

**U.S. PROGRAMS  
Transparency Fund  
Summary of Recommended Grants  
Docket I , May 10, 2012**

**Program Area / Organization**

<b>Organization</b>	<b>Grant Code</b>	<b>Recommended</b>	<b>Term</b>	<b>2012</b>	<b>2013</b>
<b>Information Access, Design and Regulation</b>					
Center for Media Justice	T1: 21107	\$ 300,000	2 years	\$ 150,000	\$ 150,000
<b>Independent and Diverse Judiciary</b>					
Center for American Progress	T1: 21110	\$ 350,000	1 year	\$ 350,000	
Wisconsin Democracy Campaign	T1: 21110	\$ 75,000	1 year	\$ 75,000	
<b>Journalism for an Open Society</b>					
Center for Public Integrity	T1: 21108	\$ 600,000	2 years	\$ 300,000	\$ 300,000
Regents of the University of California, Berkeley	T1: 21108	\$ 350,000	2 years	\$ 175,000	\$ 175,000
Voice of San Diego	T1: 21108	\$ 400,000	2 years	\$ 200,000	\$ 200,000
The Lens (Center for Public Integrity)	T1: 21108	\$ 400,000	2 years	\$ 200,000	\$ 200,000
Wisconsin Center for Investigative Journalism	T1: 21108	\$ 350,000	2 years	\$ 175,000	\$ 175,000
Presidents and Fellows of Harvard College	T1: 21108	\$ 300,000	2 years	\$ 150,000	\$ 150,000
<b>Total Recommended:</b>		<b>\$ 3,125,000</b>		<b>\$ 1,775,000</b>	<b>\$ 1,350,000</b>
<b>GRANTMAKING TOTAL THIS DOCKET:</b>		<b>\$ 3,125,000</b>			

  
Approval Signature

5/10/12  
Date

## MEMORANDUM

**TO:** Aryeh Neier  
**FROM:** Diana Morris, Laleh Ispahani, for the Transparency Fund, and Sara Greenberg, for the National Security and Human Rights Campaign  
**DATE:** May 10, 2012  
**RE:** Transparency Fund & National Security and Human Rights Campaign, Docket I meeting

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We look forward to meeting with you on May 10 to discuss the first 2012 docket of the Transparency Fund and the National Security and Human Rights Campaign. The Transparency Fund respectfully seeks approval of nine grants in this docket, totaling \$3,125,000. The National Security and Human Rights Campaign seeks approval of two grants, totaling \$700,000. Grant recommendations and financial summary sheets for the Fund and the Campaign are attached.

### **I. Transparency Fund Grants**

As reflected in its 2010-2012 strategic plan, the Fund's grant making and program strategies seek to promote government transparency and accountability, the integrity of the judicial and electoral systems, and informed public engagement by supporting:

- Media and government 'watchdog' groups and the development and use of emerging technology tools and practices that increase public involvement and access to information;
- Efforts aimed at expanding access to the ballot and addressing the impact of *Citizens United*;
- Efforts to ensure a fair, impartial and diverse judiciary; and
- Creative responses to the challenges and opportunities facing journalism.

#### **A. *Access to Information***

This portfolio's goals are to support groups working to collect and disseminate information that empowers citizens as well as watchdog groups monitoring the regulation of public information and government practices. The Fund recommends one grant in this area on this docket, to the **Center for Media Justice**. The Center is a key organization in the national media and information policy movement and serves a critical role in connecting local grassroots media justice groups, national media and information policy groups and multi-issue social justice groups organizing on other issues, such as immigrants' rights, healthcare, civic engagement and economic justice. Over the past several years, with OSF support, the Center for Media Justice has expanded the capacity, scope and impact of regional organizing for public interest media and communications policies that ensure access to open, affordable broadband and phone service in low-income communities.

## ***B. A Fair, Diverse & Impartial Judiciary***

Recognizing the central role the judicial branch plays in checking government power and providing access to justice for those most marginalized in our society, OSF has long supported work to advocate for a fair and independent judiciary. A robust judiciary – with a diversity of viewpoints and experiences, and a judiciary accountable to law and the Constitution rather than any rigid ideology or partisan agenda – is critical to advancing the many issues U.S. Programs addresses. OSF’s judiciary-related funding focuses on reforming state courts to ensure that they are as independent as possible from undue outside influence and on fostering a diversity of viewpoints about the law and the Constitution. The Fund recommends two grants in this area.

The first, to the **Center for American Progress**, would allow its Legal Progress program to increase the engagement of local communities on the issue of federal courts and judicial selection. Legal Progress will select four states in which intensive organizing will take place over the next year. The program will develop a “Why Courts Matter” curriculum tailored to each state and to groups within that state. This grant is the Fund’s third effort to support the development of viable models for grassroots engagement on the issue of federal judicial nominations. The Fund has already made grants to the Infinity Project (a Minnesota-based coalition) and to the National Council of Jewish Women (working in Nebraska, Ohio, and Pennsylvania).

We also recommend a grant to the **Wisconsin Democracy Campaign**, to promote clean government and healthy democracy through research and data analysis, citizen education, community outreach, coalition building, and direct advocacy. The Campaign compiles a comprehensive database of political contributions in state races (including state Supreme Court elections). It also conducts extensive public education and coalition-building to support reforms that reduce the influence of money in state politics.

## ***C. Journalism for an Open Society***

An open society requires a diverse, independent press that can provide rigorous and accurate reporting to hold the public and private sectors accountable. Core OSF concerns such as equality, justice, and a diversity of opinions are threatened when public debate suffers from disinformation and propaganda—instead of fact-based reporting—from a wide array of commercial and noncommercial sources. There is no single solution to the economic challenges facing journalism, and a wide range of public, private and nonprofit models will need to be tested to support the full range of accountability journalism necessary to meet the demands of a truly open society. Our current strategies support the following: (1) promising, replicable models to address the decline in statehouse and local reporting as well as international reporting for U.S. audiences; (2) collaborations among news producers and shared resources (legal, technological, editorial) to create economies of scale and avoid duplicative efforts; and (3) efforts to redefine, modernize and bring greater diversity to the public media sector. The Fund recommends six grants in this area.

Three of the grants address the Fund's goal of identifying and supporting promising models to ensure equitable access to high quality journalism, with a special focus on original reporting on public affairs at the local and state levels. **The New Orleans Lens**, the **Voice of San Diego**, and the **Wisconsin Center for Investigative Journalism** are all pioneering new models for producing investigative journalism and beat reporting on city and state government, criminal justice, economy, education, and the environment.

In this critical time of transition in journalism, legal training and information tailored for independent journalists and noncommercial online news ventures, as well as for others who seek to address the information needs of their communities, can be vital to their success. The **Digital Media Law Center**, based at Harvard University's Berkman Center for Internet and Society, works to ensure that individuals and organizations involved in online journalism and digital media have access to critical legal resources, representation, tools, and education.

A new project grant will enable the **Center for Public Integrity** to expand its national *Consider the Source* project to include state-level reporting. Launched in 2011 with an initial focus on the 2012 Presidential election, the goal of *Consider the Source* is to expose to a broad readership the impact of special interest money on the political process, and the propaganda industry that influences policy at all levels of government. This grant is in lieu of the proposed grant to the University of Arizona School of Journalism discussed at the October 2011 US Programs Board meeting.

The **Investigative Reporting Project** at the Berkeley Graduate School of Journalism serves as a critical training ground for reporters conducting complicated investigations of government misconduct as well as the ways in which the interests of powerful multinational corporations can distort policy both in the U.S. and abroad. In the last decade, Project director and long-time investigative reporter Lowell Bergman has worked with students to produce dozens of stories on subjects including corruption in Mexico, the role of U.S. defense contractors in Nigeria and Saudi Arabia, and the environmental and social impact of American gold mining in Peru.

## II. National Security and Human Rights Campaign Grants

The National Security and Human Rights Campaign recommends two grants in its first docket of 2012.

In support of the Campaign's priorities of restoring broad privacy protections and limitations on domestic spying, supporting paradigm-shifting research, and supporting credible voices in the movement for progressive national security policies, the Campaign recommends renewed project support for the **Center for Democracy and Technology's** Project on Freedom, Security, and Technology. The Project will engage in advocacy, coalition building, and litigation to defend against attacks on privacy posed by national security policies, with particular emphasis on limiting government surveillance of digital communications.

The Campaign is also recommending renewed project support to the **Federation of American Scientists** to support its Project on Government Secrecy. The renewal grant will advance the Campaign's priorities of strengthening the capacity of watchdog organizations to document government abuses and reduce excessive government secrecy in national security policy.

**We look forward to discussing these recommendations with you on May 10, 2012.**

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**Grant ID:** 20035944

**Name of Organization:** Center for Media Justice

**Tax Status:** 501(c)(3) public charity

**Purpose of Grant:** to support the Media Rights and Access program

**Grant Description:** The Center for Media Justice is a key organization in the national media and information policy field. The Center serves a critical role in connecting local grassroots media justice groups, national media and information policy groups, and civil society groups focused on other issues, such as immigrants' rights, healthcare, civic engagement, and economic justice. This grant would support the Center's Media Rights and Access Program, which has four broad goals: 1) expanding the capacity, scope and impact of regional organizing for public interest media and information policies; 2) building the leadership and skills of individuals and groups committed to media accountability; 3) developing model media and information policies for racial and economic justice; and 4) strengthening connections among small, local media justice groups, national media and information policy groups, and non-media related civil society organizations. This grant would advance the Transparency Fund's goal of supporting information policy that ensures an open, democratic communications infrastructure for speech, information, and knowledge exchange.

**Previous OSI Support:** \$785,000  
\$450,000 from Transparency Fund (2008, 2010)  
\$50,000 from Equality and Opportunity (2010)  
\$200,000 from Progressive Infrastructure (2006)  
\$85,000 from Youth Media Program (2004-2005)

**Organization Budget:** \$1,160,000

**Project Budget:** \$604,000

**Other Sources of Support:**

Ford Foundation	\$300,000
Nathan Cummings Foundation	\$100,000
Quixote Foundation	\$ 25,000

**Amount Requested:** \$300,000 over two years

**Contingent Grant?:** No

**Amount Recommended:** \$300,000 from the Transparency Fund (Guarantee Access to Information T1:21107)

**Term:** two years, beginning May 1, 2012

**Matching Requirements:** none

### **Description of Organization**

Founded in 2002, the Center for Media Justice (the Center) is a national organizing center for grassroots leaders and organizations based in historically disenfranchised communities. The Center has strengthened the communications and media activism capacity of social justice groups and campaigns working for immigrants' rights, educational justice, juvenile justice, fair policing, and economic justice. The Center has trained thousands of emerging youth organizers across the country in strategic press work, communications strategy and spokesperson skills. The Center aims to assist movements for racial justice, economic equity, and human rights to become more effective, collaborative, and strategic. With an office in Oakland, California, and staff in Chicago and New York, the Center is the only group in the nation that both develops communications strategies and leaders for a 21st-century progressive movement and organizes nationally for media policy solutions to help end racism and poverty.

