics have argued that the government's hard-line approach toward immigration enforcement, coupled with the profit motive for private prison operators, has turned a civil detention program into something that looks exactly like a prison system for criminals.

In many cases, immigrants are detained at facilities originally built as jails to house criminals. A 2009 inspector general's report from the Department of Homeland Security concluded that "immigration detention and criminal incarceration detainees tend to be seen by the public as comparable, and both confined populations are typically managed in similar ways."

"They don't change their practices for immigration detainees, they just change who they bill," said Brittney Nystrom, director of policy and legal affairs for the National Immigration Forum, an immigrants' rights group. "Immigration detention isn't supposed to be punitive. We're not holding them as incarceration for any criminal offenses they have done. This is really just holding people so that they follow through with their immigration processes."

The 2009 report from the Department of Homeland Security's inspector general also found numerous lapses in the way Immigration and Customs Enforcement oversaw standards at private detention facilities. The immigration agency not only outsourced much of prison operations to the private sector, according to the report, but also hired private contractors to do annual inspections and on-site monitoring.

In a particularly shocking revelation in 2009, the Department of Homeland Security admitted that it had miscounted the number of deaths in its detention facilities, acknowledging that there were 104 deaths -- 10 more deaths than previously reported -- between 2003 and 2009 after a suit from the American Civil Liberties Union.

Among other findings over the years: the Homeland Security inspector general discovered in a survey of detention facilities that 20 percent of detainees did not receive a physical medical examination within 14 days, as required by government health standards.

Access to adequate medical care and supervision has been at the center of numerous legal disputes involving privately-run immigration detention centers. The American Civil Liberties Union filed a lawsuit in 2007 against the San Diego Correctional Facility, operated by Corrections Corporation of America, documenting how numerous detainees were denied access to medical care for months.

The lawsuit came in response to the case of Francisco Castaneda, who complained from March 2006 to February 2007 of severe pain and bleeding from his groin. He received no medical care for nearly a year until a urologist eventually determined that he had penile cancer. After being released from detention, his penis was amputated in 2007, but he died a year later as the cancer continued to spread.

A spokesman for Corrections Corporation of America, Steve Owen, told The Huffington Post that the company could not comment on specific cases, but wrote, "We take the care of every detainee in our care very seriously, and CCA has complied with all required reporting of incidents and detainee deaths to our government partner agencies."

The Obama administration pledged in August 2009 to drastically overhaul the immigrant detention system, shutting down certain facilities and agreeing to provide much more oversight by the immigration agency itself. But the administration is also aggressively pushing ahead with the Secure Communities program, which cross-references the fingerprints of anyone booked into local jails with immigration violation data held by the Department of Homeland Security.

Cori Bassett, a spokeswoman for Immigration and Customs Enforcement, pointed out that the agency is determined to "focus its resources on

detaining and removing aliens who pose the greatest risk to our communities. This includes using discretion when making decisions for those aliens who don't pose the greatest risk."

Given that the private prison industry is highly dependent on contracts with the federal government to maintain prisons and detention centers, companies have lobbied Washington extensively in recent years. Statements from the companies' annual filings with the SEC make it clear that immigration policy is deeply intertwined with the bottom line.

"The President recently signed the Homeland Security Appropriations Bill into law, which included an 11 percent increase for U.S. Customs and Border Protection, adding more border patrol agents and funding for detention beds," Corrections Corporation of America noted in a 2005 filing. "We believe these initiatives could lead to meaningful growth to the private corrections industry in general, and to our company in particular."

Since 2001, the amount of lobbying by the for-profit prison industry has skyrocketed.

Corrections Corporation of America bumped its lobbying expenditures more than sevenfold between 2001 and 2005, from $470,000 to nearly $3.4 million. The GEO Group increased federal lobbying spending from $120,000 in 2004 to $660,000 in 2010.

Corrections Corporation of America's Owen wrote in a statement to HuffPost that the company's lobbying efforts are "exclusively dedicated to educating decision makers and have escalated as the company's presence has continued to expand nationally into more than half of all states and a dozen municipalities. ... The goals of our lobbying efforts have not changed over the years or as a result of 9/11."

A spokesman for the GEO Group said the company declined to comment.

National Public Radio further documented the connections between immigration policy and the private prison industry in a piece last fall, noting that representatives of Corrections Corporation of America were present during the drafting of Arizona's controversial immigration law, which gave law enforcement officers wide discretion to determine a person's legal status as a citizen during routine traffic stops or arrests.

A spokesman for Corrections Corporation of America said the company disputes the NPR piece, and has a policy "not to engage in legislation involving crime or sentencing policies."

With the Obama administration's continued focus on immigration enforcement through the Secure Communities program, observers have questioned whether the detention system's expansion is likely to slow any time soon.

"By and large it's very difficult for people to stand up and say, 'We're spending too much money on something that's harming people's lives, and really isn't making us that much safer,'" said Bob Libal, a senior organizer with Grassroots Leadership, an advocacy group that has followed the rise of for-profit prisons and the detention system. "You're defined as being against homeland security somehow."

The article was updated to reflect Corrections Corporation of America's disagreement with an NPR piece linking the company to the drafting of Arizona's immigration law.

This article on efforts around the country to disenfranchise voters directly relates to the Transparency & Integrity Fund's goal of broadening access to the ballot, particularly for historically disfranchised communities. TIF is supporting efforts of a number of groups – including the Advancement Project, the Lawyers Committee for Civil Rights Under Law, and the Demos Public Agency Voter Registration project – to protect the right to vote of all Americans and assure that more, not fewer, people are able to participate in the democratic process.

The New York Times
May 28, 2011

Republican Legislators Push to Tighten Voting Rules

By LIZETTE ALVAREZ

MIAMI — Less than 18 months before the next presidential election, Republican-controlled statehouses around the country are rewriting voting laws to require photo identification at the polls, reduce the number of days of early voting or tighten registration rules.

Republican legislators say the new rules, which have advanced in 13 states in the past two months, offer a practical way to weed out fraudulent votes and preserve the integrity of the ballot box. Democrats say the changes have little to do with fraud prevention and more to do with placing obstacles in the way of possible Democratic voters, including young people and minorities.

Gov. Scott Walker of Wisconsin and Gov. Rick Perry of Texas signed laws last week that would require each voter to show an official, valid photo ID to cast a ballot, joining Kansas and South Carolina.

In Florida, which already had a photo law, Gov. Rick Scott signed a bill this month to tighten restrictions on third-party voter registration organizations — prompting the League of Women Voters to say it would cease registering voters in the state — and to shorten the number of early voting days. Twelve states now require photo identification to vote.

The battleground states of Ohio and Pennsylvania are among those moving ahead on voter ID bills, part of a trend that seems likely to intensify the kind of pitched partisan jousting over voting that has cropped up in recent presidential races.

When voters in predominantly black neighborhoods in Florida saw their votes challenged in the contested Bush-Gore election of 2000, Democrats made charges of disenfranchisement. In 2008 Acorn, a group organizing minority and low-income communities, became a particular target, with Republicans asserting that Acorn was trying to steal the election with large voter-registration drives, some of which were found to be seriously flawed.

Democrats, who point to scant evidence of voter-impersonation fraud, say the unified Republican push for photo identification cards carries echoes of the Jim Crow laws — with their poll taxes and literacy tests — that inhibited black voters in the South from Reconstruction through the 1960s. Election experts say minorities, poor people and students — who tend to skew Democratic — are among those least likely to have valid driver's licenses, the most prevalent form of identification. Older people, another group less likely to have licenses, are swing voters.

Republicans argue that the requirements are commonplace.

"If you have to show a picture ID to buy Sudafed, if you have to show a picture ID to get on an airplane, you should show a picture ID when you vote," Gov. Nikki Haley said this month when she signed the bill into law in South Carolina, using a common refrain among Republicans.

Changes to voter law tend to flow and ebb with election cycles as both Democrats and Republicans scramble to gain the upper hand when they hold power. The 2010 midterm election was a boon to Republicans, who now control 59 chambers of state legislatures and 29 governorships. In some states, like Florida and Texas, Republicans hold overwhelming majorities. This has allowed the bills to move forward.

Republicans have tried for years to get photo identification requirements and other changes through legislatures, said Daniel Tokaji, a law professor at Ohio State University and an expert in election law. Similar bills were introduced over the past decade, but were largely derailed in the aftermath of a political battle over the Bush administration's firing of several United States attorneys whom Republicans had criticized for failing to aggressively investigate voter fraud.

"That's what really killed the momentum of more states' enacting voter ID laws," Mr. Tokaji said. "Now with the last elections, with the strong

Republican majorities in a lot of states, we're seeing a rejuvenation of the effort."

Republicans say that large jumps in the immigrant population have also prompted them to act to safeguard elections.

"Over the last 20 years, we have seen Florida grow quite rapidly, and we have such a mix of populations," said State Representative Dennis K. Baxley, the Florida Republican who wrote the law to tighten third-party registration here. "When we fail to protect every ballot, we disenfranchise people who participate legitimately."

Taken together, the state-by-state changes are likely to have an impact on close elections, Mr. Tokaji said.

"Remarkably, most of these significant changes are going under the radar," he added. "A lot of voters are going to be surprised and dismayed when they go to their polling place and find that the rules have changed."

Most of the measures would require people to show a form of official, valid identification to vote. While driver's licenses are the most common form, voters can also request free photo IDs from the Department of Motor Vehicles or use a passport or military identification, among other things.

But Democrats say thousands of people in each state do not have these. The extra step, they add, will discourage some voters who will have to pay to retrieve documents, like birth certificates, for proof to obtain a free card. If voters do not have the proper identification on Election Day, they can cast provisional ballots in most states but must return several days later to a local board of elections office with an ID.

A few state bills and laws also shave the number of early voting days, a move that Democrats say would impact Democratic voters once again. In the 2008 presidential election, a majority of those who cast early votes did so for President Obama. In Florida, the number of days is reduced but the number of hours remains the same.

Democrats point to state figures showing that there are few proven cases of voter impersonation and question why budget-conscious Republicans would want to spend taxpayer dollars on a problem that is isolated.

“There is not one documented case that has been presented to us, and we had numerous hearings,” said State Senator Brad Hutto of South Carolina, a Democrat. “Republicans have to have some reason to do this because it doesn’t sound good to say, ‘We don’t want Latinos or African-Americans voting.’ ”

But Republicans counter that detecting and proving voter impersonation is tricky under current law precisely because few states require photo identification. Plus, they add, there is no evidence that the requirement reduces minority participation. In Georgia, where photo IDs became a requirement in 2007, minorities voted in record numbers in 2008 and 2010.

Turnout among Hispanic voters jumped 140 percent in the state in 2008 and 42 percent among blacks compared with 2004, a change attributed in part to President Obama’s candidacy. Two years later, in the midterm election, turnout also rose among Hispanics and African-Americans, according to data from the Georgia secretary of state.

But with the presidential election campaign season already under way, Democrats say they are taking no chances. The Democratic Governors Association started a Voter Protection Project this month to educate voters and encourage them to speak out against the measures. It also began running online advertisements.

This article, part of an American Prospect *special report titled "Justice for Sale," takes an in depth look at the forces behind big money judicial elections and ways those elections are undermining fair and impartial courts. The situation in Wisconsin, the focus of this article, is increasingly familiar in the many states that elect their Supreme Courts. This article directly relates to TIF's goal of ensuring fair, impartial, and diverse courts. The article cites the work of TIF Grantees Justice at Stake and the Wisconsin Democracy Campaign and TIF provided support for publication of the* Prospect *special report.*

Under the Influence

Over the last decade, the U.S. Chamber of Commerce has spent a huge amount to tilt state courts its way.

Viveca Novak | September 19, 2011

Early in 2008, supporters of Wisconsin Justice Louis Butler heard that someone was looking for mug shots of his former clients, the accused criminals whom Butler had represented as a public defender back in the 1980s. Attack ads were brewing against Butler, who hoped to hold his state supreme court seat that April in an election against a well-financed opponent. But one person from that era whom Butler's campaign never expected to see in hostile ads was defendant Reuben Lee Mitchell. Butler had *lost* that case, after all.

Mitchell had been convicted of raping a young girl when Butler was assigned to represent him on appeal. Butler convinced the appellate court in 1987 to order a new trial on the grounds that the jury shouldn't have heard certain evidence. The prosecution, however, appealed to the state supreme court, where a majority held that though the evidence shouldn't have been admitted, "there is no reasonable possibility that the error contributed to the conviction." Mitchell remained in prison.

Nevertheless, the convict became a TV star in 2008. Butler's opponent, circuit-court judge Michael Gableman, aired an ad claiming Butler "worked to put criminals on the street." In Mitchell's case, "Butler found a loophole," the narrator says in the commercial. "Mitchell went on to molest another child."

