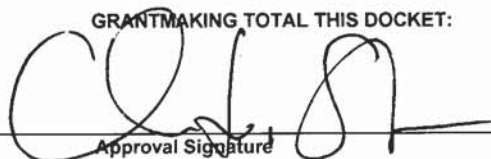


**U.S. PROGRAMS
 Transparency Fund
 Summary of Recommended Grants
 Docket II , July 30, 2012**

Program Area / Organization

Organization	Grant Code	Recommended	Term	2012	2013
Broad and Equitable Access to the Ballot Campaign Legal Center	T1: 21109	\$150,000	1 year	\$ 150,000	
Total Recommended:		\$ 150,000		\$ 150,000	\$ -
GRANTMAKING TOTAL THIS DOCKET:		\$ 150,000			



 Approval Signature

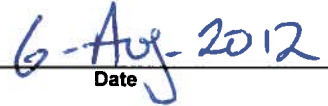

 Date

**U.S. PROGRAMS
 Transparency Fund
 Summary of Recommended Grants
 Docket II , July 30, 2012**

Program Area / Organization

Organization	Grant Code	Recommended	Term	2012	2013
Independent and Diverse Judiciary					
Defenders of Wildlife	T1: 21110	\$125,000	1 year	\$125,000	
American Judicature Society	T1: 21110	\$250,000	2 years	\$250,000	
Total Recommended:		\$ 375,000		\$ 375,000	\$ -
GRANTMAKING TOTAL THIS DOCKET:		\$ 375,000			


 Approval Signature


 Date

MEMORANDUM

TO: Christopher Stone
VIA: Ken Zimmerman
FROM: Laleh Ispahani
DATE: August 6, 2012
RE: Transparency Fund – Remaining Grant Recommendations for Docket II

We look forward to meeting with you on August 6 to discuss the remainder of the second docket of the Transparency Fund. You'll recall that Tom Hilbink, Program Officer on the two grants below, was unable to attend last week's docket meeting. We appreciate the opportunity to discuss them with you as part of your meeting with the Campaign for Black Male Achievement on August 6. We are also attaching to this memo answers to the questions concerning these grants that you raised in your memo to us of last Sunday. For these remaining two grants, the Transparency Fund respectfully seeks your approval to disburse \$375,000 from its 2012 budget.

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. 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 at both state and federal levels. A robust judiciary that fulfills its role as a co-equal branch of government by safeguarding constitutional and legal rights while rendering impartial decisions is critical to advancing the many issues U.S. Programs addresses. Judiciary-related funding advances two goals: 1) reforming state courts to ensure that they are as independent as possible from undue outside influence, and; 2) fostering a diversity of viewpoints about the law and the Constitution in the courts, scholarly world, and the public sphere. In this docket, the Fund recommends two grants in this area.

The first would allow **Defenders of Wildlife** to continue its “Judging the Environment” project. The project’s primary output is a comprehensive, daily e-mail service compiling discussions of judicial nominations issues from the mainstream media, blogs, the Congressional Record, etc. Many policymakers and advocates, including our colleagues at the Open Society Policy Center, consider it the single most valuable resource available to groups (across all issue areas) working on federal judicial nominations. The project allows allies, including White House and Senate staff, to keep on top of the key news and opinions on judicial nominations as well as better understand how the issue is being discussed across the country.

We also recommend a general support grant to the **American Judicature Society (AJS)**, which conducts research, creates educational programs, advocates for court reforms, and publishes literature on judicial independence, judicial conduct and ethics, court administration, and public understanding of the U.S. justice system. AJS is the primary national advocate for merit selection (as opposed to the election) of state court judges and is a key member of the OSF-funded Justice at Stake coalition. This grant would support AJS’s work while it undertakes a major restructuring and strategic planning process, likely to result in a narrowed focus and an affiliation with a law school.

We look forward to discussing these recommendations with you on August 6, 2012.

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Grant ID: 20036898

Name of Organization: Defenders of Wildlife

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

Purpose of Grant: to provide renewal support to the Judging the Environment project

Grant Description: Defenders of Wildlife is a national, nonprofit membership organization dedicated to the protection of all native

animals and plants in natural communities. Based in Washington, DC, Defenders of Wildlife engages in advocacy, public education, and mobilization of the environmental community in the U.S. and around the world. This project grant would provide renewal support for the *Judging the Environment* project, the primary product of which is a daily e-mail compilation of editorials, commentary, and articles on judicial nominations topics. The Project's daily digest has become an invaluable resource for advocates, Senate staff, journalists, law professors and others needing up-to-the-minute, comprehensive information on developments in this area. This grant would advance the Transparency Fund's goal of supporting efforts to educate and engage citizens on the need for a fair and independent federal judiciary.