### **Description of Program for Which Funding Is Sought**

This grant would support the Center's Media Rights and Access Program, which has four broad goals: 1) expanding the capacity, scope and impact of regional organizing for public interest media and communications policies that ensure access to open, affordable broadband and phone service in low-income communities; 2) building the leadership and skills of individuals and groups committed to media accountability; 3) developing model media and information policies for racial and economic justice; and 4) strengthening connections among small, local media justice groups, national media and information policy groups, and non-media related civil society organizations.

The Center's Media Action Grassroots Network (MAG-Net) is a national network of over 135 community organizations working together to advance a shared agenda of racial and economic justice through the transformation of the media system. The Center established MAG-Net to coordinate and expand the capacity of local and regional organizations working to ensure that marginalized communities can participate in debates over policies that determine the structure of the U.S. media and communications system. Through community organizing, media policy literacy education, leadership development, and collaborative action, MAG-Net members are mounting and winning fights for digital inclusion, wireless and wired phone equity, community radio, and public media. The Center provides leadership, fiscal management, and administrative coordination of this network.



## **Rationale for Recommendation**

The Transparency Fund recommends a renewed project grant of \$300,000 over two years. This grant would advance the Transparency Fund's goal of supporting information policy that ensures an open, democratic communications infrastructure for speech, information, and knowledge exchange.

New tools and practices built on and around the Internet are transforming how we receive news and information, participate in the economy, engage with government, and educate our children. And, even as the Internet becomes more of an essential utility than a consumer product, over 30 percent of American households do not have access to it. Nearly 19 million low income people only access the Internet at public libraries, which do not have sufficient resources to meet the needs of the communities they serve. About 18 percent of African Americans and 19 percent of Latinos use cell phones as their primary means of Internet access, which limits the services they can access online. The result is a digital divide that entrenches economic and racial inequality.

The effects of media and communications policy are felt by everyone, whether through television, radio, telephone, the Internet, or the print media. FCC rulemaking and other state and local media policies impact free speech and public debate, access to information, economic and educational opportunity, and the right to meaningful participation in the political process. Without fair communications and media policies to protect the needs of the public, millions of people will remain underrepresented and excluded from important economic, educational, and social opportunities. Recent studies by the Federal Communications Commission have found that communities of color and America's urban and rural poor are disproportionately impacted by media regulation, yet these communities often lack effective representation or the organized public voice to participate effectively in the media policy process.

The Center is a key organization in the national media and information policy movement and serves a critical role in connecting local media justice groups, national media policy groups and multi-issue social justice groups organizing on other issues, such as immigrants' rights, healthcare, civic engagement and economic justice. The Center is also building the leadership of people of color, women and youth, three constituencies largely absent from the pool of national media policy leadership.

The Center is led by Malkia Cyril, a respected leader in the media justice and youth organizing communities. For the past several years, Cyril has worked tirelessly behind the scenes on building relationships with the major national media policy groups, which are mainly based in Washington, D.C. The Center recognizes that transforming media content and policy depends on a coordinated and strengthened grassroots movement working in tandem with national policy groups.

Over the past 10 years, OSF, one of a very few foundations that has supported the field of media and information policy, has focused funding on national policy groups. Several years ago, OSF grantees came to recognize that the field needed to diversify and expand

the base of constituencies engaged in this field. However, the national policy organizations did not have the credibility or expertise on their own to convince social justice groups concerned with immigrants' rights, racial justice, healthcare and poverty to engage in media and information policy battles. Under Malkia Cyril's leadership, the Center has been working for several years to make the case to state and local organizations that winning racial and economic justice requires an open and fair media system and that media and communications policy is therefore a critical secondary issue that will help achieve primary social justice goals. The resulting Media Action Grassroots Network, comprising 135 local organizations, reflects the Center's success in making the case. Working with this growing network, the Center provides the information, training, and expertise necessary to enable these social justice organizations to include media and communications policy as part of their overall organizing agenda.

**Grant ID:** 20036118

**Name of Organization:** Center for American Progress

**Tax Status:** 501(c)(3) public charity

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** To enable its Legal Progress project to increase the engagement of grassroots communities in federal courts and judicial selection issues.

**Grant Description:** The Center for American Progress (CAP), founded in 2003, is the nation’s largest progressive think tank. Headquartered in Washington, D.C., CAP combines progressive policy ideas with a robust communications platform, resulting in a strong rapid response capacity and a broad and influential reach for its positions. CAP’s Legal Progress project seeks funding for its efforts to increase engagement of grassroots communities on the issue of federal courts and judicial selection. Legal Progress will select four states for intensive organizing work over the next year, including Texas, Colorado, Nevada, and one state still to be determined. The program will develop a “Why Courts Matter” curriculum tailored to each state. This grant would advance the Transparency Fund’s goals of supporting efforts to educate and engage citizens on the need for a fair and independent federal judiciary. Specifically, this grant would advance the portfolio’s goal of building viable models for state and local engagement on the issue of federal judicial nominations.

**Previous OSI Support:** \$9,117,186  
U.S. Programs Anchor Grant \$1,000,000 (2011-2013)  
National Security & Human Rights \$650,000 (2009-2013)  
Equality and Opportunity Fund \$550,000 (2009-2012)  
Climate Change \$75,000 (2009-2011)  
Democracy Fund \$2,150,000 (2008-2011)  
Chairman’s Grants \$499,195 (2007, 2010)  
Arab Transition \$132,991 (2007, 2011)  
Progressive Infrastructure \$4,060,000 (2005-2008)

**Organization Budget:** \$36,482,545

**Project Budget:** \$550,000

**Major Sources of Support:** HJW Foundation \$200,000

**Amount Requested:** \$350,000

**Is this a contingent grant?** No

**Amount Recommended:** \$350,000 from the Transparency Fund (Foster an Independent and Diverse Judiciary T1: 21110)

**Term:** One year, beginning May 1, 2012

**Matching Requirements:** None

**Description of Organization:**

The Center for American Progress (CAP), founded in 2003, is the nation's largest progressive think tank. Headquartered in Washington, D.C., CAP combines progressive policy ideas with a robust communications platform, resulting in a strong rapid response capacity and a broad and influential reach for its positions. CAP's policy experts cover a wide range of issue areas and often work across disciplines to tackle complex issues such as national security, the economy, energy, and climate change. CAP is an anchor grantee of U.S. Programs. In 2011, CAP initiated *Legal Progress*, a new project dedicated to policy development and communications on federal and state court issues as well as debates surrounding the meaning of the Constitution.

**Description of Program for Which Funding Is Sought:**

CAP seeks funding for the efforts of its Legal Progress project to increase engagement of state and local communities on the issue of judicial selection for federal courts. Over the past six months, Legal Progress has been testing various approaches to building state and local engagement on judicial nominations. Through a combination of one-on-one meetings with state and local groups, discussions with statewide progressive "tables," and presentations at national conferences (e.g., Creating Change, an annual conference of LGBT advocates), Legal Progress has begun reaching out to people and organizations that are natural allies on federal judiciary issues but who have long been absent from these debates.

Building on these efforts, Legal Progress will select four states for intensive organizing work over the next year. Based on early success in engaging state-level groups, Texas will be one of the four. Nevada and Colorado are likely as well based upon initial organizing efforts. The fourth will be Wisconsin, Michigan, or Illinois. Legal Progress will make its final choices in coordination with the National Council of Jewish Women's judicial nominations project (also funded by OSF) to assure minimal overlap and maximum distribution across federal appellate circuits.

The program will develop a “Why Courts Matter” curriculum tailored to each state. The curriculum will explain why federal courts are essential to the success of progressive issues, educate advocates on the judicial nominations process, and provide tangible actions that organizations and individuals can pursue to influence the composition of the federal judiciary. As state-level groups agree to get involved on judicial issues, Legal Progress will provide information (e.g., research, facts, news updates), messaging/polling information, and connections to Washington, DC-based advocates active on judicial issues (such as OSF grantees the Leadership Conference on Civil and Human Rights, the American Constitution Society, and the Constitutional Accountability Center).

Legal Progress envisions its program as a long-term effort to build progressive state and local engagement on judicial nominations for federal courts. Its focus will be on building a solid foundation for engagement beyond any single nomination battle, aiming to create a constituency that integrates concerns on a broad spectrum of issues with concern for the direction of the federal judiciary. In other words, the ultimate goal is to assure that federal nominations are not a niche issue for a small group of specialized advocates.

Less than half of the project budget (totaling \$550,000) will go to support Legal Progress staff and activities, including development of educational materials, organizing work, and support for state-level activities. The majority will go to support organizations in the four selected states (\$75,000 per state) that will take on federal courts-oriented work.

### **Rationale for Recommendation:**

The Transparency Fund recommends a grant of \$350,000 over one year. This grant would advance the Fund’s goals of supporting efforts to educate and engage citizens on the need for a fair and independent federal judiciary. Specifically, this grant would advance the portfolio’s goal of building viable models for state and local engagement on the issue of federal judicial nominations.

The last three years have demonstrated clearly that a lack of progressive grassroots engagement in debates about judicial nominations lies at the heart of conservative dominance in debates over the direction of the federal courts and the Constitution. While evangelical and pro-business conservatives have made courts a “top five” issue, progressives – particularly at the local and state levels – have largely ignored the courts. Over the past two years, in conversations with US Programs Board members, advocates, academics, and other funders, we have come to the conclusion that OSF’s work in this area must help to educate important constituencies about why courts matter on a range of issues and then mobilize members of those communities to move the federal courts back towards ideological balance.

