

# U.S. Programs Updates

The last quarter of the year was exceedingly busy for staff as they completed grantmaking under the last year of their three year strategic plans, met with grantees and partner funders to alert them to the priorities on which we will (and will not) focus beginning in 2013, and recommended a number of tie-off grants to organizations in areas that we will not continue to support. The Senior Management Team also analyzed current grantees to determine which should be considered “core” grantees, complementing the nine “anchor grantees,” in order to become more explicit about the roles of the grantees in furthering particular U.S. Programs strategic goals, in building stronger fields that will advance their own agendas, and in serving as thought partners to U.S. Programs and others.

With the November elections serving as a snapshot of public will, priorities, and confidence in democratic institutions, staff has mined the results to assess the impact of U.S. Programs’ investments, to identify trends, threats and evolving opportunities, and to tailor our continuing programmatic work. While the foundation looks beyond election cycles in setting its priorities and strategies, taking on critical and often long-term challenges to open society, the election results provide another set of data for mid-course correction. In many instances, as set out below, we were encouraged by the data behind the election results.

Finally, staff continued to complement grantmaking with a range of activities, albeit often in close coordination with grantees. These activities included contributing ideas and advocating at national and regional venues and through the media, including OSF’s own website’s blogs. And, as described below, staff convened meetings that encouraged practitioners and advocates to exchange information and develop common priorities and

reinforcing strategies and worked closely with key policymakers to secure change of particular practices and policies.

## Criminal Justice Fund

In the only country that sentences young people to life without the possibility of parole, advocates in California recently celebrated a victory as Governor Jerry Brown signed a bill into law that offers people convicted of murder and other serious crimes when they were juveniles something their sentences don't – a chance at getting out of prison. Under the legislation, which passed in September and will affect up to 300 people currently in prison, people serving time for serious crimes they committed at the age of 18 or under can petition a judge for review of their case and their sentence based on time already served (a minimum of 15 years as well as other factors), for the opportunity to receive parole. Criminal Justice Fund grantees Youth Justice Coalition and Campaign for the Fair Sentencing of Youth were part of an instrumental statewide coalition pushing for these reforms.

On November 14, 2012, Criminal Justice Fund staff and Public Welfare Foundation (PWF) hosted a litigation strategy meeting in Washington, DC to explore the development of a national litigation strategy to challenge the application of the Federal Adam Walsh Act: Sex Offender Registration and Notification Act (SORNA) to children in the juvenile justice system. This convening was a follow-up to a July 2011 convening held at Open Society Foundations which brought together litigation, policy, and research experts to discuss the law, advocacy status and ecosystem of sex offender registries and juveniles.

Sixteen expert litigators from Criminal Justice Fund grantee partner organizations attended, including staff from the ACLU (national office and affiliates), Juvenile Law Center, Southern Center for Human Rights, the Ohio Justice and Policy Center, and the National Juvenile Defender Center. Additionally, 2011 Soros Justice Fellow Nicole Pittman and Dr. Elizabeth LeTourneau from the Department of

Mental Health at Johns Hopkins University briefed the group on the OSF-funded research projects they are leading examining the impacts of registry notification systems on children and their families, and implications for public safety. Litigators came out of the meeting with a strong desire to develop a coordinated national litigation strategy that builds on recent U.S. Supreme Court and state victories.

### **Policing**

The Criminal Justice Fund is planning a convening in January 2013 that will assemble a core group of policy, advocacy and community-based organizations from New York City and Cincinnati to engage in a structured learning exchange about practical strategies and tactics that have either been employed or are planned in each city to end discriminatory, abusive and ineffective policing practices. Additionally, it will offer the opportunity to share best practices among police reform advocates in Cincinnati and OSF grantees and partners in NYC with regard to implementation, monitoring and the enforcement of remedies. This convening is particularly timely as members of Criminal Justice Fund grantee partner Communities United for Police Reform move to trial on the federal class action suit *Floyd v City of New York* in March 2013. The suit challenges the unconstitutional and discriminatory nature of the New York City Police Department's stop-and-frisk practices.