The ad artfully misled in two key respects, making it appear that Butler had handled the case as a judge rather than as a defense lawyer—and that as a judge, he had set Mitchell free to rape again. In fact, though, Mitchell committed the second rape after serving his sentence. The capper: The ad paired a mug shot of Mitchell, who is black, with a photo of Butler, the first black justice on Wisconsin's Supreme Court. The racial subtext of the juxtaposition was unmistakable.

The Butler-Gableman contest had it all: bank-breaking spending, involvement by national interest groups, a blizzard of misleading attack ads that masked the true interests of the sponsors—all the hallmarks, in other words, of modern American judicial elections, as they occur in some fashion in the 39 states where voters elect or vote to retain judges.

It was emblematic in its result, too. Butler was narrowly defeated, and the Wisconsin Supreme Court flipped from liberal to conservative.

Wisconsin epitomizes a broad and destructive trend. Since the turn of this century, business-oriented groups have dedicated big money to loading state supreme courts with judges sympathetic to their cause, installing conservative majorities in state after state. With a nationwide strategic focus, they have won far more than they have lost, and progressives have struggled to match them.

The races are increasingly costly. From 2000 to 2009, state supreme court candidates raised a total of $207 million nationally, more than double what candidates raised in the prior decade, according to "The New Politics of Judicial Elections 2000-2009: Decade of Change," a report by the Justice at Stake Campaign, the Brennan Center for Justice, and the National Institute on Money in State Politics. Third-party groups spent about $39 million in those races, mostly on ads. Conservative and business interests, however, spent more than twice as much as liberal ones (state Democratic parties, plaintiffs' lawyers, and labor unions): $26.2 million versus $11.9 million.

In 2010, candidates raised another $27 million, and third-party groups spent roughly $11.4 million, according to Justice at Stake. The rightward tilt of spending by outside groups was even more pronounced last year than in the previous decade. Conservative and business groups spent almost $8.9 million compared to $2.5 million spent by the left.

No-holds-barred judicial campaigns certainly occurred before 2000. Millions were spent in 1986 to remove Chief Justice Rose Bird from the California Supreme Court over her votes against the death penalty. One of the earliest strategists on the state-court front was a consultant whose unrelenting methods would become the stuff of legend. In 1988, Karl Rove helped engineer the election of the first Republican chief justice of Texas's then deeply blue high court by demonizing plaintiffs' lawyers.

In 1994, Rove was called east. The Business Council of Alabama, irate over a long string of hefty awards against their interests, asked him to help GOP stalwart Perry Hooper unseat Democratic Chief Justice Ernest "Sonny" Hornsby. Rove saw to it that images of "jackpot justice" and fat-cat personal-injury lawyers dominated the campaign. Initially, it appeared that Hooper had lost by 304 votes. But Rove asked for a recount, and Alabamians then experienced the same elements of post-election drama that would play out nationally six years later in *Bush v. Gore*—restraining orders, recount observers, rumors of absentee-vote fraud and ballots cast by corpses, press conferences, and a ruling by the U.S. Supreme Court. Nearly a year later, Hooper was declared the winner by 262 votes.

The intensified push, however, came in this century, when a deep-pocketed national money source—the U.S. Chamber of Commerce—turned its attention to the courts, targeting states where it viewed the plaintiffs' bar as too influential. According to a 2003 article in *Forbes*, the new initiative was bankrolled by corporate executives like Home Depot co-founder Bernard Marcus and American International Group chair Hank Greenberg, who were livid over lawsuits against their companies.

The Chamber raised $8 million to contest judicial races in 2000, $20 million in 2001, and $40 million in 2002, *Forbes* reported. The Chamber won 21 of the 24 judicial races it attempted to influence from 2001 to 2003. Chamber president Tom Donohue declared in a 2002 speech: "Flush with billions of dollars in fees from tobacco and asbestos litigation, a small group of class-action trial lawyers is hell-bent on destroying other industries, and nobody is immune. ... On the political front, we're going to get involved in

key state supreme court and attorney general races as part of our effort to elect pro-legal reform judicial candidates." Often it did so obliquely. That year the Chamber funded such groups as the American Taxpayers Alliance, which in turn financed efforts in Alabama and Illinois court races, as well as Mississippians for Economic Progress.

In 2004, the Chamber was on the winning side in 12 of the 13 state supreme court races in which it was involved, according to *Roll Call*, including four in Ohio. In 2005, the National Association of Manufacturers followed the Chamber's lead, creating an offshoot, the American Justice Partnership (AJP), to target state courts. Voluminous cash outlays from AJP have included $345,000 to Americans Tired of Lawsuit Abuse to help back two Republican candidates for Washington state Supreme Court seats in 2006 and $1.3 million the same year to the Georgia Safety and Prosperity Coalition, which spent heavily on ads attacking Georgia Chief Justice Carol Hunstein and then melted away just a little more than a year after its appearance.

These figures greatly understate the reality, though. The true extent of spending by the Chamber and the AJP is impossible to know. They and many of the conduit groups through which they funnel money are organized under sections of the tax code that don't require public disclosure of donors or outlays. Also, in some cases, groups can mask their donors when they run only "issue ads" that don't explicitly call for someone's election or defeat, even if their intent is clear.

The business assault on the courts is partly offset by spending by unions, trial lawyers, and in some cases, state Democratic parties. The Alabama Democratic Party, for example, gave lower-court judge Deborah Bell Paseur $1.6 million, or 61 percent of her funds, in her 2008 bid for the Supreme Court. In that race, an Alabama plaintiffs' firm, Beasley, Allen, Crow, Methvin, Portis & Miles, used a labyrinthine network of 30 political action committees to get more than $600,000 to Paseur. She lost narrowly.

When Democrats and liberals win, it's often by using the same hardball techniques as business groups. In Michigan, the state Democratic Party spent $1.2 million to oust Cliff Taylor from the high court, including outlays for a devastating ad that accused him of nodding off during a case involving the deaths of six children.

The amounts spent by each side, though, have been decidedly unequal. The upshot is that if trial lawyers once held sway in certain state courts, those days are long gone. From 2000 on, conservatives gained control of supreme courts in Illinois, Michigan, Mississippi, Ohio, and West Virginia. Few states, though, have had more contentious, money-driven judicial elections in recent years than Wisconsin.

Louis Butler, then a judge in Milwaukee, mounted his first supreme court campaign in that tipping-point year of 2000. It was a respectful, low-dollar affair on both sides—the national interests, while active in neighboring states, had yet to turn to Wisconsin—and Butler lost decisively. But in 2004, the woman who'd beaten him became a federal judge, and Governor Jim Doyle, a Democrat, picked Butler to fill the supreme court vacancy. He was the first African American on that bench.

One of the early majority opinions Butler wrote was in the 2005 case *Thomas v. Mallett*. The issue was whether several makers of lead paint could be held liable collectively if the injured victim had no way of knowing which one had made the paint. Butler and three other justices said they could, expanding the "risk contribution" theory the court had laid out in an earlier case. Two conservative justices dissented (a third didn't participate in the decision).

It was just the kind of ruling that had prompted the Chamber of Commerce and others to begin targeting state court races. In the 2007 election pitting Annette Ziegler, a Republican-leaning circuit-court judge, against liberal attorney Linda Clifford for an open seat, business groups went to work. Spending by the two candidates and outside groups that year came to $5.8 million, a Wisconsin record. A coalition called Wisconsin Manufacturers and Commerce (WMC) spent $2 million of that. The WMC had been formed years earlier through a merger of the Wisconsin Manufacturers Association, the state Chamber of Commerce, and the Wisconsin Council of Safety. Its funding sources weren't disclosed, but it was listed as a partner of both the U.S. Chamber of Commerce and the American Justice Partnership.

Ziegler beat Clifford, drawing 58 percent of the vote, and pro-business groups geared up for Butler's face-off with Gableman the next year. The WMC produced a four-page brochure titled "Wisconsin Supreme Court Unbound: An Activist Majority in the Balance." The handout, aimed at business allies, cited a study from the U.S. Chamber of Commerce's Judicial

Evaluation Institute that allegedly showed that Butler was the second-worst judge on the court when it came to expanding civil liability. Dumping Butler, the brochure emphasized, could swing the court away from "activists."

However, the WMC's TV ads made no mention of class-action lawsuits, punitive damages, or any of the civil-justice matters big business actually cared about. They were all about crime. One would have thought that Wisconsin was under siege by a gallery of depraved villains, rather than on its way to having its lowest murder rate in 20 years. The WMC refuses to comment about its involvement in any judicial elections.

The WMC was behind one of the most heavily run ads of the campaign, featuring a murder case that had garnered national attention. It centered on whether a defendant's Sixth Amendment right to confront witnesses against him was void when the witness was unavailable—dead, for instance, allegedly by the defendant's own hand.

The witness and the victim in the case were one and the same: Julie Jensen, the 40-year-old wife of Mark Jensen and the mother of the couple's two young boys. She was found dead in December 1998 of poisoning by ethylene glycol, the main ingredient in antifreeze. She'd seen it coming, telling several people she thought Mark was trying to poison her and leaving a handwritten letter with a neighbor, instructing him to give it to the police if she died. Legally, the letter was testimonial evidence, and the defendant had the right to confront its source. That was impossible here, of course.

The trial judge ruled the letter inadmissible. When six justices of the Wisconsin Supreme Court overturned him on the prosecutor's appeal, the letter played a key role in Mark Jensen's conviction. Butler, the single dissenter, argued that the Sixth Amendment applied even though Jensen himself may have caused his wife's unavailability for cross-examination. It wasn't, however, remotely true that Butler "almost jeopardized the prosecution," as the ad claimed. In fact, this circular constitutional quandary was so significant that less than three months after Wisconsin voters had decided the judicial race in which Butler lost, the U.S. Supreme Court, in a similar case from California, came down in accord with Butler's interpretation of the issue.

Two WMC ads highlighting Butler's *Jensen* dissent aired more than 3,000 times, according to the Campaign Media Analysis Group (CMAG), which monitors political TV spots.

Another ad, by a group called the Coalition for America's Families, which was led by a former head of the state GOP, attacked Butler for a 2005 opinion overturning a murder conviction. In fact, Butler and the three justices voting with him called for a new trial because previously unavailable DNA test results showed that hair on a key piece of evidence was not the defendant's.

Supporting Butler, the Greater Wisconsin Committee—whose leadership included an ex-aide to former Governor Doyle—laid out substantial funds. But after the group ran its first attack ad against Gableman, Butler asked for all third-party groups to "stand down." "Let us run our own campaigns," Butler said at a debate with his challenger. He could have saved his breath. In the end, special-interest groups were responsible for 90 percent of spending on TV ads—most of them negative—in the Butler-Gableman race. In the 2007 and 2008 elections, combined spending by independent groups in the Ziegler-Clifford and Butler-Gableman races totaled, conservatively, $4.6 million—more than the $3.9 million raised by the candidates.

In the final week, attack ads against Butler ran twice as often as ads against Gableman, according to CMAG data. Ads favoring Gableman outnumbered those favoring Butler, and they ran in more expensive time slots so were seen by more viewers. Gableman's supporters outspent Butler's on TV ads by 45 percent, CMAG's estimates show. Butler lost by a margin of 51-49.

The Wisconsin Democracy Campaign, a nonpartisan watchdog group, later measured how much any of the groups sponsoring crime-focused ads in the race cared about the issue. The study found that five groups that spent nearly $8 million on mostly negative ads centered on crime in 2007 and 2008 showed little to no interest in the 77 crime-related proposals being considered by the state legislature during that time. Three of them—two conservative, one liberal—took no position on any of the crime initiatives and didn't register as lobbyists, testify at hearings, or urge the public to take a position. Two other groups, including the WMC, took a stand on just three crime or public-safety measures, out of more than 240 total legislative matters on which they lobbied.

But ads about serial rapists, with their grainy images and ominous soundtracks, are effective, as consultants will attest. Ads about the issues these groups care about—such as tort liability—are about as motivating for voters as, well, watching lead paint dry.

The spending by business groups to elect conservatives to the Wisconsin Supreme Court paid off notwithstanding some sticky questions of integrity involving those new justices. Annette Ziegler stood accused of committing an elementary ethics violation as a circuit-court judge. She had ruled on cases involving a bank of which her husband was a paid director, a fact that came to light during her 2007 Wisconsin Supreme Court campaign. The high court had to contend with the transgression after Ziegler had joined its ranks. The justices formally reprimanded her in 2008, the first time in the court's history that they had rebuked one of their own.

Meanwhile, Gableman was fighting charges by the Wisconsin Judicial Commission that he'd lied in his Reuben Lee Mitchell ad against Butler. Eventually, a panel recommended the complaint be dropped, concluding that, even if the ad left a misimpression, it said nothing literally false. At that point, it was again up to the Supreme Court to take final action. The high court, minus Gableman, deadlocked 3-3 on whether their colleague had committed misconduct.

In still another outgrowth of the 2008 campaign, criminal-defense lawyers repeatedly asked for Gableman's recusal in their cases, citing statements by Gableman showing bias against them as a group. He refused. Yet again the justices deadlocked.