CAP is not the first organization that comes to mind when thinking about local and state engagement. It has a well-deserved reputation as a Washington, DC-focused organization. Its Legal Progress program is different, however. Legal Progress’ work starts from the premise that it is only by engaging people at the grassroots that progressives can begin to change the current right-wing dominance on federal court

nominations and bring balance and diversity to the federal bench. The project's director, Andrew Blotky, came to CAP from the HJW Foundation, a strong OSF ally in this area. HJW provided funding to CAP only after it closely examined the needs and capacity in the judicial nominations field. Specifically, it chose to invest in a new project (providing more than one-third of the budget) rather than try to change the modus operandi of more established "courts" groups that have long focused on inside-the-beltway conversations and elite- mobilization strategies. Blotky hired April Carson, a former staffer at the Alliance for Justice, to oversee the grassroots work. Carson had proposed a similar project (with a long-term focus on local and state education and engagement) at the Alliance but the strategy was not in keeping with the Alliance's approach.

Legal Progress' strategy is already beginning to show signs of success. After a series of face-to-face meetings in Texas, where Carson presented tailored "Why Courts Matter" presentations, state organizations formed the Texans for a Fair Judiciary coalition (led by Progress Texas). Coalition partners engaged their members who sent over 4,000 letters and made countless additional phone calls to Texas Senator Cornyn, asking him to allow Congressional votes on nominees to federal courts in Texas to proceed. The White House has reported that Cornyn's obstructionism on judicial nominations is now softening.

Two years ago the Transparency Fund set out to build viable models for local and state engagement on federal judicial nominations. The Fund has since made grants to the Infinity Project (a Minnesota-based coalition) and to the National Council of Jewish Women (working in Nebraska, Ohio, and Pennsylvania). This grant would represent a third effort to support innovative models of local and state organizing. Over the next year, we will evaluate these varied models to identify what strategies and approaches are most effective in building consistent local and state engagement on federal court nominations.

**Grant ID:** 20036117

**Name of Organization:** Wisconsin Democracy Campaign

**Tax Status:** 501(c)(3) public charity

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** To provide general support

**Grant Description:** The Wisconsin Democracy Campaign (the Campaign) promotes clean government and healthy democracy through research and data analysis, citizen education, community outreach, coalition building, and direct advocacy. It is dedicated to reforms that decrease the influence of money in state politics and policy making and that increase public confidence in government leaders and institutions. The Campaign tracks money in state elections (including judicial elections) and works for campaign finance, government, and election-related reforms. In the next two years, the Campaign will focus on: 1) raising awareness of and opposition to recent U.S. Supreme Court rulings unleashing corporate spending on elections and thereby undermining public financing of elections; and, 2) reframing the public debate over election financing and creating a new paradigm for public financing adapted to new legal and political realities. This grant would advance OSF's interest in addressing the undue influence of money on the American political process. It would also advance the Fund's goal of ensuring fair, impartial, and diverse courts.

**Previous OSI Support:** \$300,000  
\$300,000 from Transparency Fund (2008-2012)

**Organization Budget:** \$423,580

**Project Budget:** n/a

**Major Sources of Support:**

Joyce Foundation	\$200,000
Proteus Fund	\$ 25,000
Brico Fund	\$ 25,000
Individual Donations	\$ 50,000
MapLight	\$ 10,000

**Amount Requested:** \$150,000 over two years

**Is this a contingent grant?** n/a

**Amount Recommended:** \$75,000 (Foster an Independent and Diverse Judiciary T1: 21110)

**Term:** One year, beginning August 1, 2012

**Matching Requirements:** None

**Description of Organization:**

The Wisconsin Democracy Campaign (the Campaign) promotes clean government and healthy democracy through research and data analysis, citizen education, community outreach, coalition building, and direct advocacy. It was the Campaign's organizing efforts that built public support for the creation of the Wisconsin Government Accountability Board, which is charged with oversight of Wisconsin's campaign finance, elections, ethics, and lobbying laws. The Campaign's seven year public education campaign helped make Wisconsin become one of only three states to adopt public financing in state Supreme Court elections. The Campaign also led a push for adoption of rules banning State Assembly members from solicitation of campaign contributions during the budget process. The Campaign is based in Madison, Wisconsin.

The Campaign's most prominent product is its searchable database of contributors to state campaigns, bringing greater transparency to state elections for all three branches of government. It is now working on a project to use internet tools created by Maplight.org (a Transparency Fund grantee) to make its database more user-friendly for journalists, advocates, and the public. The Campaign leads the Wisconsin Democracy Reform Roundtable, a coalition of organizations committed to democracy reform in the state. It is also a member of the Justice at Stake Coalition, working closely with national partners to advance judicial reforms in Wisconsin, and an active participant in the Midwest Democracy Network (a former OSF grantee), assisting that group to develop and execute a regional strategy on government reform.

In the coming year, the Campaign will focus on raising public awareness of recent U.S. Supreme Court decisions that have changed the landscape of money in politics and increased the need for reforms. Tied to this effort, the Campaign will build support for small donor public financing reform that is widely seen as the best hope for curbing the growing power of moneyed interests in shaping public policy. It will do this through a combination of public education, coalition building, and policy research.

**Description of Program for Which Funding Is Sought:**

This recommendation is for general support.



### **Rationale for Recommendation:**

The Transparency Fund (the Fund) recommends a general support grant of \$75,000 over one year. This grant would advance OSF's interest in addressing the undue influence of money on the American political process. It would also advance the Fund's goal of ensuring fair, impartial, and diverse courts.

Over the past year, Wisconsin has become an example of political dysfunction. Multiple recall efforts, including the upcoming recall election of Governor Scott Walker, are bringing a flood of out-of-state campaign contributions to both sides. The state's Supreme Court is increasingly mired in conflict as a result of increased politicization and ethical problems resulting from elections dominated by special interests and big money. Amidst these many conflicts, the Campaign offers a dependable flow of information about who is bankrolling campaigns as well as solutions that can restore the state's reputation as a paragon of good government.

While the Campaign has long been a go-to source for information about money in Wisconsin politics for years, use of the data has skyrocketed in the past 18 months. In 2008, the Campaign's website received three million hits. In 2011, that number surpassed 20 million. The Campaign is collaborating with the Wisconsin Center for Investigative Journalism (another Transparency Fund grantee) as well as Maplight, providing its partners unfettered access to its data in order to help produce top-quality journalism on money in state politics.

The Campaign is well-known in the state and region for its research, advocacy, education, and organizing skills. With a small staff, led by veteran good government advocate Mike McCabe, the Campaign has built significant reform coalitions across issue silos to push for policies and practices that reduce the influence of money in state politics. Through its long-term work, the Campaign sowed the seeds for significant successes in election campaign and ethics reforms. Its collaborative approach links it with national, regional, state, and local coalitions and alliances. This commitment to coalitional work has made the Campaign substantially more effective than other organizations of its size.

**Grant ID:** 20035951

**Name of Organization:** Center for Public Integrity

**Tax Status:** 501(c)(3) public charity

**Purpose of Grant:** to support an expansion of its *Consider the Source* project to include state level reporting on the influence of money on the political process

**Grant Description:** The Center for Public Integrity is one of the oldest and largest nonprofit news organizations in the United States. Its mission is to produce original investigative journalism about significant public issues to make institutional power more transparent and accountable. This project grant will enable the Center for Public Integrity to expand its national *Consider the Source* project to include state-level reporting. Launched in 2011 with an initial focus on the 2012 Presidential election, the goal of *Consider the Source* is to expose to a broad readership the impact of special interest money on the political process and the propaganda industry that influences policy at all levels of government. Expanding *Consider the Source* to include state level reporting will enable the Center to create partnerships with local and state reporters and connect local stories with national trends. Support for the Center for Public Integrity advances the Transparency Fund’s goal of strengthening accountability journalism on critical open society issues at the state and local level. The grant would also advance the Fund’s goal of ensuring fair, impartial, and diverse courts. Finally, the grant would advance OSF’s interest in addressing the undue influence of money on the American political process.

**Previous OSI Support:** \$4,111,754  
    \$2,592,754 Chairman’s & Presidential (1998-2011)  
    \$ 700,000 Transparency Fund (2008-2011)  
    \$ 150,000 OSI-DC (2011)  
    \$ 375,000 Gov. & Public Policy (1998-2002)  
    \$ 294,000 Law and Society (2000-2001)

**Organization Budget:** \$7,981,000

**Project Budget:** \$2,776,000

**Major Sources of Support:** for *Consider the Source*:

Omidyar Network	\$450,000
Deer Creek Foundation	\$122,000
Overbrook Foundation	\$ 37,000
Wyncote Foundation	\$100,000
Individual Donor	\$200,000
William Penn Foundation	\$ 82,500

for *Consider the Source* reporting on judicial elections:

Wellspring Advisors	\$1,000,000 (2 years)
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**Amount Requested:** \$600,000 over two years

**Contingent Grant?:** No

**Amount Recommended:** \$600,000 from the Transparency Fund  
(Journalism for an Open Society T1:21108)

**Term:** two years, beginning May 1, 2012

**Matching Requirements:** none

**Description of Organization**

Founded in 1989, the Center for Public Integrity (the Center) is one of the oldest and largest nonprofit news organizations in the United States. The Center's mission is to produce original investigative journalism about significant public issues to make institutional power more transparent and accountable. To pursue its mission, the Center generates high-quality, accessible investigative reports, databases, and contextual analysis on issues of public importance. The Center disseminates its work to journalists, policymakers, academics, and the public using a combination of digital and print media. At present, the Center works in six areas: money and politics; business and economic justice; environment and workplace safety; health; national security; and international cross-border investigations.

**Description of Program for Which Funding Is Sought**

This project grant will enable the Center for Public Integrity (the Center) to expand its national *Consider the Source* project to include state-level reporting. Launched in 2011 with an initial focus on the 2012 Presidential election, the goal of *Consider the Source* is to expose to a broad readership the impact of special interest money on the political process and the propaganda industry that influences policy at all levels of government. Expanding *Consider the Source* to include state level reporting will enable the Center to create partnerships with local and state reporters and connect local stories with national trends.

The Center, working in partnership with both commercial and noncommercial state news outlets across the country, will produce in-depth investigative reporting about the influences of special interests on state governments and state officials. This initiative will bring a new level of journalistic resources to allow deeper reporting on the statewide, regional, and national impact of the unrestricted money flowing into states and the impact it is having on state governments. The Center will create special resources for statehouse reporters so that they can learn who is behind the ballot issues, candidates, and legislation in their state. The Center will also provide support to reporters in the states through information on what is going on in other states and comparative analysis of data.