Previous OSI Support: *Project, which was previously housed at Earthjustice*
 \$425,000 from Transparency Fund (2009)
 \$555,000 from Judicial Nominations (2005-2009)

Organization Budget: \$ 27,885,215

Project Budget: \$ 414,024

Major Sources of Support: *Organization*

Doris Duke Charitable Foundation	\$4,300,000
Environmental Defense Fund	\$ 112,010
Kresge Foundation	\$ 200,000

Project

HJW Foundation	\$ 30,000
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Amount Requested: \$300,000 over two years

Contingent Grant: n/a

Amount Recommended: \$125,000 from the Transparency Fund (T1: 21110)

Term: One year, beginning July 1, 2012

Matching Requirements: none

Description of Organization

Defenders of Wildlife is a national, nonprofit membership organization dedicated to the protection of all native animals and plants in natural communities. Founded in 1947, it is

one of the country's leaders in wildlife conservation. The organization is particularly engaged in championing the Endangered Species Act and other laws that protect and restore wildlife and safeguard habitat. Based in Washington, DC, Defenders of Wildlife engages in advocacy, public education, and mobilization of the environmental community in the U.S. and around the world.

Description of Program for Which Funding Is Sought

In 2001, three environmental organizations launched the *Judging the Environment Project* (the Project) to highlight the environment-related issues at stake in federal courts and to work to prevent the confirmation of anti-environment ideologues to lifetime positions on the federal bench. Originally housed at Earthjustice, the Project moved to Defenders of Wildlife in 2009. The Project works in close collaboration with an alliance of racial justice, disability rights, environmental, LGBT equality, and other groups that work on federal judicial nominations (an alliance that includes a number of OSF grantees and Open Society Policy Center staff).

The Project's role in this coalition is to:

- Monitor day-to-day debates, discussions, and decisions about judicial nominations and confirmations;
- Investigate and expose the views of judges and judicial nominees with anti-environment views;
- Organize the production and publication of news stories, editorials, op-eds, and letters to the editor in local newspapers around the country on pending nominations and judicial vacancies.

The Project's most valuable product is *JUD NOMS*, a daily e-mail compilation of editorials, commentary, and articles on judicial nominations topics. *JUD NOMS* has become an invaluable resource for coalition groups, White House officials, Senators and their staff, journalists, law professors and others needing up-to-the-minute, comprehensive information on developments in this area. It has consistently and reliably focused attention on lower court nominations that are of importance even though they do not garner nearly as much attention in the media as Supreme Court nominations. The Project's webpage (<http://www.judgingtheenvironment.org>) is another critical resource, offering searchable databases containing news stories, press releases, reports and statements from senators on judicial nominations issues.

Rationale for Recommendation

The Transparency Fund recommends a grant of \$125,000 over one year Defenders of Wildlife. This grant would advance the Fund's goal of supporting efforts to educate and engage citizens around the need for a fair and independent federal judiciary.

The work of this Project is valuable for the daily collection and analysis of information and debates on federal judicial nominations. Many of OSF's grantees in this funding area

– including the Leadership Conference Education Fund, the American Constitution Society, the Center for American Progress, and the Constitutional Accountability Center – rely on the Project’s close monitoring of what is happening on Capitol Hill and around the nation in debates over the direction of the federal bench. Colleagues at OSPC benefit from the service the Project provides as do members of the executive and legislative branches. At a recent White House meeting on judicial nominations, a top staffer in the White House counsel’s office mentioned multiple times from the podium how important the Project’s work is to the administration’s ability to stay on top of this issue. Importantly, the Project’s daily email provides vital information to every member of the Coalition, regardless of their issue interest.

Glenn Sugameli, the guiding force behind the Project, is a tireless collaborator and one of the most published advocates on federal nominations in newspapers around the country. When organizations working on judicial nominations need to review and assess strategies used in past nominations battles, the information they need is found in the Project’s archives. Sugameli himself is an encyclopedia of past actions and statements by Senators as well as the history of progressive strategy and messaging on the topic.

Based on the foregoing, Transparency Fund staff recommends a grant to Defenders of Wildlife of \$125,000 over one year.

Grant ID: 20036897

Name of Organization: American Judicature Society

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: to provide general support

FPOS Grant Description: The American Judicature Society (AJS), founded in 1913, is a nonpartisan organization with a national membership of more than 5,000 judges, lawyers, and lay people interested in the administration of justice. AJS performs research, creates educational programs, advocates for court reforms, and publishes literature on: judicial independence; judicial conduct and ethics; judicial selection; court administration; criminal justice system practices, and; public understanding of the U.S. justice system. AJS publishes *Judicature*, a bi-monthly magazine that provides both professional and academic audiences with interdisciplinary, applied research on law and courts. General support would provide AJS with flexible funds as it pursues a major re-organization and strategic planning process that will likely result in its affiliation with a top-tier law school. This grant would advance the Transparency Fund’s goals of sustaining funding to core judicial independence organizations working together to implement the field’s five-year strategic plan.