This series of internal flashpoints culminated in 2010 when the court, by a 4-3 vote, diluted its own conflict-of-interest rules in the wake of a 2009 U.S. Supreme Court decision on judicial recusal, *Caperton v. A.T. Massey Coal Company*. Though the decision prompted many states to consider toughening their standards, the Wisconsin justices rejected stronger proposals and adopted weak language drafted by the WMC and the Wisconsin Realtors Association. (One of the conservatives voting for the business-supported language, Ziegler had refused to sit out a case involving WMC in 2007, just months after the group had spent $2 million supporting her candidacy.) The new rules say that judges need not recuse themselves based *solely* on a lawful campaign contribution or independent expenditure, no matter how large.

This year's Wisconsin Supreme Court election between conservative sitting justice David Prosser and state assistant attorney general JoAnne Kloppenburg came against a fraught backdrop: First, there was the bad blood between conservative and liberal justices over the ethics cases and recusal rules. Then in 2011, the newly elected Governor Scott Walker, a Republican, and the GOP-controlled legislature sought to sharply limit the collective-bargaining rights of public-employee unions, prompting mass protests at the capitol.

Prosser, originally appointed in 1998 to the state's high court by Governor Tommy Thompson, a Republican, was heavily favored. But the public response to the collective-bargaining legislation was heated on both sides, and it was clear that challenges to the new collective-bargaining law would be resolved by the state's supreme court. Prosser was part of the court's 4-3 conservative majority.

Suddenly, the race was a proxy for the state's larger political battles. Some 35 interest groups spent $4.5 million in the two months before the April 5 election, much of it in the last two weeks. The candidates, both publicly financed, spent less than half a million dollars each, but the outside groups supporting Prosser spent about $2.7 million, and those backing Kloppenburg, roughly $1.8 million.

Both sides played the crime card: The Greater Wisconsin Committee attacked Prosser, a district attorney in the late 1970s, for not prosecuting a Green Bay priest accused of sexually abusing two boys. The WMC ran a spot with out-of-context remarks Kloppenburg had made about being tough on crime. The incumbent's temperament also became an issue. A Greater Wisconsin ad showed footage of Prosser, a former legislator, menacingly approaching the front of the Assembly chamber with his fist cocked. Court e-mails also came out showing that Prosser had called Chief Justice Shirley Abrahamson a "total bitch" and threatened to "destroy" her. Prosser admitted it, said he'd "probably overreacted"—then dug himself in deeper by claiming Abrahamson and Justice Ann Walsh Bradley were "masters at deliberately goading people into perhaps incautious statements."

At the end of the tumult—which included a recount—Prosser won by just 0.5 percent of votes cast. It wasn't over, though. Given the last few years, the court had become prickly and ideologically riven. So when a challenge to the collective-bargaining law did reach them, the justices fell into predictable camps. On June 13, the day that the court's conservatives hoped

to release to the public their decision upholding the law, Justice Prosser's hands had an encounter with Justice Bradley's neck.

Reports of the incident vary, but it's agreed that Prosser and the other conservatives went to Bradley's office looking for Abrahamson. Abrahamson and Bradley were there, and the two sides argued. Bradley asked Prosser to leave. Whatever happened next, Bradley claims that Prosser then deliberately put his hands around her neck, attempting to choke her. Others have said that Bradley charged Prosser, who incidentally touched her neck while fending her off. Justice Patience Roggensack, a conservative, pulled them apart. The Dane County Sheriff's Office investigated the matter, and in August, a special prosecutor was named to consider the office's still-undisclosed findings.

In July, the recusal issue was again the subject of pitched debate, this time centering on Roggensack. A defendant appealing his sexual—assault conviction, Dimitri Henley, asked her to remove herself because she'd ruled, as a circuit-court judge, on Henley's co-defendant's case. She said no, and Henley petitioned the full court. Shocking most legal observers, Roggensack participated in the court's 4-3 decision, which said, "This court does not have the power to disqualify a judicial peer from performing the constitutional functions of a Wisconsin Supreme Court justice on a case-by-case basis." In previous circumstances—involving Gableman, for instance—the court had deadlocked, with the justice whose recusal was at issue not voting. Now, with Roggensack taking part and casting a fourth vote, the court had set policy.

The dissenters were appalled: "Justice Roggensack fails to respect a bedrock principle of law that predates the American justice system by more than a century—'no man is allowed to be a judge of his own cause.'" The Dane County Sheriff's Office investigated the matter and a special prosecutor was named to consider its findings.

At the end of August, the special prosecutor investigating the Prosser-Bradley altercation announced there would be no charges filed. She gave no specific reason for her decision, though she noted varying accounts of the witnesses. Prosser took the opportunity to attack Bradley, saying in a statement that "Justice Ann Walsh Bradley made the decision to sensationalize an incident that occurred at the Supreme Court . . . I am gratified that the prosecutor found these scurrilous charges were without merit." Bradley said the incident had been a matter of "workplace safety."

The consequences of ugly campaigns and altercations over judicial ethics ripple far beyond the courtroom where the justices gather. A July poll by Justice at Stake showed that the confidence Wisconsin voters had in their Supreme Court had fallen to 33 percent, down from 52 percent three years earlier.

“I think the nastiness of the races and the ethical complaints have certainly contributed” to the court’s poisonous atmosphere, former Wisconsin Justice Janine Geske says.

“The public’s perception of the court is that its decisions are politically motivated,” says Madison lawyer Tom Basting. When that happens, “democracy’s in trouble.”

Activities of third-party groups aside, the spectacle of judicial candidates raising money for their races puts attorneys in an awkward position. “The tricky part does come in getting calls from the justices for money,” says a Wisconsin lawyer who was tapped for a check by the chief justice. “It was very uncomfortable for me, incredibly awkward. And then to appear in front of her ....”

Polls consistently show that the public believes those contributions pay off for donors. A 2010 Harris poll, for instance, found that more than 70 percent of Americans believe campaign contributions influence courtroom outcomes. Even many judges think money tilts judicial decisions.

But change won’t come easily, if it comes at all. Over and over, polls have also shown that the public likes to elect its judges. An Annenberg Public Policy Center national survey in 2007, for instance, found that 64 percent of Americans favor the direct election of judges, a method with strong populist roots.

Still, in Wisconsin a growing number of former fans of elections are rethinking their position. Geske is one. She says that once, campaigning “forced judges to go out and be with the public, to be able to talk with people in small groups about the court system” and that elections usually produced high-quality judges. But, she adds, Wisconsin’s recent experience “certainly has given me deep pause about whether this process works.” To make things worse, Wisconsin just eliminated public financing for judicial elections, which had slowed at least a little the candidates’ race for cash.

Some advocates of change see hope in the *Caperton v. Massey* decision, in which the Supreme Court held that a West Virginia justice who had received a $3 million campaign contribution from a corporate CEO had wrongly failed to recuse himself from a major case involving that same corporation.

"If I'm putting all my money on a candidate, if that results in a recusal, I begin to ask myself the crass question, 'What is the return on my investment?'" says Mark White, former Alabama Bar president. "I think this is the one thing that could have an impact. *Caperton* has the most potential to change our judicial races."

Historically, most states have left it only up to the justice whose fairness is being questioned to decide whether to stand aside. A handful of states—Wisconsin not among them—have adopted stricter standards since the *Caperton* ruling. Michigan now allows the entire court to review recusal motions and disqualify individual justices from cases "if the judge's impartiality might objectively and reasonably be questioned." New rules in New York state require recusal of any judge to whom any parties or lawyers involved in a case donated $2,500 or more in the preceding two years.

The public, with its suspicions about the influence of campaign money, seems open to clamping down on recusals. In one Harris poll, 81 percent said a judge shouldn't hear cases involving parties who had spent $10,000 to help him or her get elected.

In 2009, Barack Obama nominated Louis Butler to be a federal district judge in Wisconsin. Obama has renominated him three times, most recently last January. Repeatedly, Butler's nomination has made it through the Senate Judiciary Committee and died on the Senate floor at the hands of Republicans. In the current go-around, even the committee hasn't voted, because the new Republican senator from Wisconsin, Ron Johnson, hasn't signed off, in accordance with a Senate custom calling for approval from a nominee's home-state senators.

The Wall Street Journal has editorialized against Butler, citing the lead-paint and other cases, and both business and social conservatives have him in their sights. One manifesto attacks him for allegedly having "a far-left agenda of personal beliefs and political ideology" and making it easier for business to be slammed with "junk lawsuits."

Butler has become a partner in a Milwaukee law firm while waiting for some movement, playing a little golf, spending time with his family, and waiting for some movement in Washington, or perhaps for frustration to spur him to move on. Given the blockage of court appointees in today's Senate, uncertainty is the nominee's lot. But a few things are certain: Those who want to try to influence next year's judicial elections are already at work raising money and testing messages. Spending on judicial races will climb. And if recent trends continue, one side will likely spend significantly more than the other.

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Viveca Novak, a writer based in Washington, D.C., is a former correspondent for *Time*, *The Wall Street Journal*, and *National Journal*.

*OSI and FPOS do not disburse or earmark any grant funds to support lobbying on legislation.

This article spotlights work on fiscal policy at the state and federal levels, a priority for economic policy idea generation grantees of the Democracy and Power Fund. Grantees cited include the Economic Policy Institute (a Democracy and Power Fund grantee), Center on Budget and Policy Priorities (a Democracy and Power Fund and now U.S. Programs "anchor" grantee), and National Priorities Project (a co-funded grantee of the Democracy and Power and Transparency and Integrity Funds).

The Christian Science Monitor

Fewer cops, more potholes: How debt deal could hit states hardest

Federal spending cuts mean fewer dollars will flow to the states for unemployment benefits, education, health care, and other state-run programs. Many states will have to cut services or raise taxes.

Steven Valenti / The Republican-American / AP

F Alan Marshall, of Waterbury, Conn. will lose his position with the Southbury Training School Fire Department, he told reporters on Aug. 2. The training school is losing eight of 13 firefighter/EMT positions. With states losing hundreds of millions of federal dollars, Connecticut and other states must make hard choices about what jobs and services to cut and how much to raise taxes.

By Patrick Wall, *Contributor* / August 2, 2011

New York

The debt-and-deficit bill signed into law on Tuesday forestalled a dangerous federal government default. But it will also slash aid to states already reeling from the recession, almost certainly forcing them to curtail services and raise revenues to pay for programs once bankrolled by Congress.

The bill, which the Senate approved and President Obama signed into law Tuesday, will eventually raise the government's debt limit by more than $2 trillion in exchange for equivalent savings. Congress will achieve nearly $1 trillion of those savings by cutting domestic discretionary spending – including funds for education, health care, job training – to its lowest level in over half a century, as a share of the GDP.

"State budgets are already devastated," says Ethan Pollack, a senior policy analyst at the Economic Policy Institute. "This deal just makes it far worse and shifts a lot of the pain onto state and local governments."

The recession pummeled states, diminishing tax revenues while increasing demand for public aid. Federal stimulus dollars that shored up many state budgets over the last few years are mostly spent, as are many states' rainy day funds.

When state lawmakers hashed out budgets for the fiscal year that began in July, 42 states and the District of Columbia faced a collective budget gap of $103 billion, according to the Center on Budget and Policy Priorities (CBPP), which tracks state spending. Because every state except Vermont requires a balanced budget, almost all were compelled to slash services, raise taxes, or both.

The law passed Tuesday will shrink the government's non-security, domestic, discretionary spending by about $500 billion over the next 10 years, according to the CBPP. Nearly a third of those funds typically flow to states.

States rely on federal aid to pay for many popular programs, including Head Start, work study, energy and housing subsidies, highway repair, and emergency response. With fewer federal dollars available, states will need to restrict their own resources to vital institutions, while cutting or charging fees for less-crucial services.

Taxpayers can expect larger class sizes, fewer police officers, and more potholes, says Jo Comerford, executive director of the National Priorities Project, a left-leaning non-profit that monitors government spending.

"We're way past cutting the fat or program efficiencies," says Ms. Comerford. "Now we're into cuts that are really affecting quality of life and forcing really hard choices."

States' painful budget decisions are likely to extend beyond fees and service cuts.

Since August 2008, state and local governments have trimmed workforces at a rate of about 10,000 to 20,000 positions per month, according to the CBPP. Reduced federal aid will likely mean more state-level job and benefits cuts, which in turn could slow states' recoveries.

"When workers receive lower pay or lose their jobs, they consume less, and the ripple effect continues throughout the state's economy, costing even more jobs," says a June report by the CBPP.

Still, most states are relieved to see a deal that averts government default – particularly the handful of states that faced credit rating downgrades if the federal government failed to pay its bills. In addition, the ballooning federal deficit was unsustainable, says Robert Ward, deputy director of the Rockefeller Institute of Government in Albany, N.Y.

"If Congress had done nothing, what would the impact have been for states then?" asks Mr. Ward. "It's hard to argue that the status quo could simply continue forever."