### **Campaign for a New Drug Policy**

As with many areas of interest to OSF, there was big news in drug policy that emerged from the November elections. Approval of lawful access to marijuana for adults in both Washington and Colorado is a watershed for drug policy reform in the United States. We expect these ballot initiatives to lead to similar efforts in other states by 2016. Between elections, we do not expect state legislatures to pass full legalization bills, but we could see growing support for decriminalization of marijuana possession. This signal of a shift in Americans' attitude toward marijuana has already impacted drug policymaking discussions outside the

U.S and could also prompt other proposals to reform drug policy more broadly.

The national elections also ensured that health care reform – specifically state-level implementation of the Affordable Care Act (ACA) – will proceed. Pre-election political uncertainty delayed many ACA related regulations that were needed to establish the administrative framework for health care reform. Most of these regulations are now published, and grantees are working for: full implementation of essential benefit requirements that affect behavioral health care, the greatest possible expansion of Medicaid to vulnerable populations (including drug users and others at risk of incarceration), and meaningful access to addiction treatment and harm reduction services in mainstream health care.

Short deadlines and limited windows of opportunity in both these areas of work will require many of our grantees to work especially hard during the holidays and early 2013. The sheer volume of work will be heavy, but we expect the urgent and focused effort that will be necessary will elevate the effectiveness of many grantees. Their and our learning curve will be steep, but we expect this intense time period to give us a much more concrete sense of the enormous depth and breadth of opportunities for drug policy reform afforded by the current environment.

### **Democracy Fund**

In recent weeks, Democracy Fund grantees: (1) played a leading role in putting to rest the myth of a 2012 “enthusiasm gap,” by ensuring high levels of voter turnout from African American, Asian American, Latino, women, and youth communities; and (2) are playing key inside and outside the Beltway roles in fiscal cliff advocacy, communications, and field organizing.

Specific to the election, Democracy Fund investments focused on the nonpartisan civic and voter engagement – including voter education, mobilization, and protection – of the Rising American Electorate (RAE), the emerging political majority of African American, Asian American, and

Latino communities, single women, and young people of all races. Effective work by our grantees shattered projections of a so-called “enthusiasm gap” of diminished turnout. Exit polling showed that young people made up 19 percent of voters (compared to 18 percent in '08), Black voters maintained voter share at 13 percent of turnout, and Latinos for the first time ever made up more than 10 percent of the turnout.

U.S. Programs investments led to at least 2.5 million new, re-registered (due to moves or lapsed voter status), or infrequent (“low propensity”) voters who are people of color and/or women or youth. Early returns show that this includes more than 1 million new women voters via the **Voter Participation Center**; 600,000 new African American voters via the **NAACP** and the **Black Civic Engagement Initiative**; 500,000 new Latino voters via the **Latino Civic Engagement Fund, Center for Community Change, Voto Latino**, and other grantees; and sizable numbers of young, Asian American, and Arab American voters. For the 2012 election cycle, OSF was likely the second largest foundation investor in Latino and African American voter engagement and the largest youth voter funder. Youth turnout – 50 percent of eligible voters – held constant from 2008. In states that were prioritized by the **Youth Engagement Fund**, a Democracy Alliance project that U.S. Programs supports, turnout was 58 percent.

Beyond these numbers, U.S. Programs’ investments in “**shared tools**” for civic engagement – including the highest quality data, voter lists, and technical assistance – led to an additional 1,075,000 new voters registered by state-based groups and 21 million voter contacts made in person, by phone, through the mail, or via social media. OSF’s leadership enabled organizations in all 50 states to access the shared civic engagement tools for the first time. **State Voices**, a Democracy Fund core grantee, now provides direct support for 710 groups that catalyze civic engagement within diverse communities in 22 states.

## Equality & Opportunity Fund

U.S. Programs and Ford Foundation leadership have been in regular contact regarding seizing current ripe opportunities to advance federal immigration reform. On December 20, U.S. Programs and Ford will co-sponsor a briefing for funders to learn more about the plans of leading immigrant rights advocates to help create a pathway to citizenship for the more than 11 million undocumented immigrants in the U.S. We have invited representatives from the White House and roughly 50 foundation representatives and individual donors to consider how to strengthen alliances with the labor, faith, business, and law enforcement sectors, as well as how to build public understanding and the necessary infrastructure to secure a major policy win.