While most news organizations will be focused on the Presidential election and high-profile Senate races, the Center's *Consider the Source* project will focus attention on the influence of special interest money on state level executive, legislative, and judicial elections. Thirty-nine states elect all or some of their judiciaries and, over the last decade, spending in judicial elections has more than doubled. Corporate interests have realized that changing the composition of the courts is a cheaper and easier way to advance their interests, particularly given that courts and judicial elections receive little public attention. *Consider the Source* will help focus attention not only on state high court races in 2012, but on the conflicts of interest that justices face in states with big money judicial elections once they are on the bench. This issue is in sharp relief in Wisconsin, where the state Chamber of Commerce is a frequent litigant before justices which it has spent large sums of money to elect. In addition, *Consider the Source* will focus on Congressional races that are often overlooked by the national press.

To execute this project, the Center for Public Integrity will expand its existing *Consider the Source* desk to include additional staff who will focus on state-level reporting. The Center's existing data-analysis team will assist *Consider the Source* reporters as they track political contributions in important congressional, statewide, and other races, and compare the sources and level of political spending in neighboring states and across the nation. The Center will also hire a web applications expert to make data accessible, attractive, and user friendly on the web for partners at state media outlets.

The Center will work across state lines, and its investigations will not be limited by geography. Rather than set up state-specific projects, the Center will follow the special interests that target multiple states, illuminating the big picture. The Center will examine trends by national special interest groups that seek to impose their will on local elections. By covering multiple elections in different states, the Center will add context to the reporting of local reporters.

The Center will work in close partnership with OSF grantee National Institute on Money in State Politics, the only nationwide source for state-level data on independent expenditures – the type of spending that is unleashed by the *Citizens United* decision. The Institute and the Center for Public Integrity have teamed up in the past to do award-winning, investigative projects of enormous scale and scope at the state level. The Center also works with other OSF grantees, including the Center for Political Accountability, the Sunlight Foundation and MAPLight.

The Center will use its dynamic distribution strategy to ensure that the reporting reaches a wide audience. The Center disseminates its reports on its own website and social media platforms as well as through such influential media outlets as *The New York Times*, *Washington Post*, The Huffington Post, The BBC World Service, *Atlantic*, NPR, ABC, CBS, and Politico. More than 4,000 websites and other news organizations have cited the Center's work over the last year.

William ("Bill") Buzenberg serves as the Center's Executive Director. Buzenberg was vice president of news for National Public Radio as well as an NPR foreign affairs correspondent and London bureau chief from 1978-1997. He was responsible for launching *Talk of the Nation* as well as the expansion of *All Things Considered* and the extension of NPR's newscast services to 24 hours a day. The Center's Board of Directors includes Christiane Amanpour, Sheila Coronel, Bill Kovach, and Sree Sreenivasan. John Dunbar, the Center's managing editor for politics, will oversee both the national and state level components of the *Consider the Source* reporting project. Dunbar is a former statehouse reporter and was lead writer for the Center's 50 States Project from 1999-2002.

### **Rationale for Recommendation**

The Transparency Fund recommends a project support grant of \$600,000 over two years. This grant would advance the Fund's goal of strengthening accountability journalism on critical open society issues at the state and local level. The grant would also advance the Fund's goal of ensuring fair, impartial, and diverse courts. Finally, the grant would advance OSF's interest in addressing the undue influence of money on the American political process.

The Fund has developed this grant with the Center as an alternative to the money and politics reporting fellowship project that was presented to the U.S. Programs Board at its October 2011 meeting. This grant has been structured to address the concerns raised by the Board about the proposed project, which would have been housed at the Arizona State University, relating, among other things, to the project cost and the level of OSF support. Since the cost of this initiative is significantly less than the Arizona State University Project, the Transparency Fund will support the entire grant amount from its existing budget, and will not need to request support from the Board. In the project that Transparency Fund staff now propose at the Center for Public Integrity, OSF will be one of more than seven other funders. Indeed, Wellspring Advisors is likely to award \$1 million over three years to support the Center's *Consider the Source* reporting on judicial elections. Wellspring staff have been in regular contact with OSF staff and are extremely enthusiastic about this work.

*Citizens United* eliminated regulation of corporate involvement in our political system, allowing companies to spend millions, anonymously, to influence electoral outcomes. Given the resulting rise in the levels of corporate spending and the secrecy shrouding donations, it is increasingly important to ensure that information about the influence of

money on politics is investigated, robustly gathered, and made available to the public. It is always a valuable journalistic and civic exercise to uncover who the biggest campaign financiers are and what they expect to get in return for their investments. But the significance of such investigative reporting is more crucial at a time when special interest groups are spending unprecedented amounts of money to influence the most basic and far-reaching political decisions about the future of the country. The 2012 elections will be the first national elections held in the wake of *Citizens United*. With nearly 14 million Americans out of work, the U.S. engaged in multiple wars, and a fierce political debate in Washington over the proper role of government in our society, the stakes are that much higher in understanding what entities are trying to game the system and why. The public has a right to know about the workings of government, including spending by individuals and special interests to influence the political process.

The Center is well positioned to take on this issue, with its gold-standard investigative journalism, as an ongoing area of editorial inquiry. It seeks to be the most comprehensive reporting machine on the money and influence behind the presidential, judicial, and congressional elections in 2012 and beyond. The Center's goal is to produce consequential and actionable reporting that shines a bright light on the influence of special interest money that flows unimpeded and unchallenged through the states. If the Center is successful, *Consider the Source* will become a critical resource and partner for reporters across the country conducting investigative reporting at the state level.

In another time, one might have expected state and local media to pick up and run with these post-*Citizens United* stories. But with the economic decline of commercial news organizations at the state and local levels over the past decade, a new approach is needed. The Center's *Consider the Source* reporting will help to fill gaps left in the wake of massive layoffs of reporters over the past several years. Across the country, news organizations that once served as essential watchdogs on government and the private sector have been significantly diminished. This is particularly the case in coverage of state government. Declining news coverage of statehouses across the country is one of the most striking consequences of the deteriorating newspaper business.

An enormous amount of power is concentrated in state government, and it is critical that the public has ongoing access to a variety of sources of credible information about the effects of state and local legislative action. Without state and local stories, the full scope of *Citizens United's* impact cannot be fully understood. The Center recognizes that, in order for its reporting to have meaningful impact or to capture the public's attention, *Consider the Source* reporters must be skilled storytellers, able to offer context, ask difficult questions, and recognize the complexity and contradictions inherent in these stories without losing the public's interest and attention.

Few if any news organizations in the nation have the experience and capacity to create a national investigative news hub that can effectively spotlight what is happening at the state level. The Center for Public Integrity, a mature yet entrepreneurial noncommercial, nonpartisan investigative news organization, is prepared to take its current vision of *Consider the Source* to scale.

**Grant ID:** 20035958

**Name of Organization:** Regents of the University of California, Berkeley

**Tax Status:** 501(c)(3) public charity

**Purpose of Grant:** to support the Investigative Reporting Program of the Berkeley Graduate School of Journalism.

**Grant Description:** The Investigative Reporting Program (IRP) of the Berkeley Graduate School of Journalism functions both as a specialized graduate-level training program and as a noncommercial news organization. It has pioneered high-quality, in-depth accountability reporting for major broadcast, print, and online outlets across the country. In the last decade, IRP students have produced dozens of stories on subjects such as corruption in Mexico, the role of U.S. defense contractors in Nigeria and Saudi Arabia, and the environmental and social impact of American gold mining in Peru. The program, serves as a unique training ground for reporters conducting complicated investigations of multinational corporations. It was founded in 1991 by Pulitzer Prize-winning investigative reporter Lowell Bergman, a producer/correspondent for the PBS documentary series *Frontline* and former investigative correspondent for the *New York Times*. Support for IRP would advance the Transparency Fund’s goal of strengthening accountability journalism on critical open society issues. It would also support the Fund’s goal of increasing or improving the production, distribution, and reach of international reporting for U.S. audiences.

**Previous OSI Support:** n/a (for the Investigative Reporting Project)

**Organization Budget:** \$5,567,000,000 (University of California, Berkeley)

**Project Budget:** \$1,315,000 (Investigative Reporting Project)

**Major Sources of Support:**

Endowment and earned income	\$361,500
Individual Donors	\$302,000
MacArthur Foundation	\$250,000
Sandler Foundation	\$175,000

**Amount Requested:** \$400,000 over two years

**Matching Requirement:** None

**Contingent Grant?:** No

**Amount Recommended:** \$350,000 from the Transparency Fund  
(Journalism for an Open Society T1:21108)

**Term:** two years, beginning May 1, 2012

**Description of Organization**

The University of California, Berkeley Graduate School of Journalism is among the top graduate journalism schools in the United States and focuses on 13 areas of journalism, including business reporting, documentary film, environmental and science journalism, international reporting, investigative reporting, magazine, multimedia, newspaper, photojournalism, political reporting, radio, television or broadcast media and urban reporting. Noted faculty members include food expert and author Michael Pollan, former *60 Minutes* news producer Lowell Bergman, *New Yorker* writer and author Mark Danner, NPR Morning Edition founding editor William J. Drummond, documentary filmmaker Jon H. Else and former Africa bureau chief for the *Washington Post* Neil Henry.

**Description of Program for Which Funding Is Sought**

The Investigative Reporting Program (IRP) of the Berkeley Graduate School of Journalism functions both as a specialized graduate-level training program and as a noncommercial news organization. It has pioneered high-quality, in-depth accountability reporting for major broadcast, print, and online outlets across the country.

The IRP began in 1991 with a seminar taught at the Graduate School of Journalism. Led by Lowell Bergman, then a CBS News producer/reporter with *60 Minutes*, the seminar focused on preparing graduate students to take the leap from academia to real world reporting, with an emphasis on in-depth investigative stories. As part of that process, the students were integrated into reporting projects for the nation's leading publications and broadcast outlets. This approach was not common at the time, although it has been adopted by many journalism schools across the country as newsrooms are increasingly understaffed and unable to provide on-the-job training and mentorship to new journalists.