The deficit reduction law includes a second phase of cuts worth up to $1.5 trillion. The plan calls for a joint committee in Congress to recommend savings, which could take the form of tax increases, entitlement reforms, or more spending cuts. If the recommendations aren't acted upon by the end of the year, automatic reductions of $1.2 trillion will be applied to defense and domestic programs, including Medicare.

More than two-thirds of the federal funds flowing to states go to mandatory programs, including cash assistance and Medicaid. Medicaid alone accounts for nearly half – about $248 billion – of the $586 billion states will receive from the federal government this year.

For this reason, many analysts are convinced the joint committee will recommend changes to Medicaid, possibly restricting the number of recipients and shifting more costs to the states.

"Medicaid will almost certainly be on the table," says Ward. "The looming deficits are just too big to ignore, and too big to close with tax increases or military reductions alone."

Though Congress has yet to target specific programs for reductions – the most severe of which won't take effect until after the 2012 elections – advocacy groups are already bracing for a new era of austerity.

In New York City, a group called New Yorkers Against Budget Cuts planned to meet on Wall Street Tuesday afternoon to protest the debt law.

"We're calling people out to vent their frustration with the cutbacks at the federal level," said Larry Hales, one of the group's co-founders, before the event.

Mr. Hales, who lives in Jersey City, N.J., has been unemployed since 2009, when he was laid off from a job as a community organizer. Earlier this year, Hales' unemployment benefits expired, and the state stopped sending him a monthly cash assistance check. He says he doesn't expect either to be restored.

*OSI and FPOS do not disburse or earmark any grant funds to support lobbying on legislation.

This article spotlights work on fiscal policy, a priority for economic policy idea generation grantees of the Democracy and Power Fund. It also highlights work to engage faith-based constituencies in open society advocacy, a D&P engagement priority. Sojourners, a co-funded grantee of the Democracy and Power Fund, Equality and Opportunity Fund, and National Security and Human Rights Campaign, is cited in the article.

The Washington Post

Obama is urged by Christian groups to protect poor in debt limit fight

By Peter Wallsten, Tuesday, July 26, 2:24 PM

A new coalition of influential Christian groups is ramping up pressure on President Obama and Congress to shield the poor from spending cuts in the ongoing debt limit struggle, with one organization launching an advertising campaign Tuesday on Christian radio stations in politically important markets.

The ads, airing in the home states of Senate Majority Leader Harry Reid (D-Nev.) and Minority Leader Mitch McConnell (R-Ky.) and in the home district of House Speaker John Boehner (R-Ohio), feature local pastors declaring the federal budget a "moral document."

"The book of Proverbs teaches that where there is no leadership, a nation falls, and the poor are shunned while the rich have many friends," says Las Vegas Pastor Tom Jelinek in one ad. "Sadly, Congress has failed to heed these biblical warnings."

The ads are sponsored by the liberal evangelical group Sojourners, which has teamed up with other Christian organizations from across the political spectrum to form a coalition called the Circle of Protection.

The coalition includes black and Hispanic clergy organizations, as well as more conservative groups, such as the National Association of Evangelicals and the United States Conference of Catholic Bishops.

The group's Web site poses a question designed to send chills through any politician who looks to churches and religious groups as a source for large voting blocs: "What would Jesus cut?"

Coalition leaders met last week at the White House for 40 minutes with Obama, admonishing him to protect Medicaid, food stamps, aid to poor women with infant children, international development aid and other programs specifically targeted to the poor.

The group is responding to the heated battle between congressional Republicans and the White House over raising the country's $14.3 trillion debt ceiling, which must occur before Aug. 2 or the nation will go into default. Republicans seek drastic spending cuts and major reform of entitlement programs like Medicare and Social Security, and Democrats want new revenue along with decreased spending.

The group has also met with staffers for Boehner. "The House's plan makes the choices that are necessary today to ensure these programs will be there in the future," contended Boehner spokesman Brendan Buck.

At the White House meeting, Bishop Ricardo Ramirez of New Mexico told Obama that his willingness to defend the poor from steep cuts would be a "fundamental moral measure" of his administration.

"There seem to be several 'givens' in this debate," Ramirez said, according to an e-mail from his office. "For Republicans, no new taxes is a given. For some Democrats, no cuts in Medicare are a given. For others, no cuts in military spending is a given. For your administration, some additional revenues are a given. Sadly, if you listen to the debate it seems that protecting the poor and vulnerable is not a given. That is why we are here."

Jim Wallis, president of **Sojourners**, said Tuesday he was encouraged by Obama's reaction to the group. The president, he noted, even cited the Bible during the private meeting in the Roosevelt Room, alluding to Jesus Christ's expressions of concern for the "least of these."

But Wallis and several others expressed dismay that Obama, in his nationally televised address Monday night, focused mostly on protecting the middle-class. "No mention of the poor or the most vulnerable," Wallis said.

Aides to Obama and the congressional leaders did not respond immediately to requests for comment on the radio ad campaign.

Coalition officials said they have met in recent weeks with Reid and top aides to Boehner, as well as with House Budget Committee Chairman Paul Ryan (R-Wis.).

The religious leaders said Tuesday they were still reviewing the latest proposals for steep cuts to the federal budget to come from Reid and Boehner. They expressed concern that both plans appeared to endorse trillions of dollars in cuts that, according to the church leaders, would most likely hit the poor hard.

David Beckmann, president of Bread for the World, one of the coalition partners, said the speaker's plan appeared to include an exemption for means-tested programs if automatic cuts are triggered, which Beckmann called a welcome development.

"I don't think they want to make kids hungrier," Beckmann said. "But if you have deep, unspecified cuts in spending, they will make kids hungrier."

This article profiles the work of grantees Boston Community Capital and City Life/Vida Urbana to create a national model to stabilize communities hardest hit by the foreclosure crisis through a unique program that allows homeowners to repurchase their homes after foreclosure with affordable mortgages and, in doing so, prevent wealth loss, displacement, and property abandonment. This program directly advances our strategic goal of facilitating the reuse of foreclosed properties as affordable housing for low-income households.

THE CHRONICLE OF
PHILANTHROPY
Connecting the nonprofit world with news, jobs, and ideas

July 24, 2011

A Nonprofit Group in Boston Sells Foreclosed Homes Back to Their Owners

Boston Community Capital helps families like this one stay in their homes by selling foreclosed properties back to their owners.

By Nicole Wallace

Foreclosure is more than just a private tragedy for individual homeowners. Foreclosed homes that sit vacant and neglected bring down housing prices nearby and become magnets for crime and vandalism, threatening the stability of entire neighborhoods.

To try to stem the damage in Boston's poorest areas, Boston Community Capital, a nonprofit finance institution, now purchases foreclosed properties and provides the former owners or renters with fixed-rate mortgages to buy back their homes. Because the size of the new loans is lower and the terms are fairer, the monthly payments are affordable. In the last 18 months, Boston Community Capital has helped people repurchase more than 70 houses and condominiums, allowing more than 125 people to stay in their homes.

While the organization's Stabilizing Urban Neighborhoods program is small, it is already attracting some high-powered attention. In a speech this past spring, Ben Bernanke, the Federal Reserve chairman, cited the program as an innovative approach to minimizing the strain that

foreclosure puts on communities. Open Society Foundations has awarded Boston Community Capital a $300,000 grant to help the program expand nationally.

“Every time you’re able to keep somebody in their home, you’re one step closer to stabilizing a neighborhood,” says Elyse D. Cherry, chief executive of Boston Community Capital.

Boston Community Capital advertises its services in Spanish and Creole as well as English.

'Not a Giveaway’

The financial organization relies on a combination of loans and grant money to run the program.

The steep drop in housing values in low-income neighborhoods in Boston and nearby cities like Lynn and Revere is the key to the organization’s purchasing plan.

A house that someone bought several years ago for $300,000 may be worth only $150,000 today, says Ms. Cherry. If Boston Community Capital can purchase the home at the lower price, the group can offer a mortgage that a low- or moderate-income worker could afford.

So far, homeowners who have repurchased their homes have seen their monthly mortgage payments drop from an average of $3,300 to $1,700. When Boston Community Capital reviews an application from a homeowner, it carefully evaluates whether the candidate will be able to repay the new loan. The organization works only with homeowners who have a stable source of income, whether from a job or a government program such as Social Security or disability assistance.

“This is not a giveaway,” says Ms. Cherry. “We have to pay back our lenders.”

Grateful for Relief

Homeowners who have sought help from the program fell behind on their mortgage payments for many reasons. For Cesar Santana, a father of three in Lynn, Mass., it was an adjustable-rate mortgage, falling home values, a divorce, and eight months of unemployment.

Mr. Santana's condominium was foreclosed on in January. Now working two jobs, he repurchased it through the Stabilizing Urban Neighborhoods program, and his monthly mortgage payment is $631. With his old loan, it had risen as high as $1,610.

Mr. Santana is grateful to Boston Community Capital for helping him stay in his home, and he appreciates the time his loan officer took to make sure that he understood the terms of his new mortgage. Now a volunteer with Lynn United for Change, the community-organizing group that first told him about the program, he participates in antiforeclosure rallies and talks to other homeowners who are behind on their house payments.

"I go to the meetings, I go to the marches, because in the same way I got help, I want other people to get help too," he says.

Negotiating with Lenders

Advocacy groups, like Lynn United for Change and City Life/Vida Urbana, and legal organizations that help homeowners fight eviction, such as Harvard Legal Aid Bureau and Greater Boston Legal Services, are key sources of referrals to Boston Community Capital. What's more, the pressure such groups bring to bear gives lenders a greater incentive to negotiate a deal with Boston Community Capital.

Working with large financial institutions is the biggest challenge the program faces, says Ms. Cherry. Lenders, she says, don't want to sell properties for less than is owed on the mortgages because they are terrified that other homeowners who owe more than their houses are worth—often referred to as being "underwater"—will stop paying their mortgages.

But Ms. Cherry says Boston Community Capital can make a persuasive argument that it is in the best interest of not just the homeowners but also the banks to sell at the lower price. The foreclosure and eviction processes are drawn-out and expensive, and cities are becoming more aggressive in their demands that banks maintain the foreclosed properties according to local building codes.

"We come in and say, 'Look, you're only ever going to get market value for this property anyway,'" says Ms. Cherry. "'We'll pay you market value. It's distressed market value, but that's what you've got. So isn't it better to deal with us early in the process, so that you don't have this long period of time

in which you aren't getting any funds, and you're getting all these other costs?'"

When it started the effort, Boston Community Capital realized it couldn't rely on philanthropic dollars alone if it wanted to create a program that would reach a large number of homeowners.

The organization initially sought commercial loans, but the best interest rate it could find was higher than 12 percent. However, with a $3.5-million equity investment from wealthy donors set aside to cover losses if any mortgages the group makes go into default, Boston Community Capital was able to secure $40-million in loans from foundations and wealthy individuals, at an interest rate of 4.25 percent.

The charity uses that money to buy foreclosed properties, and provide the former homeowners with mortgages at an interest rate of 6.25 percent. The homes typically are sold back to the owners at a price 25 percent higher than the organization paid. The markup in the price of the home and the higher interest are used to bolster the program's reserves to cover bad loans and pay for operating expenses.

The organization eventually plans to sell the mortgages it holds, repay its lenders, and then use the proceeds to make more loans. By recycling the loan capital it's raised so far, the charity thinks it will be able to purchase and resell 1,500 to 2,000 properties over five years.

The 'Boston Model'

Economic-development groups across the country are excited about trying to create similar programs in their own cities, says Solomon J. Greene, who oversees grants that the Open Society Foundations gives to help keep neighborhoods stable. He says the approach has been a topic of conversation at almost every conference he's attended since last summer.

"When there is something that's working, it is very quickly taken up and held up as a model by other groups," says Mr. Greene. "One of the things we realized is that folks are talking about replicating what they call the 'Boston model,' but there isn't a lot of information about how to do it."

To fill that gap, the foundation awarded a grant to Boston Community Capital to create a tool kit, with details such as the group's underwriting standards, that other organizations can use to start their own programs. The money will also pay for the group to plan how it can expand the Stabilizing Urban Neighborhoods program.

Boston Community Capital, says Mr. Greene, "is a great partner because they recognize they've got a good thing, but that they can't be the only version of this solution."

This article describes the Obama administration's plans to review nearly 300,000 deportation cases and close those deemed low priority. EOF grantee, the Legal Action Center at the American Immigration Council, is quoted as urging caution until more is known about the review process. Many grantees have been engaged in inside and outside advocacy strategies to encourage the Department of Homeland Security to reduce deportation rates. This advocacy advances our goal of ending punitive immigration enforcement policies that lead to increased detention and deportation.

Los Angeles Times

August 28, 2011

Deportation reviews raise some immigrants' hopes

By Paloma Esquivel

As the Obama administration plans to review nearly 300,000 deportation cases and close those deemed low priority, advocates urge immigrants to be cautious until more details are known.