The National Domestic Workers Alliance released a U.S. Programs-funded report in early December that was editorialized in the New York Times. The report found that 23 percent of domestic workers made less than their state’s minimum wage. Conditions faced by live-in workers were more extreme: 67 percent of them earned less than the minimum wage, 65 percent had no health insurance and about 82 percent had no paid sick days. The report has already attracted attention from policy makers who are eager to implement policy reforms, such as including domestic labor in the list of occupations that enjoy core federal and state workplace protections.

## Transparency Fund

### Transparency

On November 27, President Obama signed the Whistleblower Protection Enhancement Act, which both the Senate and House had unanimously approved. The legislation provides millions of federal workers with the rights they need to safely report government corruption and wrongdoing. For the last 13 years, Transparency Fund grantees Government Accountability Project (GAP) and Project on Government Oversight, which are public charities, have spearheaded efforts to pass this Act, heading a coalition of hundreds of groups from

across the ideological spectrum (including many U.S. Programs grantees) demanding these protections. Intensive dialogue between the Make It Safe Coalition, which GAP coordinates, the Obama administration, and both chambers of Congress paved its way. Although a great victory, government whistleblower rights are still second class compared to those in the private sector. The House blocked two cornerstones of the legislation: jury trials to enforce newly-enacted protections, and extension of free speech rights to national security workers making disclosures within agency channels. However, after the House removed the national security whistleblower provision from the bill, the Obama administration made good on its promise to take executive action on those rights, and on October 10, largely restored, in a Presidential Policy Directive, the national security rights that the House had removed. (No OSF funds were earmarked for lobbying on legislation in these efforts.)

### Judiciary

High-spending by candidates and outside groups continued to mark judicial elections in 2012. But the results also offer reasons for optimism. Efforts to end or weaken merit selection failed by wide margins everywhere measures were on the ballot (Florida, Missouri, and Arizona). In retention elections in Iowa and Florida, judges targeted by right-wing political groups kept their seats, demonstrating that well-organized efforts to educate voters about the need for judicial independence (and the dangers of jettisoning a judge for an unpopular decision) are succeeding. Still, big money races in Michigan, Florida, and elsewhere reminded advocates that there is much work still to be done to restore fairness and impartiality in America's state courts.

### Voting

The 2012 elections proved that momentum is with the voting rights and civil rights community rather than their detractors. Not only was this field successful at blocking restrictive laws from being implemented in Pennsylvania, Florida, Ohio, Texas, Wisconsin and South Carolina, but a strong coalition

in Minnesota came from behind to achieve the first victory against photo ID on the ballot. In addition, it became clear that restrictive steps taken by leaders in Ohio and Florida led to long lines and voter unrest on Election Day. It was also evident that Pennsylvania's underhanded campaign to make voters believe ID was required led to widespread confusion and problems on Election Day. Referring to these difficulties in casting a ballot, the President said in his victory speech, "we need to fix that," and the final few months of 2012 may have provided the much needed momentum, data, stories, and experience to do just that.

In a specific grant update, the U.S. Programs board-funded communications and messaging project was successfully led by the Brennan Center and the Advancement Project, and played an important role in the spike in media attention on voting rights this year. The groups developed affirmative voting rights messages and shared them widely in and beyond the field. The messages were used verbatim hundreds of times in sources ranging from *The New York Times* to the *Philadelphia Inquirer*, quickly and fully working their way into the media, national and local, and across social networking sites. Among the outcomes: public opinion and communications were instrumental in influencing registration and GOTV efforts, the outcome of ballot initiatives, and the string of court victories for voting rights this fall.

The Minnesota ballot victory also owed in part to this work. Minnesota voters defeated a ballot initiative that would have amended the state constitution to require voters to present a photo ID at the polls in order to be able to vote. The success is especially notable in light of how well positioned for passage the amendment was. Minnesota advocates combined a media campaign with direct advocacy, both of which included several of our grantees' new messaging research findings (after our grantees had also held a special webinar for groups in Minnesota) – that elections should be free, fair, and accessible, politicians shouldn't manipulate the system, and that voter ID would hurt seniors and veterans. Of particular note, advocates were quite



strategic in not going head to head against the validity of voter ID. As the new research found, people overwhelmingly support voter ID. But that support fades when the flaws of such laws are raised (and, then, the popular response is to fix the law or allow some alternative for people like senior citizens and veterans.) The Minnesota campaign kept the focus on how the legislature “goofed up” and that voters should send the amendment back to the legislature. The final election result: the amendment was defeated 52 percent to 46 percent.