In 2006, the IRP was established as a permanent part of the curriculum of the Berkeley Graduate School of Journalism. In 2007, in response to continuing cutbacks at major news organizations, the IRP established the first postgraduate fellowships in investigative reporting in the nation. This yearlong program is designed to enable select journalists, with a proven ability to tell complex stories in the public interest, to pursue a complicated investigation for up to one year by providing them with a salary, benefits and editorial guidance.

In the last decade, IRP students have produced dozens of stories on complex subjects such as corruption in Mexico, the role of U.S. defense contractors in Nigeria and Saudi



Arabia, and the environmental and social impact of American gold mining in Peru. The IRP serves as a critical training ground for reporters conducting complicated investigations of multinational corporations.

The IRP has built ongoing partnerships with both commercial and noncommercial outlets, including ABC's *Nightline*, CBS *Evening News*, *60 Minutes*, PBS *Frontline* and the *NewsHour*, NPR, Reuters, *The New York Times*, *San Francisco Chronicle*, *Los Angeles Times*, *Toronto Globe and Mail*, ProPublica, the Associated Press, the Center for Investigative Reporting, and Univision. The IRP produces, on average, four major PBS *Frontline* documentaries a year, in addition to at least eight projects with ProPublica, NPR, and other partners. Projects in which IRP students' roles were acknowledged and credited have received the Pulitzer Prize, as well as the Alfred I. duPont-Columbia University Silver Baton, the Gerald Loeb Award, the Peabody Award, the National Press Club Award, the George Polk Award, the Sidney Hillman Award, and the Investigative Reporters and Editors award.

The IRP is currently working with *Frontline* to investigate whether the recently revealed practices carried out by News International in the U.K., ranging from illegal wire-tapping to bribing police officers, are also conducted by Murdoch's American operations. IRP students are also investigating the American College of Forensic Examiners International, which, insiders say, is a diploma mill that is conferring questionable certifications in everything from medical examination to homeland security. This investigation stems from an ongoing collaboration with NPR and ProPublica called "Post Mortem," which has already delivered one full-length documentary, a half hour program on pediatric death investigations, and a third segment on the lack of standards among practitioners of forensic science.

The IRP is also working with partners to reveal how corruption subverts policy in other countries. Together with the *Toronto Globe and Mail*, the IRP is investigating how a U.S.-Canadian security company bankrolled the successful candidacy of Mumbai's police chief and was rewarded with a lucrative contract to provide security for Indian airports. Another long-term collaborative investigation between the IRP and the *Toronto Globe and Mail* is focused on the shady and often un-reported practices of Canadian mining companies in the developing world.

The IRP also organizes the annual Logan Symposium, a three day-event that has become a critical meeting place for top editors, executive producers, reporters, donors, judges, attorneys, and sources as varied as CIA agents to Wikileaks founder Julian Assange. Negotiations are now underway with the Center for Investigative Journalism at the City University of London to hold a Logan Symposium in the U.K. in summer 2012.

IRP Director Lowell Bergman is the Reva and David Logan Distinguished Professor of Investigative Reporting at the Berkeley Graduate School of Journalism. With a career spanning over four decades in both print and broadcast journalism, Bergman was Director of Investigative Reporting at ABC News and one of the original producers of *20/20*. In 1983, Bergman joined CBS News as a producer for the weekly news magazine

*60 Minutes*, where, over the course of 14 years, he produced more than 50 stories on organized crime, international arms and drug trafficking, terrorism, and corporate crime. The story of his investigation of the tobacco industry for *60 Minutes* was chronicled in the feature film *The Insider*.

After leaving CBS News as its senior investigative producer in 1998, Bergman forged an alliance between *The New York Times* and PBS's *Frontline*. While teaching and working with *Frontline*, Bergman was also an investigative correspondent for *The New York Times* from 1998 until 2008. His investigative reporting has won journalism's highest awards, including the Pulitzer Prize for Public Service and numerous Emmys.

### **Rationale for Recommendation**

The Transparency Fund recommends a new project support grant of \$350,000 over two years to the Investigative Reporting Program (IRP) of the Berkeley Graduate School of Journalism. This grant would advance the Fund's goal of strengthening accountability journalism on critical open society issues. It would also support the Fund's goal of increasing or improving the production, distribution, and reach of international reporting for U.S. audiences.

The IRP trains its students to conduct complicated investigations that examine government misconduct as well as the ways in which private interests can distort policy, both in the U.S. and abroad. IRP's aim is to correct this distortion of democracy, in the muckraking tradition of Isa Tarbell and Lincoln Steffens. Major commercial news organizations have long served as the most important source of this kind of investigative reporting. To serve the public interest, many major news organizations once gave their reporters substantial institutional support to penetrate the protective layers of government and private companies. However, they are increasingly unable to support this kind of reporting, which requires time, resources, and institutional commitment.

The impact of IRP stories is often evident long after a story is published or broadcasted. Law enforcement and other government agencies, Congress, and state legislatures have cited IRP findings, launched investigations, and initiated or passed legislation because of IRP work. For example, an article and PBS *NewsHour* special report, authored by an IRP Fellow, prompted the California legislature to pass two bills that, in effect, make it illegal for police at DUI/Drivers license checkpoints to summarily impound vehicles for 30 days, a practice that had disproportionately affected Hispanic immigrant communities.

Lowell Bergman's seminar has evolved into a world-class teaching and news-gathering program, whose exclusive stories have earned international recognition. Bergman hopes to retire in the next five or six years and will spend the next several ensuring that IRP is positioned to operate at the same high level in his absence. This will require additional resources and staff. IRP will hire a managing editor, several in-house reporters, a full-time fundraiser, and several research assistants. In addition, IRP will enlarge its group of First Amendment specialists, a pro bono team of libel lawyers that reviews IRP work prior to publication, and defends journalists and news organizations working under the IRP umbrella. With the IRP, these outlets are assured that the editorial and legal review is

iron clad. IRP has strong financial prospects, with a mix of earned income, endowment funding, individual donors, and foundation funding. The IRP understands that this is very likely to be a one-time grant, and has a plan to replace OSF funding over the next two years.

**Grant ID:** 20035943

**Name of Organization:** Voice of San Diego

**Tax Status:** 501 (c)(3) public charity

**Purpose of Grant:** to expand the activities of the Voice of San Diego to encourage informed, active engagement in local civic affairs

**Grant Description:** The Voice of San Diego is nationally recognized as a pioneer in independent local news and investigative reporting on city and state government, economy, education, criminal justice, housing, and the environment. The Voice has an ambitious vision to become a trusted source of high quality accountability and investigative journalism and a key public institution for intelligent and informed discussion of civic issues in San Diego. This project grant will support the Voice’s public engagement strategy, which recognizes that members of the public require more than just access to independent and reliable news and information; they also need context to make sense of the information and a guide to help them understand how to engage productively in civic affairs. This grant would advance the Fund’s goal of identifying and supporting promising models to ensure equitable access to high quality journalism, with a special focus on original reporting on public affairs at the local and state levels.

**Previous OSI Support:** \$200,000 (Transparency Fund, 2010)

**Organization Budget:** \$1,021,200

**Project Budget:** \$275,000

**Other Sources of Support:**

Foundations and donor advised funds:	\$635,000
Individual Donors (>\$5,000)	\$175,000
Individual Donors (<\$5,000)	\$150,000
Advertising and Sponsorship Revenue	\$111,000
Syndication	\$ 62,000

**Amount Requested:** \$400,000 over two years

**Contingent Grant?:** No

**Amount Recommended:** \$400,000 from the Transparency Fund  
(Journalism for an Open Society T1:21108)

**Term:** two years, beginning May 1, 2012

**Matching Requirements:** none

**Description of Organization**

The Voice of San Diego (the Voice) is a noncommercial news organization that focuses on in-depth analytical and investigative reporting on local civic issues, including city and state government, housing, education, criminal justice, the economy, and the environment. The Voice's mission is to consistently deliver ground-breaking investigative journalism for the San Diego region and to increase civic participation by giving residents the knowledge and in-depth analysis necessary to become advocates for good government and social progress.

The Voice was founded in 2005 by retired venture capitalist and entrepreneur Buzz Woolley and journalist Neil Morgan, a 50-year veteran of the *San Diego Union-Tribune*. It is considered a pioneer in the growing field of noncommercial online news outlets and has earned a reputation for aggressive beat and investigative reporting, for insightful commentary, and for its experimental new media model. Rather than mimicking the comprehensive coverage of a daily newspaper, the Voice focuses on a limited number of issues, covering them in a deep and sustained manner. Investigative Reporters and Editors recognized the Voice in 2009 for its investigation uncovering a clandestine bonus system and widespread conflicts of interest at the city of San Diego's redevelopment agencies. The Voice has also received honors from the Society of Professional Journalists, the Online News Association, and the Education Writers Association.

The Voice is a founding member of OSF grantee the Investigative News Network, which offers administrative and technical services to, and facilitates collaboration among, its network of 60 noncommercial news organizations. In order to distribute its content more broadly, the Voice partners with the local media outlets, including the public radio station, a Spanish-language newspaper, and commercial radio stations. It has developed a partnership with Claremont McKenna College, which provides research support and data analysis. The Voice also works with a high school in a low-income community, helping launch a school newspaper. Voice staff members serve as mentors to the students and are also developing a plan to engage parents and teachers in newsgathering.

The Voice has developed a partnership with a local NBC television news affiliate. Facing budget constraints, the television outlet sought to use the site's content and staff in its daily broadcasts. The Voice initially saw this as a way to gain exposure to a wider audience, but has since begun charging the television and syndicating its content as a way to generate revenue. More recently, the Voice began a content syndication partnership with *San Diego Magazine*, which will generate additional revenue and enable the Voice to reach a new audience.

## **Description of Program for Which Funding Is Sought**

Previous OSF support enabled the Voice to hire an engagement editor to develop a variety of methods to encourage people to become actively engaged in civic life. Renewed support will enable the Voice to expand this work. The Voice has an ambitious vision to become a trusted source of high quality accountability and investigative journalism and a key public institution for intelligent and informed discussion of civic issues in San Diego. The Voice recognizes that members of the public require more than just access to independent and reliable news and information; they also need context to make sense of the information and a guide to help them understand how to engage productively in civic affairs. Although the Voice built its reputation and popularity on the quality of its investigative journalism, it also recognizes the imperative to experiment with a range of tools and methods to foster and sustain readership and public participation. The Voice believes that this will help with revenue generation and strengthen its value statement to community members and potential sponsors.