Hilda Jauregui and dozens of women at an Orange County immigration detention center recently gathered to hear the news on television that the Obama administration will review thousands of deportation cases with an eye closing those considered "low-priority."

"Everyone was shouting and hugging each other," Jauregui said in a telephone interview from the James A. Musick jail facility last week. "One woman said 'I'll qualify because I'm older,' another said she had children who were born in the country. Everyone was trying to find something positive that would make them qualify."

U.S. Homeland Security Sec. Janet Napolitano announced the review Aug. 18 as the administration was seeking to counter criticism that it has been too harsh in its deportation policies. The case-by-case review is intended to

refocus efforts on felons and other public safety threats, officials said.

Now immigrants around the country are trying to find out how the review of nearly 300,000 deportation cases will actually work. The administration has said it would try to identify immigrants considered low-priority — including students, the elderly, victims of crime and people who have lived in the U.S. since childhood.

Many immigrants expressed hope that their cases would qualify, but immigration attorneys and advocates urged caution until more details are known. Meanwhile, a U.S. Homeland Security official last week offered some additional information about the review process.

A working group made up of at least 20 Homeland Security and U.S. Department of Justice employees will review the cases with help from field offices around the country, said the official, who declined to be identified because he is not authorized to talk publicly about the process. About half of the group will consist of attorneys; the remainder will be operational officials and representatives from Homeland Security's policy and civil rights offices.

Individuals will not be able to appeal the group's decisions about whether cases are classified as high priority or low priority and will have to rely on already established court processes for any kind of appeal, the official said.

Those whose cases are closed will be able to apply for work permits based on an existing regulation that allows those granted deferred action to apply for permits if they establish economic necessity, the official said.

Melissa Crow, director of the Legal Action Center, an immigrant rights advocacy group, and a former Homeland Security official, urged caution and patience until more is known about the review process.

"We're not yet sure how the agency's commitment will play out in practice," she said. "In an ideal world, the government would thoroughly review every single one of these 300,000 pending cases and where necessary seek additional information from individuals or from their lawyers to make a solid determination about whether cases are low priority or high priority."

Meanwhile, critics have denounced Obama's plan as a blanket amnesty for a large group of illegal immigrants and said the president is simply trying to court Latino voters. They said the majority of Americans prefer tougher immigration enforcement.

Some immigrant rights attorneys described trying unsuccessfully in the past to argue that their cases should be considered low priority under guidelines issued by the Obama administration. Others said they were encouraged by recent decisions.

Lavi Soloway, an immigration attorney who represents several same-sex couples, claimed victory earlier last week after immigration officials moved to administratively close removal proceedings for a Cathedral City man he represents who is in a same-sex marriage.

Soloway had argued that the man's case should be considered low priority because he is married, has strong community ties and no criminal history. The department's motion was made before the administration's announcement but was dependent on criteria announced in June that will be the basis for the systematic review.

Soloway said he did not yet know if his client would be allowed to apply for a work permit.

Jauregui, her husband and youngest daughter came to the attention of U.S. immigration officials after an advisor convinced them to apply for asylum, a common fraud scheme. Their claim was denied and they were ordered to leave the country more than 10 years ago, said her attorney, Jessica Dominguez. The family appealed the order, but this year they were detained by immigration officials at their home in Duarte, Dominguez said.

Jauregui has six children, four of whom are U.S. citizens, one who is a legal permanent resident and one who is undocumented. She also has a 17-year-old grandchild, also a U.S. citizen, of whom she currently has custody. Jauregui has no criminal record and said there is nothing for her or her family in their home country, Peru.

"I think, because of our age and because of our granddaughter, we might qualify," she said. "We're not prepared to return to our country."

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This article describes a federal ruling to uphold the constitutionality of a key provision of the Voting Rights Act against a challenge by Shelby County, Alabama, a largely-white suburb of Birmingham. OSF grantee, the Lawyers' Committee for Civil Rights Under Law, intervened in the case to defend Section 5. With this ruling, the court affirms the critical role that Section 5 continues to play in combating voter discrimination and advances our goal of defending the constitutionality of the Voting Rights Act.

The New York Times

September 21, 2011

Judge Rejects Challenge to Voting Rights Law by County in Alabama

By Campbell Robertson

Ruling that the intentional voter discrimination that led to the passage and multiple extensions of the Voting Rights Act of 1965 still exists, a federal judge in Washington on Wednesday dismissed an Alabama county's claim that portions of the act were unconstitutional.

The challenge to the law was brought last year by Shelby County, a mostly suburban county south of Birmingham, and concerned sections of the act that set apart certain jurisdictions that have shown past patterns of discrimination. These jurisdictions — which include the entirety of most Southern states but also Alaska, Arizona and isolated towns and counties around the country — are required to obtain "preclearance" from the Justice Department or a panel of federal judges before making any changes to voting procedures.

In 2006, Congress found enough evidence of continuing discrimination to warrant an extension of the act for 25 years.

In its suit, Shelby County argued that the widespread discrimination of the Jim Crow era had ended, and that "it is no longer constitutionally justifiable for Congress to arbitrarily impose" on the county and other covered jurisdictions the "disfavored treatment" of having to obtain preclearance from Washington.

The county said that Congress "lacked the evidence of intentional discrimination" to justify the extension. The suit also said parts of the act violated the principle of equal state sovereignty.

In his opinion, Judge John D. Bates of Federal District Court, who was appointed by President George W. Bush, laid out much of the evidence that Congress had used to justify its 2006 extension.

This evidence included the fact that, from 1982 to 2006, hundreds of objections to proposed voting changes had been lodged by the attorney general's office, tens of thousands of federal observers had been sent to monitor voting in the covered areas and at least 14 cases had been reported of judicial findings of intentional discrimination.

The judge also included several anecdotal examples of discrimination from the past 25 years, mentioning openly racist lawmakers and poll officials, an episode in Alabama where the doors to polling places were shut early to keep blacks out and several instances of discrimination in the redistricting process that took place early in last decade.

A town in Shelby County had recently been the subject of a federal objection when, in 2008, it drew up a City Council redistricting plan that eliminated the city's sole majority-black district, which had elected black councilmen for 18 years.

"Bearing in mind both the historical context and the extensive evidence of recent voting discrimination reflected in that virtually unprecedented legislative record," Judge Bates wrote, "the court concludes that 'current needs' — the modern existence of intentional racial discrimination in voting — do, in fact, justify Congress's 2006 reauthorization of the preclearance requirement imposed on covered jurisdictions."

The lawyer for Shelby County was traveling and unavailable to comment.

CBMA grantee Los Angeles Black Workers Center wins MTA hiring policy change that will create job opportunities for black construction workers.

L.A. Black Worker Center
REAL JOBS, REAL SKILLS, REAL PROTECTIONS, REAL CHANGE

For Immediate Release

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MTA Approves Hiring Policy to Help Employ Construction Workers Most Vulnerable in Recession

MTA Approval to Begin Negotiations for Labor Agreement, Paving Way for Increased Job Access for African-American and Disadvantaged Residents

LOS ANGELES—September 23, 2011— When construction worker Madelyn Broadus learned that the Black Worker Center planned to bring supporters to yesterday's MTA hearing that had a breakthrough hiring policy on its voting agenda, she was eager to join. As an African-American sheet metal journeyman for Local 105, Broadus has been in and out of work for the past year and a half. After the MTA voted to begin negotiations for a labor agreement, Broadus finally felt some sense of relief. This landmark hiring policy will guarantee fair wage, quality jobs for communities with the highest unemployment rates by increasing their access to union construction jobs.

Supervisor Mark Ridley-Thomas submitted the motion to authorize the MTA Board to negotiate the policy. "Throughout the country, thousands of determined people hunt each day to find work," said Supervisor Ridley-Thomas. "Concurrently, some of the biggest economic transit projects are in the process of being constructed right here in Los Angeles County. These transportation developments present an unrivaled opportunity to employ thousands of local residents who have the training, skills and experience but simply need work. That's our objective, to get people working, enable them to support their families, and pursue meaningful careers."

The policy is a tool to implement the 30/10 Initiative, which aims to build 30 years worth of Los Angeles transit projects in only 10 years. One of the first projects to break ground is the Crenshaw/LAX Transit Corridor that is planned to run through the heart of South Los Angeles. While the policy will likely boost the local African-American job market, it is still unclear how the MTA will ensure diversity on its transit projects.

"This is an opportunity for the MTA to show leadership and usher in a new era to enforce anti-discrimination laws ensuring that Black workers, who are among the hardest hit, have equal job opportunities," said Lola Smallwood Cuevas, coordinator for the Black Worker Center. "The MTA can create good union jobs that lead workers out of poverty by implementing hiring protocol for all qualified workers to have equal job access that is free of discrimination." Cuevas pointed out that the next step is to ensure the proper enforcement of the agreement, including a centralized monitoring system to track and enforce workforce diversity.

Broadus hopes the MTA's new policy will help her gain steady employment in the near future. She and her sister have supported their brother's three children since he passed away in 2005, so she can't afford to turn down any work lately, even if it's short-lived. "The union just asked me if I wanted to do a 10-day job," she says. "I said, 'Hey, I don't care, I just want to work.'"

As one of the union's few female construction workers, Broadus knows she must work twice as hard to prove herself on the job. But when she joined the African American Sheet Metal Workers Association, she found that Black men shared similar experiences. In an industry where foremen traditionally hire through relationships and referrals, African-American men are frustrated with their own hiring challenges. With historic exclusion of Black workers in the industry and low rates of Black contractors, it is difficult for African Americans to find steady work in construction, particularly in a sluggish economy.

Although the Civil Rights Act gave African Americans equal access to construction trades nearly a half century ago, Black workers are still grossly underrepresented in the industry. Despite the growing number of skilled African American construction workers (Black apprentices rose 39% from 1999 to 2007), an industry disconnect still persists. While African Americans comprise 9% of the Los Angeles population and 10% of all

apprentices, only 4.9 percent of Black construction workers are currently employed, according to a report by the Black Worker Center.

Daniel Villao, director of the California Construction Academy, believes that the MTA's landmark policy will benefit both the construction industry as well as the city as a whole. "Our research has shown that project labor agreements are effective policy tools that help construction purchasers establish working conditions, enhance compliance mechanisms and ensure that construction projects benefit the local economy," said Villao. "Through this policy, the MTA could benefit from high quality, on-time project deliveries while addressing L.A.'s most severe areas of unemployment."

The purpose of the Los Angeles Black Worker Center is to develop and strengthen the position of L.A.'s black working class. The Black Worker Center (http://www.labor.ucla.edu/programs/blackworkercenter.html) operates as a research resource service, working through the UCLA Labor Center and worker centers across the country, to develop campaigns and movements that seek to improve the conditions of black workers throughout the United States. The LA Black Worker Center is funded by a generous grant from the Open Society Foundation's Campaign for Black Male Achievement, Liberty Hill Foundation, the California Endowment, and other generous donors.

Steve Harvey and CBMA are exploring how he can leverage his media platform to increase the number of boys in mentoring relationships with caring adults.

The Dallas Examiner - DALLAS, TX JULY 2, 2011

Steve Harvey Mentoring Weekend in Texas changes lives, prepares boys to be men

At a glance, people may look at Steve Harvey and his accomplishments and possibly only see him as an entertainer. On television, he is the host of one of the longest airing game shows of all time, Family Feud and also The Steve Harvey Project. On the radio, his syndicated show, The Steve Harvey Morning Show, reaches millions of listeners daily.

What do his accomplishments mean to the average young man hanging on the streets, growing up without a father figure or a single mother to help her son become a man? His accomplishments have great meaning to hundreds of young men and their mothers whose lives he touches each summer. Harvey uses what he has learned and gained throughout his lifetime to give back to the community. Each summer, he takes time out of his schedule to mentor young men from across the country, which he brings to his private ranch located in the Dallas area.

For the past three years, Harvey has opened up his 120 acre ranch to more than 100 young men during the Steve Harvey Mentoring Weekend, a four-day/three-night program that aims to teach the principles of manhood, how they can be bettering every aspect of their lives.

“Steve Harvey is doing a lot of great things by reaching out to those who are less fortunate, and any time you are doing something like

that we have an obligation to reach and help out in any way you possibly can. So anytime they call me out here to speak on those issues – to be a part of this – I feel obligated, I can't turn that down," Stephen A. Smith, ESPN sports anchor, said. Smith was one of many famous and influential people who came to help mentor the youth. Other mentors included Academy award winning actor Denzel Washington; Jermaine Dupri, hip-hop icon and multi-platinum producer; Terrance J of BET's 106 and Park; Will Packer, movie producer, who has brought to the world such films as This Christmas, Stomp The Yard, Obsession and Takers; Myles Kovacs, founder of DUB Magazine and self-made millionaire and many more.

There were a number of workshops that cultivated the principles of manhood and self-determination, including: You Can Be Me Panel Session; Looking Good and Feeling Healthy; Life Opportunities (Discipline & Motivation) and DIY.