## National Security and Human Rights

The National Security and Human Rights Campaign’s strategy development process is underway, with four board members consulted and a meeting of experts, staff and board members planned for January 11 that will seek to distill clear program goals in respect of: the war paradigm, detentions and targeted killings; accountability for torture, rendition and other serious abuses; and profiling, discrimination and surveillance. Grantees of the NSHR Campaign are gearing up for the anticipated release of a report by the Senate Select Committee on Intelligence detailing the CIA’s detention and interrogation program. Advocates expect the Committee will vote on the 5,000-plus page report before the end of this year. A short summary might emerge at that time, and the report could be sent to the administration for declassification, which could take months. Advocates will make the most of whatever emerges, and will push for disclosure as needed.

While the contents of the Senate report may remain opaque for some months, the full report and recommendations of a separate, high-level bipartisan Task Force on Detainee Treatment, convened by an NSHR grantee, the Constitution Project, will be launched in March. Together, these government and citizen-led reports represent an important political opportunity to make headway on accountability and to reject the rendition and torture policies of the past.

## Strategic Opportunities Fund

In November, the Strategic Opportunities Fund and the Equality and Opportunity Fund cohosted a briefing and strategy session for funders and advocates for Thunder Valley Community Development Corporation. Thunder Valley hasn’t been a direct grantee of OSF but rather a thought partner for our work related to Native American rights. They are one of the organizations that hosted an OSF learning visit for funders to Pine Ridge and Cheyenne River in the Fall of 2011. The briefing addressed community-centered and youth-led planning and revitalization efforts in Pine Ridge, South Dakota, which is home to the Oglala Sioux Nation. Although Pine Ridge is one of the nation’s poorest regions, it is making impressive strides toward revitalization and poverty alleviation. Thunder Valley has emerged as a community leader of these efforts, funded in part through a HUD Sustainable Communities regional planning grant which supported the development of the newly adopted Oglala Lakota Plan. Thunder Valley was joined at the briefing by representatives from **HUD’s Office of Sustainable Housing and Communities** as well as staff from **PolicyLink** (which is providing technical assistance on the Sustainable Communities Program) and the **Admiral Center of Living Cities**.

Also in November, SOF hosted the second meeting in a Thought Leader Forum series sponsored by Grantmakers in the Arts (GIA) to address questions of racial equity in grantmaking. The meeting reconvened 25 funders who have participated together in June of this year in an undoing racism training with the People’s Institute for Survival and Beyond, hosted in Pittsburgh by the Heinz Endowments. Facilitated by the Applied Research Center, the November meeting at OSF enabled participants to continue the conversation about how to apply an anti-racist lens in our work as grantmakers and how to consider and evaluate racial equity in our work.

## Campaign for Black Male Achievement

This past October, CBMA along with grantee partner **Root Cause**, hosted the Innovation & Impact Forum for Black Male Achievement bringing together over 250 leaders in the public, private, and nonprofit sectors. The Forum showcased major initiatives and innovations in the field, highlighted practical research and tools, provided networking opportunities, and identified proven strategies that are working to advance the life outcomes of black men and boys. Mayor Michael Bloomberg opened the historic event, emphasizing the importance of the public/private Young Men's Initiative, in which CBMA and other USP staff have been deeply involved. The opening panel highlighted the theme of the Forum, What Winning Looks Like, and included George Soros and Geoffrey Canada.

The Forum formally launched the **Leadership and Sustainability Institute (LSI)** for Black Male Achievement, a national membership network that seeks to ensure the growth and impact of leaders and organizations across the public, private, and nonprofit sectors committed to improving the life outcomes and systemic change for black men and boys. CBMA is working in partnership with **Root Cause** and **PolicyLink** on the LSI's core strategies, including: a Black Male Achievement (BMA) Capacity & Sustainability Center; BMA Social Innovation Accelerator; BMA Communities of Practice (CoP); and BMA Field Promotion. To date, a total of \$3.6 million has been raised from nine funding partners.