For example, the Voice has partnered with the Henrietta Lacks Project, which will host a series of events examining research ethics and diversity issues through Rebecca Skloot's *The Immortal Life of Henrietta Lacks*. The Lacks Project, exploring how science can better serve society, has been organized by a science and education alliance that includes San Diego State University, the University of San Diego, California State University San Marcos, Point Loma Nazarene University, Grossmont College, University of California San Diego, the Reuben H. Fleet Science Center, and the Center for Ethics in Science and Technology.

In September 2011, the Voice organized Politifest, an outdoor community festival that combined serious civic engagement activities with food and family entertainment. Politifest included field day activities for children as well as a lively and free-flowing Lincoln/Douglas-style debate among seven mayoral candidates, space for dozens of civic organizations to connect with interested citizens, and an Idea Tournament, which challenged San Diego residents to develop a 90 second pitch to describe a civic problem and propose a solution. Finalists were invited to present their ideas on the main stage, and the crowd selected the winner. Idea Tournament criteria addressed potential impact, audacity, creativity, and feasibility.

The Voice has found that the most effective way to create demand for news is to explain the news and engage the audience in creative ways. Once a week, during the evening news, the local NBC news station airs a brief segment called "San Diego Explained," which is produced in collaboration with Voice reporters and editors. Each segment focuses on one complex local issue and explains the basic issues, concepts and context. Recent segments have explained the city budget, pension system, privatization of government services, barriers to affordable fresh food in poor neighborhoods, the "strong mayor" form of government, medical marijuana, desalination plants, and campaign finance laws. After each segment airs, it is posted on the websites of both news

organizations. The Voice often uses comedic visual aids to help capture the public's attention and imagination.

The segments are increasingly popular and serve to increase The Voice's audience. Readership and public response to The Voice's coverage of the San Diego city pension crisis increased after it aired a segment that used a cooking show format to explain the fundamentals of the city's pension system, the difference between a defined benefit pension and a defined contribution plan, and how city budget decisions affect pension benefits.

### **Rationale for Recommendation**

The Transparency Fund recommends a renewal grant of \$400,000 over two years to support the Voice of San Diego. This grant would advance the Fund's goal of identifying and supporting promising models to ensure equitable access to high quality journalism, with a special focus on original reporting on public affairs.

In the journalism memo submitted for discussion and approved at the May 2010 OSF Board meeting, the Fund proposed to identify and support replicable models to produce and distribute reporting on state and city government and support beat reporting on critical open society issues. The strategy included efforts to develop creative, pragmatic, and productive ways of engaging the public in newsgathering, not only as a way to improve the quality of reporting, but also as a way to increase public investment in, and engagement with, the issues.

In addition to its commitment to high quality journalism and public engagement, The Voice is also focused on building a sustainable financial model, recognizing the need to reduce its dependence on philanthropy. The Voice was selected by the Knight Foundation as one of eight entrepreneurial journalism organizations that have developed noteworthy journalism and business practices. Knight has assembled a team of consultants with expertise in the news business to help these groups experiment with and share information about various revenue and sustainability models. This project will generate information about needs and phases of growth of entrepreneurial ventures as they move from fledgling start-ups to sustainable organizations.

The Voice has already demonstrated its creativity and effectiveness in the area of public engagement. If successful, this experiment to focus on and strengthen civic participation will be a model for other news organizations around the country. Since the Voice is recognized as both a pioneer and a leader in nonprofit investigative reporting, the investments it makes and the lessons it learns and documents increase the sophistication and resources available to peer journalism organizations across the country. Further, there are dozens of communities across the country trying to answer the same challenge of providing residents with access to information and high-quality investigative reporting. As the Voice is able to innovate in the San Diego community, other communities will benefit from that knowledge.

**Grant ID:** 20035948

**Name of Organization:** The Lens

**Tax Status:** 501(c)(3) public charity

**Name of Fiscal Sponsor:** Center for Public Integrity

**Purpose of Grant:** to support *The Lens*, a New Orleans-based reporting initiative that provides news, information, and access to data related to Gulf Coast issues of public interest.

**Grant Description:** The Center for Public Integrity serves as the fiscal sponsor of *The Lens*, a New Orleans-based reporting initiative that provides news, information, and access to data related to Gulf Coast issues, including criminal justice, education, local government, the environment, the cultural economy, land use, and politics. *The Lens* is also affiliated with the New Orleans Coalition on Open Governance, an OSF-supported initiative, which brings together a range of nonprofit organizations that share a commitment to working collaboratively to build a more transparent and accountable city governance structure. The grant would advance the Transparency Fund’s goal of identifying and supporting promising models to ensure equitable access to high quality journalism, with a special focus on original reporting on public affairs at the local and state levels.

**Previous OSI Support:** \$3,961,754 to the Center for Public Integrity (1997-2011)  
\$480,000 to *The Lens* (2009-2010)

**Organization Budget:** \$8,321,000 (Center for Public Integrity)

**Project Budget:** \$625,050

**Other Sources of Support:** for *The Lens*:

Ethics and Excellence Foundation	\$150,000
Surdna Foundation	\$100,000
Knight Foundation	\$ 30,333

**Amount Requested:** \$500,000 over two years

**Contingent Grant?:** No

**Amount Recommended:** \$400,000 from the Transparency Fund (Journalism for an Open Society T1:21108)



**Term:** two years, beginning May 1, 2012

**Description of Organization**

The Center for Public Integrity (CPI) is an award-winning, non-profit investigative journalism organization. It was founded in 1989 and has produced over 400 investigative reports and 17 books since its inception. Located in Washington, D.C., CPI's executive director, William Buzenberg, is the former head of NPR News and Minnesota Public Radio News.

**Description of Program for Which Funding Is Sought**

This grant would provide renewed funding for *The Lens*, a New Orleans based reporting initiative, which provides news, information, and access to data related to Gulf Coast issues of public interest, including criminal justice, the cultural economy, local government, the environment, land use, and politics. The mission of *The Lens* is to engage and empower the residents of New Orleans and the Gulf Coast by providing the information and analysis necessary to advocate for a more accountable and just government.

*The Lens* reporters routinely attend public and neighborhood forums across New Orleans, which allows them to get to know communities and stories that other news outlets ignore. In addition to regular "beat" coverage on issues of public interest, *The Lens* will continue to conduct several longer term investigations focusing on the New Orleans criminal justice system.

*The Lens* distributes its reporting through its own website as well as through several partnerships with both commercial and noncommercial outlets. Locally, *Lens* stories are distributed by local Fox affiliate WVUE. In exchange for access to *Lens* reporting, WVUE provides office space for *The Lens* in its newsroom and access to expensive online research tools. Every Friday, Tulane University's student radio station WTUL-FM runs a weekly summary of stories from *The Lens*. Local NPR affiliate WWNO-FM features a feed of stories from *The Lens* on its homepage and is planning a more extensive collaboration. *Lens* reporting has been distributed or cited by national outlets, including ProPublica, the Center for Public Integrity, *Newsweek*, *Harpers*, *Atlantic*, *The Root*, *The Daily Beast*, *The Times-Picayune*, *Facing South*, *Next American City* and *Youth Today*.

Material from *The Lens* is also printed in the *Louisiana Weekly*, a newspaper targeting an African American audience, and the *Trumpet*, a free newspaper published by the Neighborhood Partnership Network, a community based nonprofit and member of the New Orleans Coalition on Open Governance. The *Trumpet* has a circulation of about 10,000, and copies are distributed twice a month at community centers, medical offices, restaurants, and barber shops.

*The Lens* is a member of American Public Media's Public Insight Network, which enables it to identify a more diverse array of story sources. *The Lens* is also a member of OSF grantee the Investigative News Network, which offers administrative and technical services to, and facilitates collaboration among, its network of 60 noncommercial news organizations.

*The Lens* participates in the New Orleans Coalition on Open Governance, an OSF-supported initiative, which brings together a range of nonprofit organizations that share a commitment to working collaboratively to build a more transparent and accountable city governance structure. *The Lens* does not serve as the communications arm of the Coalition, and retains complete editorial independence. *The Lens'* participation in the Coalition is second to its primary function as an outlet for high quality journalism on matters of public importance.

Steve Beatty, a journalist and editor with over 20 years of experience at major daily newspapers including the Atlanta Journal-Constitution and the Akron Beacon-Journal, is managing editor of *The Lens*. As editor for the Times-Picayune, Beatty was responsible for a staff of 40 reporters. Jed Horne is editor of *The Lens*. Horne is the author of *Breach of Faith: Hurricane Katrina and the Near Death of a Great American City*, published by Random House. He served as the Latin America foreign correspondent and metro editor for the *Times Picayune*. *Lens* co-founder Karen Gadbois is a lead reporter for *The Lens*. Gadbois' reporting was primarily responsible for exposing widespread corruption and misuse of federal Katrina-related recovery funds.

### **Rationale for Recommendation**

The Transparency Fund recommends a renewal grant of \$400,000 over two years. The grant would advance the Fund's goal of identifying and supporting promising models to ensure equitable access to high quality journalism, with a special focus on original reporting on public affairs at the local and state levels.

As newsrooms, particularly at the city and state level, have reduced reporting staff, there is no longer a sufficient professional workforce to serve as the public's monitor of the behavior of state and local officials. Lost in the diminishing coverage are stories on conflicts-of-interest, financial irregularities, lobbying by corporate interests, ethical lapses, and criminal wrongdoing. The consequence of diminished investigative reporting on issues of public interest is especially acute on the Gulf Coast, where communities are still struggling with the process of rebuilding, public policies are undergoing major reform, and billions in federal recovery money is being spent with little oversight or accountability.

*The Lens* launched in late 2009 with seed funding from OSF. In its first two years, *The Lens* has published a wide range of stories that have had an impact on communities in New Orleans. It has a particular focus on the New Orleans criminal justice system. *Lens* reporting on the widespread and inappropriate use of anti-psychotics on incarcerated youth has been used by juvenile justice advocates to advance campaigns for improved

and appropriate care for young people. *Lens* reporting demonstrated that the city's massive criminal justice budgeting process was operating with minimal transparency and little public input. In response to *Lens* reporting, several court systems, the district attorney, and sheriff publically pledged to meet the standards of the open government laws in the future. City Council members cited *Lens* reporting on this matter when they asked criminal justice officials appearing at annual budget hearings to go on record promising to comply with the open government law. *Lens* reporting resulted in the New Orleans Police Department ending its controversial policy of releasing the criminal records of murder victims. *The Lens*' criminal justice reporter was recently selected as a John Jay/Public Welfare Reporting Fellow for a networked and collaborative project involving 25 reporters across the country investigating various aspects of pre-trial detention. In 2012, *The Lens* received a regional Edward R. Murrow award.