Harvey invited black leaders from across the country, including motivational coach Jonathan Sprinkles; CSM Hershel Turner, of the U.S. Army; Lt. Tommy Elkins of the National Guard; Carlos Treadway, of Ford Motor Company; Benjamin Raymond, of State Farm; KRNB Radio's Benny Pough and Azim Rashid; Enoch Muhammad, of the Nation of Islam; and Marvin Ellison, from Home Depot.

During the sessions, the youth were coached on behaviors and work ethics needed to fulfill their visions. Many heard personal stories of struggle and triumph from the mentors.

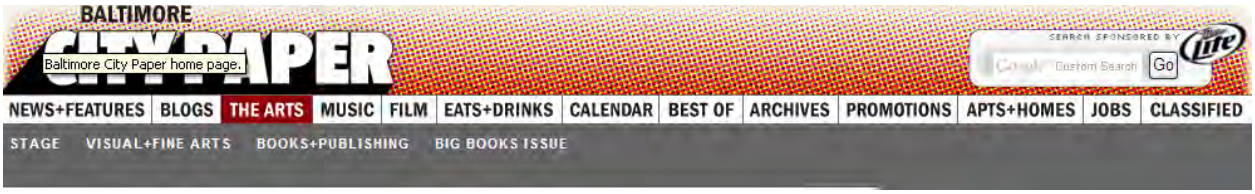
"I was told I wasn't good enough. People my whole life have told me, I was too small, too skinny, not smart enough, and eventually I interned at BET for over a year and a half, just learning everything, then one day after living on the floor, struggling, not paying rent, I got the biggest job on the network hosting 106 and Park... So never let anybody tell you that you can't live out your dream," Terrance J told them.

For a young man, Hakim Elam, a teenager from Los Angeles, California, this was an experience extremely special to him; "I'm in

a situation where I can't walk right now and being around these other kids my age and even some whose experience is worse than mine right now, I have learned from this, and will always embrace everything taught to me this weekend," he stated.

Mentors expressed that the weekend was a very important and positive experience to them, as well as to the youth; "Just growing up being raised by a single parent, by my mom ..." Kansas City Chiefs defensive tackle Shaun Smith said, pointing out the similarities between him and the youth. "A lot of these young guys don't have a father, so what Steve is doing is giving them an experience to last a lifetime

The Alternate ROOTS festival, supported by the Strategic Opportunities Fund, brings together national and local artists and advocates (including a Baltimore Community Fellow) to advance social change on multiple U.S. Programs priorities.



Getting There: Roots Fest 2011 turns the "Highway to Nowhere" into a local destination

Roots Fest will reclaim West Baltimore's "highway to nowhere" for the community.

By **Bret McCabe**

PUBLISHED: JUNE 22, 2011

Roots Fest 2011

Oriole Park at Camden Yards, the Inner Harbor, Silo Point—over the past 40 years Baltimore has witnessed a number of municipal government and corporate economic development partnerships create long-lasting impressions on the city's landscape and cultural life. Not all of them, however, have produced such illustrious thumbprints. Some have, from the very start, faced contentious community opposition. Some, from the moment construction began, were already problematic in the planning stage. And some get started before gaining community support and implode before completion, remaining ambitious failures on an epic scale. And in Baltimore, perhaps no single project is more of an epic fail than the attempt to connect Interstate 95 with I-70, construction on which halted in the 1970s, leaving behind a 1.4-mile stretch of divided highway from Martin

Luther King Jr. Boulevard to the West Baltimore MARC train station that permanently cleaved a predominately African-American community in two. To those of us who arrived in Baltimore after its construction, there was never a time before. For all we know, Baltimore has always had that pointless "Highway to Nowhere."

"We chose the Highway to Nowhere because when I [started working on] my thesis, it was the safest place you could actually be all day long," says local artist and community organizer Ashley Milburn. "There was absolutely *nobody* on the green spaces on the highway. There's, like, 52 acres of downtown park-like green spaces with no one on it. So the idea of putting a huge national festival on that spot—and Alternate Roots was crazy enough to even think about it—was just outrageous."

He's talking about Roots Fest 2011, a national conference and festival that kicks off tonight with panel discussions and presentations and culminates this weekend in two days of free, outdoor music and arts featuring New Orleans poet Sunni Patterson, contemporary soul man Anthony David, go-go godfather Chuck Brown, and hip-hop truth teller Talib Kweli—all taking place on the Highway to Nowhere at Franklin and North Gilmor streets. It's a crowd-pleasing, family-friendly lineup of artists and activities designed to bring people to West Baltimore to have a good time. But for the festival organizers, it's an opportunity to spotlight the human and cultural resources of a community that has been undervalued—and undervalued itself—thanks to decades of poor systemic urban planning and policy, and an attempt to find creative cultural strategies to succeed in revitalization where traditional models of private/public partnerships have not.

Roots Fest 2011 is technically a 35th-anniversary celebration for Alternate Roots, an Atlanta-based nonprofit organization that services 14 southern states and Washington, D.C., working with "artists and organizers who are doing work at the intersection of arts and activism," says Carlton Turner, Alternate Roots executive director, by phone. "We help and support artists through networking and capacity building and skills development as well as legal aid and funding."

Milburn crossed paths with Alternate Roots in 2007, when the arts organization hosted a weekend community-arts minifestival in Baltimore. Milburn, a West Philadelphia native who moved to Baltimore in 2003, graduated from MICA's masters program in community arts in 2007, working in West Baltimore through the Bon Secours of Maryland

Foundation. In 2007 he became an Open Society Fellow to continue working with community members to change the perception of the Highway to Nowhere. He and West Baltimore community organizer Denise Johnson started Culture Works, a community outreach endeavor under the auspices of the local social change and justice nonprofit Fusion Partnership Inc. And Milburn reached out to Alternate Roots to help Culture Works do what it was trying to do.

“We partnered with them three years ago to help us bring resources into Baltimore, to explore the idea of what, exactly, is cultural organizing and how can we assist the community in doing something with that,” Milburn says. “And then Alternate Roots was [going to be] celebrating its 35th anniversary. We are kinsman in all of what we do and think about community and arts and culture. We bid for them to do their celebrating in West Baltimore, because nothing ever, ever, ever, ever happens there on that magnitude.”

In fact, you could argue that the only time events of this magnitude happen in West Baltimore, it’s destruction packaged as development. In July 1999 the George B. Murphy Homes, and their roughly 800 units, were demolished to make room for a different low-income housing project of 352 units. And then there were the approximately 3,000 residents who were displaced when their properties were bought to make way for the Highway to Nowhere’s construction.

“There has never been a public discussion by the former residents who were displaced about what happened,” Milburn says. “I attended a meeting during my first internship at Bon Secours, and this one woman in her 80s stood up and was talking about rampant crime and all this stuff, and then she got on to the Highway to Nowhere, because she said, ‘It used to be different.’ I turned around and looked at her and she was crying. And I looked at other people’s faces and they had this empathy, there was something here.”

“It changed drastically,” says West Baltimore native and activist Zelda Robinson by phone about the neighborhood before the Highway to Nowhere. “The majority of the people who were in this area were first-time homeowners in all the generations of their family. And when they came along and just took the people’s properties and not even giving them enough to even be able to look at another opportunity to buy a property, the people were fearful—because if they did that to them they’ll do the same

thing to us. And that's a lot of what goes on in the community today. People have become so disenchanted and feel so depressed and oppressed by the treatment that they receive and the lack of equity in the distribution of services. They're just in a state of suspended animation, so to speak, because they really don't believe that they have the opportunity to really have someone hear their voice and to be able to make a difference in what *they* perceive is what they want where they live—not what others want to bring to them."

And Milburn, Culture Works, and Alternate Roots' entire approach is to do just that: ask the community what it wants in order to figure out how to move forward. "I'm engaged with them because I believe that their strategy and their approach is very unique and will make a big difference," Robinson says. "Ordinarily the approach has been about bricks and mortar and developers. But this one is about the people and empowering the people to make the change that they would like to see within their communities."

"This is definitely a community organizing effort," Turner says of Roots Fest 2011. "It's about bringing the community together to look at these issues, using West Baltimore as a focal point through which we can look at the rest of the country. So we're not isolating West Baltimore saying we need to fix it, but looking at it and saying these types of communities exist in cities all around the country and how can we work together—not just to help fix the problems of West Baltimore, but how can we use the learning here and the conversations here to help move us toward looking at and addressing those problems on a national scale."

"When I first said, 'Hey, I'm bringing a festival here,' [people asked me], '*Why you doing it in West Baltimore?*'" Milburn says. "And I'd say, 'Because you've never been there.' Those folks that look at West Baltimore and say there's just nothing there—this is the residents saying, 'There's something here.' And when we get through this festival, on [June] 27—it's a whole new dialogue about everybody. A whole new game coming up, and I'm interested in the 27th. The festival, in our minds, is only a pivotal point where discussion becomes reality. And then, what do you do with it once it's real? What do you do with it when you've found you have value in where you live, which has been devalued? Or you have devalued a place that has value, and you can't run the same scenarios anymore?"

Through theater programs, supported by the Strategic Opportunities Fund, day laborers in Los Angeles teach undocumented immigrants about their rights in the U.S.

The New York Times

LA Day Laborers Double as Actors to Teach, Empower

24 July 2011

Most days, they are construction workers and painters and maids.

But twice a year, this group of day laborers morphs into actors in a traveling street theater troupe that performs at the very job centers where they and others gather to seek work across Southern California.

Blending at-times bawdy humor with a serious message about employer abuses, the Los Angeles-based Day Laborer Theater Without Borders has helped teach illegal immigrants with little education or knowledge of the law about their rights in this country.

Some who push for tougher border enforcement questioned whether the effort encourages illegal immigration. But advocates say the group and others like it elsewhere in the U.S. have done more to educate and empower workers than lectures or handouts ever could.

"When they take it to the streets, to the corners, they use the language that day laborers use because they know it," said Pablo Alvarado, executive director of the National Day Laborers Organizing Network, which helps fund the theater troupe. "The minute they start doing that, people gather around just like that."

The troupe had its start three years ago when day laborers found themselves at the heart of a heated national debate over illegal immigration. Now, the group is helping other troupes get going in San Francisco and Maryland, while a similar group already exists in New Orleans.

On a recent weekday morning, three dozen day laborers waiting for construction gigs at a hiring site in Los Angeles filed inside and grabbed

seats on folding chairs to watch the troupe's first performance of a two-week summer tour.

The first skit was called "Modern Slavery." Two actors wearing blue uniforms hurried to the front of the hiring center, where space had been set aside for a makeshift stage. Cracking jokes rife with sexual innuendo and slang, the pair complained about the conditions at their office-cleaning job where an abusive boss tried to get his female subordinate to do more than just wash floors.

Played by another laborer, the English-barking suit-wearing boss admired the woman from behind while she scrubbed the floor — drawing laughter from the nearly all-male audience. But when he propositioned her and threatened to call immigration if she dared report him to police, the workers watching the show grew more serious.

Actors said the story line, crafted jointly during rehearsals, drew from their own experiences — which is why workers could relate to it.

"Most of us who come here, not many have schooling," said 62-year-old Prospero Leon, a painter from Guatemala whose face lit up during the comedic parts of the performance. "They're interested in knowing their rights."

The idea for the theater group dates back to a 2007 production about the experiences of day laborers entitled "Los Illegals" by the Cornerstone Theater Company, a Los Angeles-based nonprofit that helps build community theater. Several workers acted in the play written by Cornerstone's artistic director Michael John Garces, and one of them later adapted the script for an ad-hoc performance at a conference of day laborers near Washington D.C.

That set the stage for the formation of a theater troupe by and for day laborers under the tutelage of Salvadoran immigrant worker-turned-artistic director, Juan Jose Magandi. In the 1990s, day laborers had mounted a similar traveling theater group but struggled with logistical problems and the cast disbanded.

"In our countries, the theater is from very elitist movements," Magandi said. "We try to do theater from below — that's why we use their vocabulary, their style and we share their experiences."

Garces, who advises the current group and has helped bring acting and voice experts to train laborers as volunteer actors, said the tradition of street theater in Latin America and the fiery speeches and border-watching groups active in the immigration debate made theater a perfect fit for the subject.

Alvarado, of the national day laborer organization, said the feedback from audiences has been anecdotal but positive. The troupe has been funded by the organization and grants from groups such as the Ford Foundation and Open Society Foundations to the tune of roughly $80,000 a year.

One person is paid to help run the troupe and actors are given $75 a month for bus passes to get to rehearsals and a $50 stipend for days when they perform, said Lorena Moran, the group's associate artistic director.

Roughly half a dozen actors will perform two different plays at 10 different job centers through July 29. The group rehearses twice a week for three or four months leading up to each tour.

Some advocates for tougher immigration enforcement questioned whether the effort might be going too far, arguing such performances shouldn't encourage workers to flout the law.