The **Rada Film Group** film, *American Promise*, will premiere at the 2013 Sundance Film Festival, where it will launch a national campaign to help raise \$100,000 and 100,000 volunteer hours for Big Brothers Big Sisters' Mentoring Brothers in Action program. CBMA, along with the Ford Foundation and others, has been working with the filmmakers to create a strategy to promote the film, which follows

two African-American boys and their families as they navigate a prestigious New York City prep school, and use it as an advocacy tool to advance black male achievement.

CBMA grantee **Kenwood Oakland Community Organization** has convinced the district's new Police Commander to pledge support for its youth initiative that has been effective in decreasing the criminalization and harassment of youth by police and community residents and increasing the positive interaction among these parties. KOCO's summer youth program has also been adopted by the Governor's office through his Summer Youth Jobs Program.

The **Center for Urban Families** launched its National Practitioners Leadership Institute (NPLI) in early October, which provides technical assistance to nonprofits and government agencies that have been recognized as national leaders in responsible fatherhood in the black male achievement field. The national cohort-based initiative was designed to improve outcomes for low-income fathers and families by strengthening the capacity of both emerging and established organizations by providing: 1) peer-to-peer exchange, networking and partnership; 2) education and skill-building; 3) practitioner-driven coaching and hands-on support; and 4) access to critical information, resources, and best practices.

## OSI-Baltimore

With OSI-Baltimore's support, Maryland will be the first state in the nation to revise its state code of conduct specifically to reduce numbers of and disproportionality in suspensions. OSI-Baltimore was instrumental in raising the issue and testifying for these changes to the Maryland State Department of Education (MSDE). In close coordination with grantee the **Advancement Project**, OSI-Baltimore and MSDE staff are co-chairing a newly established Code of Conduct Workgroup. On December 14, OSI-Baltimore and the Maryland State Department of Education will host a statewide conference on creating positive school climates through the use of

fair and appropriate common-sense discipline practices. Through facilitated conversations, data analysis, and interactive presentations, teams from each of the 24 districts in Maryland will take on the difficult yet persistent problem of disproportionality in school discipline.

OSI-Baltimore education staff are working closely with Baltimore City Public Schools and advocates, educators and researchers, to re-envision the Accelerated Pathways Initiative, which is supported by Bloomberg Philanthropies, taking lessons from its pilot school so that it meets the varied and individualized needs of Baltimore City youth.

OSI-Baltimore grantees worked to ensure that the Maryland Health Care Reform Coordinating Council selected the Essential Health Benefits plan that had the most comprehensive substance use disorder treatment benefits. The grantees were also successful in securing the adoption of a Qualified Health Plan certification standard that allows the Health Benefit Exchange to require compliance with the Maryland Health Benefit Exchange Act of 2012. These victories will help to ensure that Maryland takes optimal advantage of the opportunities of the Affordable Care Act to expand substance abuse treatment.

A network of OSI-Baltimore's criminal and juvenile justice grantees, including **Job Opportunities Task**

**Force**, successfully advocated for the automatic suspension of child support orders of individuals who receive a prison sentence of 18 months or more. Prior to this policy change, a prisoner had to request a modification of his child support order, which, if granted by the court, would stop the accumulation of arrearages. Unfortunately, many prisoners did not know that they request a modification and often left prison with child support arrears as high as \$20,000 - a crippling debt that unemployed, newly released prisoners could not pay. The policy change will automatically suspend the child support orders of prisoners who are unable to meet their financial obligations while incarcerated. Custodial parents will be notified of the suspension and given an opportunity to object.

OSI-Baltimore selected 12 new **Baltimore Community Fellows**, making this the 15th class of fellows and the largest group to date. The class included two fellows who are supported by the Campaign for Black Male Achievement and who will participate fully not only in local gatherings and training of fellows but also in the Echoing Green CBMA Fellowship activities. With this new class, there are now over 130 Baltimore Community Fellows—70 percent of whom are still actively pursuing social justice in the city, building upon their original project.