An investigation by *The Lens* of \$17 million worth of federal grant money that is unaccounted for in the city budget sparked an investigation by the city's Inspector General. A story about the impact of the BP oil spill on black fishermen generated national media follow-up, including stories in ethnic media outlets and the *New York Times*. *The Lens* has published several stories focusing on the failure of the city to adhere to public meetings law requirements, specifically the lack of openness and accountability of the meetings related to the significant expansion of the Orleans Parish jail.

Last year, *the Lens* received support from the Knight Foundation to develop a special Charter School Reporting Corps. In the pre-charter era, newspapers typically assigned one reporter to cover the school board. Today, in addition to the Orleans Parish School Board and the Recovery School District, which run more than 20 schools, there are an additional 45 autonomous boards running 65 charter schools, and most of these boards meet monthly. The Charter School Reporting Corps employs freelance reporters to cover every single charter meeting and to post reports on a special site, which enables parents, teachers, and other community members to monitor board decisions and school finances. *Lens* investigations determined that many charter schools were operating in violation of open government laws, which resulted in a public reprimand of the charter schools by the Orleans Parish School Board and charter schools boards' public pledges of future compliance with the law.

In addition to serving as a watchdog for the public, *The Lens* demonstrates a commitment to engaging local residents in becoming more active participants in their communities. Its reporters regularly attend community meetings and other public forums. Once a month, *Lens* reporters set up shop in local coffee shops and hold *Offline with the Lens* public conversations, an idea they borrowed from OSF grantees the Center for Investigative Reporting and the Voice of San Diego. *The Lens* holds salons in different neighborhoods each quarter. They are attended by a diverse audience averaging over 100 people. *The Lens* files public records requests on a near-daily basis, and also provides readers with information about how to file their own requests and what information is available to the public.

*The Lens* has established itself as a trusted source for high-quality reporting, cultivated a range of sources, and identified diverse distribution partners. It has also focused on the need to develop a sustainable business strategy with multiple revenue streams and a reduced dependence on philanthropy, although it has been difficult to raise funds from within New Orleans. *The Lens* is currently exploring a partnership with Loyola University's School of Mass Communications, which would provide *The Lens* with a supply of journalists-in-training who will be able to gain experience while adding additional reporting capacity to *The Lens*.

*The Lens* reports on local issues of national significance. The struggles of post-Katrina and Rita communities to rebuild despite corrupt contracting practices, decaying physical infrastructure, inadequate public education, and shortages in affordable housing are relevant to communities across the country. In addition to the national relevance of the content of *The Lens*, its organizational structure serves as a model for other regions seeking a forum for data-driven, analytic journalism at a time when overall access to information is expanding, but trusted outlets for high-quality, data driven journalism are shrinking.

**Grant ID:** 20035955

**Name of Organization:** Wisconsin Center for Investigative Journalism

**Tax Status:** 501(c)(3) public charity

**Purpose of Grant:** to provide general support

**Grant Description:** This grant would provide general support for the Wisconsin Center for Investigative Journalism, a non-partisan journalism organization that aims to increase the quality and availability of public interest and investigative news reporting across Wisconsin. Launched in 2009, the Center is based at the University of Wisconsin-Madison School of Journalism and Mass Communication and works in close partnership with Wisconsin Public Radio and Wisconsin Public Television to produce high quality professional journalism in the public interest, with a focus on the economy, the justice system, education, and government integrity. This grant would advance the Transparency Fund's goal of identifying and supporting promising models to ensure equitable access to high quality journalism, with a special focus on original reporting on public affairs at the local and state levels.

**Previous OSI Support:** \$185,000 from the Transparency Fund (2009-2011)

**Organization Budget:** \$400,000

**Project Budget:** N/A

**Major Sources of Support:**

Ethics and Excellence in Journalism:	\$100,000
Earned Income:	\$ 75,000
Challenge Fund for Journalism	\$ 38,000
Individual Donors	\$ 30,000

**Amount Requested:** \$350,000 over two years

**Contingent Grant?:** No

**Amount Recommended:** \$350,000 from the Transparency Fund (Journalism for an Open Society T1:21108)

**Term:** two years, beginning May 1, 2012

**Matching Requirements:** none

## **Description of Organization**

The Wisconsin Center for Investigative Journalism (the Center) is a non-partisan journalism organization that aims to increase the quality and availability of public interest and investigative news reporting across Wisconsin. Launched in 2009, the Center is based at the University of Wisconsin-Madison School of Journalism and Mass Communication. It works in close partnership with Wisconsin Public Radio and Wisconsin Public Television to produce high quality professional journalism in the public interest, with a special focus on the influence of money in politics and policymaking, the economy, the justice system, education, immigration, and government integrity.

The Center currently produces investigative news reports that are distributed to newspaper, radio and TV stations, and news websites across Wisconsin and beyond. News organizations are encouraged to add localized reporting and to tailor the reports to the needs of their audiences. Five to 20 news outlets pick up most of the Center's major reports, which soon will be distributed worldwide via an agreement with Thomson Reuters. The Center's reports gain further reach through radio and TV public affairs programs, social media, editorials, blogs, letters to the editor and online comments. The Center publishes and archives all stories on its website, [www.wisconsinwatch.org](http://www.wisconsinwatch.org). Stories are vetted in a fact-checking system, adapted from the Center for Public Integrity, and are subjected to pre-publication legal review as appropriate.

The Center emphasizes collaboration over competition, working closely with journalists at other news organizations across Wisconsin, journalism classes at UW-Madison, paid interns, experienced volunteer reporters and photographers, and freelance journalists. It collaborates with a range of commercial and non-commercial media outlets, including OSF grantees ProPublica and the Center for Public Integrity, and is a founding member of the Investigative News Network, which offers administrative and technical services to, and facilitates collaboration among, its network of 60 noncommercial news organizations.

The Center has also developed a close working relationship with OSF grantee MAPLight.org. Previous OSF support enabled Maplight to expand its work to Wisconsin and provide transparency tools to journalists, nonprofits, and the public to track the influence of money on the activities of the Wisconsin legislature. The Center hired a reporter to focus on the influence of money on politics in Wisconsin, and serves as MAPLight's primary Wisconsin partner.

The Center was founded by Andy Hall, a former board member of Investigative Reporters and Editors. Hall has won dozens of awards for his reporting over the past 26 years at the *Wisconsin State Journal* and the *Arizona Republic*. At the *Arizona Republic*, Hall helped to break the "Keating Five" scandal involving Senator John McCain. Hall is also a longtime mentor of the staff of *La Comunidad*, a Spanish-language newspaper in Madison. He has taught many courses at the University of Wisconsin-Madison School of Journalism & Mass Communication.

The Center has a strong, seven-member board of directors composed of nationally acclaimed journalists and experts in management of nonprofit organizations. Board president Brant Houston, a former executive director of Investigative Reporters and Editors, is the Knight Foundation Chair in Investigative and Enterprise Reporting at the University of Illinois. The Center's board also includes Jack Mitchell, a 21-year Director of Wisconsin Public Radio, one of the country's most extensive and successful state public radio systems. NPR's first employee, Mitchell was instrumental in developing "All Things Considered" and served on the NPR Board of Directors for 12 years. The Center board also includes Karen Lincoln Michel, a nationally noted leader in Native American journalism and newsroom diversity. A Ho-Chunk Indian, she is the executive editor of the *Lafayette Louisiana Daily Advertiser* and was formerly a top editor of the *Green Bay Press-Gazette*, where she previously covered state government and politics.

### **Description of Program for Which Funding Is Sought**

This recommendation is for general support.

### **Rationale for Recommendation**

The Transparency Fund recommends a renewed general support grant of \$350,000 over two years to the Center. This grant would advance the Fund's goal of identifying and supporting promising models to ensure equitable access to high quality journalism, with a special focus on original reporting on public affairs at the local and state levels.

The Center is part of the recent and growing trend of state and local nonprofit public interest journalism organizations launched to supplement or replace mainstream journalism as the industry suffers budget and staff cuts. Since its launch in 2009 with limited financial and staff resources, the Center has produced more than 65 major reports and three dozen Money and Politics columns that have been used or cited by 150 newspapers, radio, and TV stations, reaching an estimated audience of more than 18 million people.

In 2012, the Center received four Milwaukee Press Club awards. Competing against professional news organizations from across Wisconsin, the Center won for: best coverage of a single news topic or event; best background, analytical or interpretive story; best innovative feature; and, best local news or feature website. The Center also received a commendation from the local branch of the National Alliance for Mental Illness for stories it produced about the high incidence of suicide in Wisconsin, particularly among Native Americans. Nationwide attention was focused on Native American suicides and prompted a former Menominee Reservation resident to donate \$5,000 to a local Boys & Girls Club.

The Center's analysis of 50,000 emails to Governor Scott Walker was circulated widely, and the follow-up led to the immediate resignation of an Indiana prosecutor. Legal and ethics investigations were launched after the Center (along with Wisconsin Public Radio) broke the story of the physical altercation between two Wisconsin Supreme Court

justices, which also has led to growing calls to replace judicial elections with merit selection and the filing of three allegations of ethics violations against one of the justices.

The Center was the first news organization to document the sharp increase in sand mining in Wisconsin to feed the national boom in hydraulic fracturing. The Center also exposed the largely hidden problem of human trafficking in Wisconsin; produced a comprehensive profile of Wisconsin's controversial governor; and a three-part series that explored the secret funding, much of it from Walmart heirs, behind the current push for private school vouchers in Wisconsin.

The Center's 2011 investigation prompted the Wisconsin Milk Marketing Board to halt misleading claims about weight loss and dairy products it put out through a \$30 million-a-year pro-dairy public relations campaign. The investigation, conducted in collaboration with a UW-Madison reporting class, was named a finalist in the student category of the Investigative Reporters and Editors national awards.

In collaboration with the Center for Public Integrity, NPR, and other state reporting outlets in Colorado, Texas, Washington, and Massachusetts, the Center investigated the vast underreporting of sexual assaults on University of Wisconsin campuses. The Center's story prompted University of Wisconsin officials to improve public access to sexual assault data after it reported that the information could only be obtained by filing public-records requests.