"It's always good for people to know their rights, but we also have to be careful we're not going anything to encourage illegal immigration," said Steven Camarota, director of research at the Washington-based Center for Immigration Studies.

In Los Angeles, organizers said the plays can be therapeutic for workers who are often reluctant to share their experiences of employer abuse, discrimination and loneliness. The skits have also lifted the spirits of those who have joined the troupe's rotating cast, which currently has about a dozen members, though they don't all perform on every tour.

Moran said the group saved her from falling into depression after she came to the U.S. from Guatemala. She was working construction gigs she landed outside Home Depot, often the only woman on a job.

Juan Romero, 49, said he was shy before he joined the cast, though he always liked to sing and write poetry. Now, the Salvadoran immigrant bellows out his roles with ease — and he thinks that confidence has also translated to his real life as a gardener and construction worker.

During the recent performance in Los Angeles, Romero played the immigrant laborer whose wife was being harassed by the couple's boss. When his character learned what was really going on, he stood up for her, even though they lost their jobs in the process.

"The message we relay is that we're day laborers, and we have rights," Romero said. "We can't let ourselves get trampled by other people, no matter how poor we are."

The Maryland Disability Law Center is a grantee of OSI-Baltimore and participates in an alliance of over 30 organizations and individuals working to stop the construction of a new jail for youth charged as adults in Baltimore CIty. OSI-Baltimore's Criminal and Juvenile Justice Program's campaign to end the automatic prosecution of youth as adults contributed to the creation of the alliance to stop the youth jail.

THE BALTIMORE SUN
baltimoresun.com

Baltimore doesn't need a costly new juvenile detention facility

August 22, 2011

Regarding your editorial about the potential cost savings from reducing the size of Maryland's prison population ("Downsizing Md.'s prisons," Aug. 14), there is a simple, concrete step that the governor could take now to achieve that goal: Scrap plans to build a new jail in Baltimore City to house youths under the age of 18 who are charged as adults.

This facility alone is estimated to cost approximately $100 million to build and $8 million a year to operate.

While many advocates agree that holding youths charged as adults in the Baltimore City Detention Center is problematic, the construction and operation of a new pretrial facility is an ill-advised investment that will unjustifiably strain the state budget while offering little prospect for reducing the crime rate.

Moreover, as you noted in a previous editorial ("Downsizing juvenile jail," May 13), the National Council on Crime and Delinquency reported that the proposed facility is twice the size necessary given current population trends, and there are a variety of financially advantageous alternatives to the proposed facility that will keep city residents equally safe.

Maryland should follow the example of Virginia, which houses most youth charged as adults in existing juvenile detention centers where

they have access to school, mental health services and behavior-modification programs while awaiting trial. This policy is supported by recent research, which shows that approximately 70 percent of the youth charged as adults in Baltimore ultimately have their cases dismissed or transferred to the juvenile court system.

Minimizing unnecessary and costly spending on incarceration involves closing facilities, not constructing new ones. Maryland has the opportunity to begin its reform now by halting plans to build a new youth jail.

Amy Walters, Baltimore
The writer is a staff attorney at the Maryland Disability Law Center.

Jane Sundius, Director of OSI-Baltimore's Education and Youth Development Program, co-authored this commentary in Education Week to link school suspension policy with instructional time and, ultimately, academic success. The Education and Youth Development Program works to help identify and remove obstacles to children's participation in Baltimore City Schools, and supports initiatives, like the one described in Education Week, that increase attendance, learning opportunities, and graduation rates.

EDUCATION WEEK

Rethinking Suspensions to Keep Kids Learning

Commentary
By Jane Sundius and Faith Connolly
August 2, 2011

Much of the discussion about education reform today centers on increasing the time that students spend learning. Extended days, Saturday school, summer learning programs, and even year- round-school initiatives all reflect the urgency of time on task.

Yet many school districts are frittering away valuable instructional time with discipline codes that literally push the most vulnerable kids out of school. Last month's report on nearly 1 million Texas students underscores the consequences of such strict discipline. More than half the students had been suspended at least once between 7th and 12th grade. Those suspended repeatedly were more likely to become involved in the juvenile-justice system, be retained a grade, and drop out of high school.

They also missed a lot of school: an average of two days for out-of-school suspension, 27 days for placement in an alternative school, and 73 days in a juvenile-justice program. This illustrates the high cost of suspension on instructional time and, by extension, learning.

In Baltimore this spring, a group of researchers decided to take a careful look at this very issue. What the Baltimore Education Research Consortium, or BERC, found in its analysis confirms with data what progressive educators have asserted for years: Suspension policy is instructional policy.

First, some background.

Baltimore recently has gained attention for cutting its dropout rate in half in just three years and actually bringing students back into school. Specifically, Maryland's state department of education reports that the Baltimore district's dropout rate declined from 9.37 percent in the2006-07 school year to 4.07 percent in 2009-10. Middle school absences have dropped significantly, as well. Suspensions are part of that story.

Three years ago, the school district handed out suspensions liberally to deal with a challenging student population that often performs well below grade level. In the 2006-07 school year, more than one in 10 students (of approximately 84,000 in the district at the time) were suspended from school, missing a total of 106,285 days of school to suspensions, BERC found. That is the equivalent of 590 students missing a full year of school.

Nearly two-thirds of these suspensions were handed down for disrespect, insubordination, disruption, attendance issues, using cellphones in school, and refusing to obey school policies, according to an earlier analysis. These are hardly offenses that threaten school safety, but the missed days threatened the students' chances to succeed in school

Research backs up what common sense tells us: Too many absences drag down student achievement and, by 6th grade, begin to predict the likelihood that a student will eventually drop out of school. Suspensions, especially for minor rule infractions, unnecessarily create more absences, more time out of the classroom, more chances that students will fall further behind. Typically, the students missing school to suspension are the students who can least afford to miss valuable learning experiences. They need more time in school, not less.

At the urging of child advocates and local philanthropies, Baltimore began to examine its discipline code and suspension numbers. Under the leadership of the city's schools chief, Andrés Alonso, the Baltimore schools took three key steps to limit suspensions, sparking some concerns about school safety, but ultimately delivering tens of thousands more days of instruction.

The first step: Alonso prevented school administrators from suspending students for more than five days without express permission from the central office. This approach succeeded in strengthening student due-process protection, ensuring that serious incidents were reviewed beyond the school level. It also spurred principals to examine just what they were doing to support and intervene with students before reaching the point of suspension. The Texas research found that most suspensions came at the discretion of principals and local discipline codes, with a wide variety of consequences for bad behavior among schools.

Next, Alonso accelerated the work of the internal-external team to revise the school district's code of conduct. Led by his director of student support, the team rewrote the code to provide more specific guidance to principals and a wider range of consequences available for all infractions. Truancy, for instance, can no longer be punished with suspension. This guidance ensured that all schools were enforcing similar consequences for the same type of offenses, and that they were using suspensions as a last resort, after employing other consequences and interventions to teach children new behaviors.

Preventive measures and alternatives to suspension are key elements in making this different approach work. Now, Baltimore's schools more often use tactics such as in-school suspensions, after-school detention, and mentoring. Violent students are referred to anger-management or conflict-resolution sessions or, in some cases, mental-health counseling.

Finally, the city schools embarked on a three-year process of data analysis, monitoring, and action called Safety STAT. Each Friday, a cross-functional team of central-office staff members, school principals, and school leadership teams meet to review all suspensions within the district for the previous week and to hear from principals about what's working and what needs to be tweaked related to discipline. This attention to detail allows staff members to spot trends and bring additional support to schools when needed.

The changes signaled a new attitude and set of expectations: Suspension remains a necessary tool, but one that is used when students continue to misbehave or when their behavior is violent. The changes also reinforce the value of instructional time, of keeping

struggling students on task so that they succeed in school.

Three years later, BERC's analysis shows the extraordinary difference the new suspension policy has made.

• Instructional days missed to suspensions have dropped by more than a third, from 106,285 in the 2006-07 school year to 70,870 in the 2009-2010 school year. That's still 394 student-years, so there's work to be done, but it's a significant improvement.

• The number of students suspended dropped from 9,858 to 6,554 during that same four-school- year period. This translates into a reduction from 10.7 percent of all K-12 students in the Baltimore public schools to 7.2 percent.

• Not only did the number of students drop, but the number of suspension events also declined, from 16,757 to 9,712, a whopping 42 percent decrease.

We know that disruptive students can affect education for everyone in the same classroom. But kicking these kids out of school interrupts their own education, making it hard to complete their coursework, and it fails to teach them new, more appropriate behavior.

BERC's research shows us that high suspension rates reduce instruction time, typically for the most at-risk students. It also reveals that discipline policies are not just safety policies, but that they are instructional policies as well. Given Baltimore's success and the importance of increased learning time, school districts in Texas and elsewhere ought to consider similar tactics.

We're all after the same critical goals: More kids in class. More learning. More graduates. How we deal with disruptions and minor misbehaviors can go a long way toward that goal, because how we handle suspensions says a lot about what we think about learning. Too many districts' suspension policies say, "We care about learning except when students are misbehaving."

And that is a message that is failing all of our students, not just the ones being suspended.

Jane Sundius is the director for the education and youth-development program at the Open Society Institute-Baltimore. Faith Connolly is the executive director of the Baltimore Education Research Consortium, a partnership between Johns Hopkins and Morgan State universities and the Baltimore city school system. BERC's mission is to conduct education research for the benefit of Baltimore's children and families.

After the swell of opposition to the Park 51 Community Center captivated the mainstream media last summer, the National Security and Human Rights Campaign tapped the Center for American Progress (CAP) to conduct in-depth research on the Islamophobia movement. This August, CAP published a ground-breaking 130-page report, Fear, Inc., which exposes a small but well-funded and highly coordinated set of funders, scholars, grassroots activists, political leaders, and media venues that fuel anti-Muslim bigotry. In the following piece, which was in the NSHR Campaign's blog series, 9/11 at 10, a co-author of Fear, Inc., Faiz Shakir, challenges Americans to rise above the hate.

9/11 at 10: Lessons Learned From Anti-Muslim Haters

September 2, 2011 | by Faiz Shakir

The National Security and Human Rights Campaign at the Open Society Foundations supports organizations that are working to protect civil liberties in post-9/11 America and to promote national security policies that respect human rights. On the tenth anniversary of the terrorist attacks of 9/11, contributing Campaign grantees offer reflections on their work in this series 9/11 at 10.

Shortly after 9/11, Daniel Pipes—a part-time Middle East scholar and full-time critic of Islam—felt emboldened. "I have a lot to say," he declared. "This is my moment."

For years, Pipes had been attempting to scare Americans about the presence of Islam. 9/11 was a tragedy for the nation; for Pipes, it was a long-sought opportunity to push an argument that "a state of war exists" between Islam and the West. Over the past decade, Pipes and a small network of inter-connected anti-Muslim propagandists and organizers appear to be succeeding in their efforts to cast aspersions on the loyalties of Muslim Americans.

In opinion polls, perceptions of Muslims stand out for their unpopularity. The small religious community—consisting of maybe 2 percent of the U.S. population—feels besieged: they are the target of hate crimes; states are attempting to pass laws to prevent the practice of their religion; and even

their efforts to build moderate community centers are being opposed vociferously.

A well-intentioned casual observer would not be faulted for feeling helpless and believing that little can be done to stem this tide of hate. But there is indeed great hope for a way out. A new analysis by the Center for American Progress (CAP) reveals the path.

The CAP study, titled "Fear, Inc.," reveals that the bulk of anti-Muslim political activity has originated from a small group of misinformation experts who have been facilitated in their efforts by nearly $40 million in funding over the past 10 years from eight foundations. The small network includes Pipes, Frank Gaffney, David Yerushalmi, Robert Spencer, and Steven Emerson.

The work of these anti-Muslim experts is then disseminated by a host of grassroots organizers and activists, including Brigitte Gabriel, David Horowitz, Pamela Geller, religious right pastors like John Hagee and Pat Robertson, and conservative groups such as the Eagle Forum and the American Family Association. Media voices on the right—Fox News, National Review, and hate radio hosts like Michael Savage—then amplify the Islamophobic rhetoric. Ultimately, right-wing political actors like Newt Gingrich and Rep. Allen West (R-FL) help mainstream the ugly prejudice.

Why are these findings good news, you ask? Because it shows the immense power that an organized, dedicated, and energized network of funders, thinkers, and activists can have in changing the attitudes held by a large number of Americans.

For every Daniel Pipes committed to spawning an environment of hate, there are many of more Americans of good conscience who refuse to live in a perpetual state of fear, who believe in the constitutional guarantees of freedom of religion, and who want to welcome their loyal, hard-working neighbors. But for whatever Pipes and the Islamophobia network lacks in values, it more than makes up for it with a fervent dedication to their cause of hate.

The lesson is simple: We need to isolate the Islamophobia network. That means demanding the media not give a platform to this small cadre of voices. That also means demanding that politicians divorce themselves from the network's propaganda. It's possible.