In addition to producing stories, the Center has become an important training ground for UW-Madison journalism students. Thirteen students and recent graduates have served internships or done full-time freelance work with the Center, learning valuable and marketable skills that they have used to secure work in journalism and related fields in Haiti, Russia, Senegal, Wisconsin, South Dakota, Minnesota, and Idaho. Center staff spends significant time working with UW-Madison journalism classes to produce in-depth stories, some of which it distributes. To date, the Center has worked with more than 100 students on classroom projects, presented lectures to more than 1,000 students, and provided reporting advice to two dozen staff members of the two campus newspapers.

The Center's staff regularly presents at both state and national investigative reporting and ethics conferences. They serve as mentors for collegiate and professional journalists, advise a student-run data visualization group, and volunteer with citizen journalists at a community radio station. Four key Center figures serve on the board of directors of the Wisconsin Freedom of Information Council, promoting public access to the workings of government. Center staff participate in the local chapter of Society of Professional Journalists, and recently appeared on a panel examining nonprofit journalism organizations.



**Grant ID:** 20035950

**Name of Organization:** President and Fellows of Harvard College

**Tax Status:** 501(c)(3) public charity

**Purpose of Grant:** to support the Digital Media Law Project at the Berkman Center for Internet and Society.

**Grant Description:** The Digital Media Law Project at Harvard University's Berkman Center for Internet and Society works to ensure that individuals and organizations involved in online journalism and digital media have access to critical legal resources, representation, tools, and education. The Project focuses its work in three areas: legal education and training; litigation and pro bono legal services; and the collection and analysis of legal threats facing online journalists and publishers. This renewal grant would advance the Transparency Fund's goal of strengthening accountability journalism on critical open society issues and supporting promising noncommercial models that are developing innovative ways to fill some of the gaps created by the decline in newspapers and other commercial media outlets. It would also support the Fund's goal of supporting the rapidly evolving noncommercial journalism sector as a whole, to take advantage of opportunities to create shared services or economies of scale.

**Previous OSI Support:** \$350,000 (Transparency Fund, 2010)

**Organization Budget:** \$3,800,000,000

**Project Budget:** \$345,371

**Other Sources of Support:**

Knight Foundation	\$125,000
Harnisch Foundation	\$ 37,500
Berkman Center (in-kind)	\$ 30,000

**Amount Requested:** \$350,000 over two years

**Contingent Grant?** No

**Amount Recommended:** \$300,000 from the Transparency Fund (Journalism for an Open Society T1:21108)

**Term:** two years, beginning May 1, 2012

**Matching Requirements:** none

**Description of Organization**

The Berkman Center for Internet and Society is a research center founded at Harvard University Law School in 1997. Now a university-wide center, it serves as a locus for a network of Harvard and other faculty, students, fellows, lawyers, entrepreneurs, and others working to identify and engage with the challenges and opportunities presented by the Internet. The center is devoted to research and teaching on issues at the intersection of emerging technologies, law, public policy, industry, and education and to the development of dynamic approaches and rigorous scholarship that can affect and support the public interest.

**Description of Program for Which Funding Is Sought**

The Digital Media Law Project (DMLP) works to ensure that individuals and organizations involved in online journalism and digital media have access to critical legal resources, representation, tools, and education. It focuses its work in three areas: legal education and training; litigation and pro bono legal services; and the collection and analysis of legal threats facing online journalists and publishers.

DMLP provides legal education and training for journalists and online publishers. It has developed an online media law course for journalists at the Poynter Institute's News University; organized trainings for the National Association of Hispanic Journalists and the Society of Professional Journalists; partnered with YouTube to create instructional videos for its Reporter's Center and Video Your Vote; and, partnered with the News Literacy Project to create a guide to copyright licensing and fair use for classroom settings. In partnership with OSF grantee the Investigative News Network, DMLP conducts training aimed at addressing the special legal needs of watchdog reporting centers, including OSF grantees the Center for Investigative Reporting, the Center for Public Integrity, the New Orleans Lens, the Voice of San Diego, and the Wisconsin Center for Investigative Journalism.

DMLP publishes and maintains an online legal guide containing more than 600 detailed articles on topics such as business formation, online legal risks, newsgathering and privacy, intellectual property, access to government information, and risks associated with publication. This free guide has been accessed almost six million times since its launch, with 176,000 unique page views in February 2012 alone. DMLP continuously updates the legal guide, revising its articles in response to changes in the law and adding articles as new issues arise. In addition to serving as a reference for individuals seeking help, the legal guide is often used by university journalism programs and other publishing organizations.

DMLP offers a range of litigation and pro bono legal services. In January 2010, DMLP launched a pro bono legal referral network comprising law school clinics, in-house legal

counsel, and individual lawyers across the U.S. that provide free and low cost legal assistance to online journalism ventures and other public interest digital media creators. The DMLP pro bono network currently consists of 240 attorneys, law firms, and legal clinics in 49 states plus the District of Columbia. This pro bono network has already served nearly 200 clients with hundreds of separate legal issues, including FOIA requests, prepublication review, business formation, non-profit governance, insurance consultation, fair use analysis, review of privacy policies, copyright licensing, independent contractor agreements, trademark advice, defense of reporters subpoenaed to disclose sources, and representation in litigation.

DMLP lawyers screen all prospective clients to assess their suitability, focusing on factors such as financial viability, editorial independence, quality of content, and adherence to high journalistic standards. DMLP lawyers conduct extensive client screening to identify legal needs (splitting up complex issues that need to be handled by more than one attorney) and match clients with appropriate legal counsel. The DMLP has also organized and participated in amicus curiae briefs in cases raising important First Amendment and intellectual property issues, including filings in the U.S. Supreme Court, Illinois Supreme Court, New Hampshire Supreme Court, and Massachusetts Supreme Judicial Court.

DMLP maintains the only publicly available database of lawsuits, subpoenas, and other legal threats directed at online publishers. This database currently contains over 900 entries, each consisting of a plain language description of the case or threat and links to press coverage. Most entries also contain the underlying documents. DMLP assigns staff to research, analyze, and report on the many lawsuits and other legal threats that are directed at online media. Database entries are regularly used by law school and journalism classes as a basis for case studies.

DMLP Director Jeff Hermes is a Fellow at the Berkman Center. Prior to joining the Berkman Center, Hermes assisted a wide array of clients in First Amendment, media, intellectual property and Internet law issues as a partner in the litigation practice of Brown Rudnick LLP. DMLP's advisory board, which oversees the project's direction and assists in the expansion of its network in the journalism and legal communities, includes Floyd Abrams, partner at Cahill, Gordon & Reindel, John Carroll, former editor of the *Los Angeles Times*, Lucy Dalglish, Director of the Reporters Committee for Freedom of the Press, James Goodale, partner at Debevoise & Plimpton and former Vice Chairman and General Counsel of the *New York Times*, Karlene Goller, Deputy General Counsel for the Los Angeles Times, Jonathan Zittrain, Professor of Law at Harvard Law School and Ethan Zuckerman, founder of Global Voices Online and Chair of the OSF Information Program Sub-Board.

### **Rationale for Recommendation**

The Transparency Fund recommends a renewal grant of \$300,000 over two years to support the core operations of the Digital Media Law Project. This grant would advance the Fund's goals of strengthening accountability journalism on critical open society

issues and supporting promising noncommercial models that are developing innovative ways to fill some of the gaps created by the decline in newspapers and other commercial media outlets. It would also support the Fund's goal of supporting the rapidly evolving noncommercial journalism sector as a whole, to take advantage of opportunities to create shared services or economies of scale. In order for this sector to survive and flourish with limited resources, news outlets will need legal assistance on diverse topics, including some that are not traditionally considered media law subjects.

The journalism industry is undergoing an enormously disruptive transformation. The future of investigative journalism and beat reporting on topics of civic importance is uncertain, and many local news markets across the country are increasingly underserved. At the same time, it is also a period of experimentation in the noncommercial journalism sector, with new models of producing and distributing journalism online attempting to fill the information gap left by the contraction of traditional news organizations. But unlike established media organizations that have the resources to pursue important reporting in the face of legal challenges, many online journalism ventures lack the expertise and financial resources to protect themselves and thrive in an uncertain legal environment. Indeed, without legal assistance, it is easy to imagine how one threatening letter could shut down an important reporting initiative or how one lawsuit could end a promising journalism venture.

In this critical time of transition, legal training and information tailored for the needs of independent journalists and noncommercial online news ventures, as well as others who seek to address the information needs of their communities, can be vital to their success. Access to counsel experienced in media and business law can guide these parties through the risky early stages of a venture and allow them to stand up for their First Amendment rights when their content is challenged. Ongoing research into urgent legal issues affecting the journalism industry permits the development and deployment of resources designed to respond to these issues.

DMLP is well-positioned to spot emerging legal issues that affect journalists, whether through its Legal Threats Database, its relationship with the Berkman Center and partner organizations, or feedback from the clients and attorneys in its pro-bono network. DMLP has the flexibility to devote resources to developing informational tools to respond to emerging legal issues as they arise. For example, through its work with noncommercial news organizations seeking a 501(c)(3) tax exemption from the Internal Revenue Service, DMLP was one of the first organizations to become aware of a pattern of delays in IRS decisions on these applications. DMLP has responded by working with a group of interested parties and securing nationally-known legal representation for one of the key organizations in the IRS process. DMLP recently released a well-received interactive legal guide for applicants seeking tax-exempt status in order that they might better understand the often convoluted standards applied by the IRS.

DMLP shares OSF's concern about the decline in accountability journalism, particularly at the state and local level. OSF support will enable DMLP to expand its efforts to address the needs of accountability journalism. For example, there has been a steady

increase in the number of journalism schools in universities across the country that recognize that they have both a pedagogical and practical role to play in the production and distribution of news. There has also been a steady increase in noncommercial reporting ventures seeking to partner with these universities. University based centers, particularly investigative news centers, raise a host of challenging legal issues, including ownership and licensing of intellectual property, newsgathering liability, insurability, and editorial independence from the university. Yet, because university legal offices generally lack experience with media law issues, most journalists cannot turn to their universities for appropriate help. With increased capacity, DMLP will be able to serve the legal needs of specific university-based reporting centers as well as serving as a resource center to collect and distribute information about the rapidly evolving field of media law.