Consider the case of Herman Cain. At one time, he was the most virulent anti-Muslim politician in the land and an icon for the Islamophobia network. He told ThinkProgress in March 2011 that he would never appoint a Muslim to his administration. But as his intolerance yielded increasingly negative attention and lower poll ratings, Cain tried a different course. The man who once said that Americans have a right to ban mosques went to go visit a mosque himself.

After breaking bread with some Muslims and joining in embrace with a Northern Virginia imam, Cain said he was "truly sorry for any comments that may have betrayed my commitment to the U.S. Constitution and the freedom of religion guaranteed by it." Once Cain divorced himself from the Islamophobia network's misinformation, he encountered a different reality and regained his sense of rationality grounded in American values of tolerance.

A decade after 9/11, let us commit ourselves to saying, "This is *OUR* moment." Achieving justice, equality, and fairness requires a fight. Ten years from now, let us write the chapter of how we inspired a nation to rise above the hate.

This article discusses the accusation by two Senators that the Justice Department is relying on a secret legal interpretation to obtain private information on Americans with no ties to terrorism. Grantees of the National Security and Human Rights Campaign, including the Electronic Frontier Foundation, the Center for Democracy and Technology, and the Center for National Security Studies, rank among the nation's leading experts in privacy law and have worked to expose and challenge the misuse of surveillance powers in the name of national security.

The New York Times

September 21, 2011

Public Said to Be Misled on Use of the Patriot Act

By CHARLIE SAVAGE

Senator Mark Udall of Colorado, above, and Senator Ron Wyden of Oregon asked the attorney general to "correct the public record."

WASHINGTON — Two United States senators on Wednesday accused the Justice Department of making misleading statements about the legal justification of secret domestic surveillance activities that the government is apparently carrying out under the Patriot Act.

The lawmakers — Ron Wyden of Oregon and Mark Udall of Colorado, both of whom are Democrats on the Senate Intelligence Committee — sent a letter to Attorney General Eric H. Holder Jr. calling for him to "correct the public record" and to ensure that future department statements about the authority the government believes is conveyed by the surveillance law would not be misleading.

"We believe that the best way to avoid a negative public reaction and an erosion of confidence in U.S. intelligence agencies is to initiate an informed public debate about these authorities today," the two wrote. "However, if the executive branch is unwilling to do that, then it is particularly important for government officials to avoid compounding that problem by making misleading statements."

The Justice Department denied being misleading about the Patriot Act, saying it has acknowledged that a secret, sensitive intelligence program is

based on the law and that its statements about the matter have been accurate.

Mr. Wyden and Mr. Udall have for months been raising concerns that the government has secretly interpreted a part of the Patriot Act in a way that they portray as twisted, allowing the Federal Bureau of Investigation to conduct some kind of unspecified domestic surveillance that they say does not dovetail with a plain reading of the statute.

The dispute has focused on Section 215 of the Patriot Act. It allows a secret national security court to issue an order allowing the F.B.I. to obtain "any tangible things" in connection with a national security investigation. It is sometimes referred to as the "business records" section because public discussion around it has centered on using it to obtain customer information like hotel or credit card records.

But in addition to that kind of collection, the senators contend that the government has also interpreted the provision, based on rulings by the secret national security court, as allowing some other kind of activity that allows the government to obtain private information about people who have no link to a terrorism or espionage case.

Justice Department officials have sought to play down such concerns, saying that both the court and the intelligence committees know about the program. But the two lawmakers contended in their letter that officials have been misleading in their descriptions of the issue to the public.
First, the senators noted that Justice Department officials, under both the Bush and Obama administrations, had described Section 215 orders as allowing the F.B.I. to obtain the same types of records for national security investigations that they could get using a grand jury subpoena for an ordinary criminal investigation. But the two senators said that analogy does not fit with the secret interpretation.

The senators also criticized a recent statement by a department spokesman that "Section 215 is not a secret law, nor has it been implemented under secret legal opinions by the Justice Department." This was "extremely misleading," they said, because there are secret legal opinions controlling how Patriot Act is being interpreted — it's just that they were issued by the national security court.

“In our judgment, when the legal interpretations of public statutes that are kept secret from the American public, the government is effectively relying on secret law,” they wrote.

That part of the dispute appeared to turn on semantics. The department said that while the national security court’s opinions interpreting the Patriot Act are classified, the law itself is public.

A core strategic objective of the Campaign for a New Drug Policy is creation of the infrastructure and constituency for a health-based approach to drug use. The American Medical Association defined addiction as a disease in the 1950s, but in practice the criminal justice system was given policymaking control over this health care issue and applied inappropriate, counterproductive, and frequently discriminatory punitive responses to people with substance use disorders. The article demonstrates that the medical profession is ripe for engagement in reframing society's response to addiction.

The New York Times

July 10, 2011

Rethinking Addiction's Roots, and Its Treatment

By DOUGLAS QUENQUA

There is an age-old debate over alcoholism: is the problem in the sufferer's head — something that can be overcome through willpower, spirituality or talk therapy, perhaps — or is it a physical disease, one that needs continuing medical treatment in much the same way as, say, diabetes or epilepsy?

Increasingly, the medical establishment is putting its weight behind the physical diagnosis. In the latest evidence, 10 medical institutions have just introduced the first accredited residency programs in addiction medicine, where doctors who have completed medical school and a primary residency will be able to spend a year studying the relationship between addiction and brain chemistry.

"This is a first step toward bringing recognition, respectability and rigor to addiction medicine," said David Withers, who oversees the new residency program at the Marworth Alcohol and Chemical Dependency Treatment Center in Waverly, Pa.

The goal of the residency programs, which started July 1 with 20 students at the various institutions, is to establish addiction medicine as a standard specialty along the lines of pediatrics, oncology or dermatology. The residents will treat patients with a range of addictions — to alcohol, drugs, prescription medicines, nicotine and more — and study the brain chemistry involved, as well as the role of heredity.

"In the past, the specialty was very much targeted toward psychiatrists," said Nora D. Volkow, the neuroscientist in charge of the National Institute on Drug Abuse. "It's a gap in our training program." She called the lack of substance-abuse education among general practitioners "a very serious problem."

Institutions offering the one-year residency are St. Luke's-Roosevelt Hospital in New York, the University of Maryland Medical System, the University at Buffalo School of Medicine, the University of Cincinnati College of Medicine, the University of Minnesota Medical School, the University of Florida College of Medicine, the John A. Burns School of Medicine at the University of Hawaii, the University of Wisconsin School of Medicine and Public Health, Marworth and Boston University Medical Center. Some, like Marworth, have been offering programs in addiction medicine for years, simply without accreditation.

The new accreditation comes courtesy of the American Board of Addiction Medicine, or ABAM, which was founded in 2007 to help promote the medical treatment of addiction.

The board aims to also get the program accredited by the Accreditation Council for Graduate Medical Education, a step that requires, among other things, establishing the program at a minimum of 20 institutions. The recognition would mean that the addictions specialty would qualify as a "primary" residency, one that a newly minted doctor could enter right out of school.

Richard Blondell, the chairman of the training committee at ABAM, said the group expected to accredit an additional 10 to 15 institutions this year.

The rethinking of addiction as a medical disease rather than a strictly psychological one began about 15 years ago, when researchers discovered through high-resonance imaging that drug addiction resulted in actual physical changes to the brain.

Armed with that understanding, "the management of folks with addiction becomes very much like the management of other chronic diseases, such as asthma, hypertension or diabetes," said Dr. Daniel Alford, who oversees the

program at Boston University Medical Center. “It’s hard necessarily to cure people, but you can certainly manage the problem to the point where they are able to function” through a combination of pharmaceuticals and therapy.

Central to the understanding of addiction as a physical ailment is the belief that treatment must be continuing in order to avoid relapse. Just as no one expects a diabetes patient to be cured after six weeks of diet and insulin management, Dr. Alford said, it is unrealistic to expect most drug addicts to be cured after 28 days in a detoxification facility.

“It’s not surprising to us now that when you stop the treatment, people relapse,” Dr. Alford said. “It doesn’t mean that the treatment doesn’t work, it just means that you need to continue treatment.” Those physical changes in the brain could also explain why some smokers will still crave a cigarette 30 years after quitting, Dr. Alford said.

If the idea of addiction as a chronic disease has been slow to take hold in medical circles, it could be because doctors sometime struggle to grasp brain function, Dr. Volkow said. “While it is very simple to understand a disease of the heart — the heart is very simple, it’s just a muscle — it’s much more complex to understand the brain,” she said.

Increasing interest in addiction medicine is a handful of promising new pharmaceuticals, most notably buprenorphine (sold under names like Suboxone), which has proved to ease withdrawal symptoms in heroin addicts and subsequently block cravings, though it causes side effects of its own. Other drugs for treating opioid or alcohol dependence have shown promise as well.

Few addiction medicine specialists advocate a path to recovery that depends solely on pharmacology, however. “The more we learn about the treatment of addiction, the more we realize that one size does not fit all,” said Petros Levounis, who is in charge of the residency at the Addiction Institute of New York at St. Luke’s-Roosevelt Hospital.

Equally maligned is the idea that psychiatry or 12-step programs are adequate for curing a disease with physical roots. Many people who abuse

substances do not have psychiatric problems, Dr. Alford noted, adding, “I think there’s absolutely a role for addiction psychiatrists.”

While each institution has developed its own curriculum, the basic competencies each seeks to impart are the same. Residents will learn to recognize and diagnose substance abuse, conduct brief interventions that spell out the treatment options and prescribe the proper medications. The doctors will also be expected to understand the legal and practical implications of substance abuse.

Christine Pace, a 31-year-old graduate of Harvard Medical School, is the first addiction resident at Boston University Medical Center. She got interested in the subject as a teenager, when she volunteered at an AIDS organization and overheard heroin addicts complaining about doctors who could not — or would not — help them.

This year, when she became the in-house doctor at a methadone clinic in Boston, she was dismayed to find that the complaints had not changed. “I saw physicians over and over again pushing it aside, just calling a social-work consult to deal with a patient who is struggling with addiction,” Dr. Pace said.

One of her patients is Derek Anderson, 53, who credits Suboxone — as well as a general practitioner who six years ago recognized his signs of addiction — with helping him kick his 35-year heroin habit.

“I used to go to detoxes and go back and forth and back and forth,” he said. But the Suboxone “got me to where I don’t have the dependency every day, consuming you, swallowing you like a fish in water. I’m able to work now, I’m able to take care of my daughter, I’m able to pay rent — all the things I couldn’t do when I was using.”

In 1977, New York State decriminalized possession of 25 grams or less of marijuana, but an exception permits police to impose a criminal charge for "pubic display" of any amount of marijuana. This 34-year-old law was clearly intended to remove criminal penalties for personal possession, but the New York City Police Department today makes 50,000 marijuana arrests annually -- more than any other offense -- and overwhelmingly targets young African Americans and Latinos. A number of OSF grantees, both advocates and researchers, have been deeply involved in work that led this week to a formal directive by the police commissioner barring criminal charges where marijuana was "on display" only due to police instruction or search.

Police Commissioner Calls on NYPD to Stop Improper Marijuana Arrests

Friday, September 23, 2011

By Ailsa Chang

Police Commissioner Ray Kelly has issued an internal order to the New York City Police Department commanding officers to stop arresting people for small amounts of marijuana possession, if the marijuana was never in public view. The directive comes at a time when the NYPD is taking increasing heat about alleged improper marijuana arrests.

Kelly's Operations Order landed on the desk of police supervisors this week, and a copy of it was provided to WNYC.

In the order, Kelly stated at the outset: "Questions have been raised about the processing of certain marijuana arrests. At issue is whether the circumstances under which uniformed members of the service recover small amounts of marijuana ... from subjects in a public place support the charge of Criminal Possession of Marijuana in the Fifth Degree."

NYPD sources tell WNYC it's the first time Kelly internally addressed the issue of improper marijuana arrests to the entire department since a WNYC investigation in April found police officers may have been recovering marijuana on people through illegal searches.

In New York, possession of small amounts of marijuana is only a criminal offense if it is displayed in public. Kelly's order reminds officers that if marijuana comes into public view at the direction of an officer — either when an officer pulls the drug out of a person's clothes or a person is ordered by an officer to empty out his pockets — it's not a misdemeanor, and instead should only be treated as a violation, which is a ticketable offense.

More than 85 percent of those arrested for marijuana in New York City are blacks and Latinos in the poorest neighborhoods where the highest rates of stop-and-frisk occur. National studies show young whites smoke pot more than blacks and Latinos of the same age.

Kelly's directive arrives just as City Council members and legislators in Albany are calling for an end to improper marijuana arrests. A bipartisan bill has been introduced in the state legislature that would decriminalize small amounts of marijuana possession in public view. Bill sponsors Assemblyman Hakeem Jeffries and State Senator Mark Grisanti said they hope the proposed law will reduce incentives for police to improperly recover marijuana from people to make misdemeanor arrests.

NYPD did not respond to a request for comment.