Previous OSI Support: \$1,793,800
\$200,000 from Transparency Fund (2010)
\$200,000 from JEHT Emergency Fund (2009)
\$243,800 from US Justice Fund (2006-2007)
\$300,000 from Gideon Project (2001)
\$850,000 from Law & Society Fund (1998-2001)

Organization Budget: \$1,035,587

Project Budget: n/a

Other Sources of Support:

Membership	\$153,000
Individual contributions	\$ 30,000
Thomson Reuters	\$ 25,000

Amount Requested: \$250,000 over two years

Is this a contingent grant? No

Amount Recommended: \$250,000 from the Transparency Fund (T1: 21110)

Term: 2 years, beginning August 1, 2012

Matching Requirements: None

Description of Organization

The American Judicature Society (AJS), founded in 1913, is a nonpartisan organization with a national membership of more than 5,000 judges, lawyers, and lay people interested in the administration of justice. Headquartered in Des Moines, Iowa, AJS performs research, creates educational programs, advocates for court reforms, and publishes literature on: judicial independence; judicial conduct and ethics; judicial selection; court administration; criminal justice practices, and; public understanding of the U.S. justice system. AJS publishes *Judicature*, a bi-monthly magazine that provides both professional and academic audiences with interdisciplinary, applied research on law and courts.

AJS' work is divided into the following project areas:

The Center for Judicial Ethics acts as a national clearinghouse for information about judicial ethics and discipline. It provides research support, publishes academic articles and reports on ethics issues, provides expert advice to bodies charged with enforcing judicial ethics rules, and conducts trainings for lawyers, judges, and ethics enforcement bodies (for interested parties in the U.S. and countries around the world). Most widely read is its *Judicial Conduct Reporter*, a quarterly report on judicial conduct that judges and lawyers view as a highly trusted and reliable source of information on judicial ethics issues. The Center's director, Cynthia Gray, appears regularly at conferences on judicial ethics and is widely published in law reviews on the subject.

The Center for Judicial Selection manages AJS's long-time work on judicial merit selection. Since its founding in 1913, AJS has been the primary proponent of merit selection as a method of selecting judges. This is a process whereby a selection panel reviews applications to fill a judicial vacancy and recommends a slate of candidates to the Governor who then names one of those candidates to the bench. Judges stand for retention elections (where voters vote for or against a new term for the judge but there is no opponent on the ballot) every seven to ten years thereafter. AJS conducts research on merit selection systems, trains selection commissions on ways to increase diversity and overcome implicit bias in the selection, acts as a clearinghouse on judicial selection systems, and works with allies in the OSF-funded Justice at Stake coalition to defend and promote merit selection. AJS is regularly invited to testify before legislatures in states considering adoption or abandonment of merit systems and also works behind the scenes to support judicial officials defending their states' selection systems. For instance, AJS has played a major role in both Iowa (where various groups are seeking to overturn the state Supreme Court's decision recognizing marriage equality by unseating a majority of

the Justices who handed down that unanimous decision), and Missouri (where business and conservative religious groups have sought to replace the state's merit selection system with judicial elections). AJS is also the leading advocate for judicial performance evaluations – now under consideration in Iowa, Indiana, and Wyoming – which would meet voters' concerns that they lack information as to how to vote in retention elections.

The Center for Forensic Science and Public Policy conducts applied research to better illuminate areas in need of reform in the criminal justice system. Over the past few years, AJS's work in this arena has been dedicated to the National Eyewitness Identification Field Studies (funded in part by a grant from the Criminal Justice Fund). Partnering with the Innocence Project, the Police Foundation, and the Center for Problem-Oriented Policing, this project analyzed outcomes of close to 500 photo line-ups in four jurisdictions. The results showed that sequential, double-blind presentation of photos resulted in one-third fewer misidentifications than the more traditional simultaneous presentation of photo spreads.

Description of Program for Which Funding Is Sought

This recommendation is for general support.

General support would provide AJS with flexible funds as it pursues a major re-organization and strategic planning process that will likely result in it becoming affiliated (as a center or institute) with a top-tier law school. The organization is examining such a reconfiguration due to its changed fiscal situation. AJS long enjoyed the support of Dwight Opperman, long-time owner of West Publishing (and Westlaw), who, as recently as 2008, was contributing more than one-third of the organization's revenue. Family considerations led Opperman to cease funding AJS as of this year. While the organization remains in a strong financial position (with a well-balanced revenue stream that combines foundation grants, membership dues, publication sales, and corporate and individual contributions) the board initiated a process of examining how the organization might be re-configured to assure its long-term health and impact. At present the board is leaning towards becoming a project of a top law school, which would provide not only administrative support but connection to faculty and students for research, strengthened connections to the legal community, and lower overhead. As a part of this process, AJS is also examining whether to hone its mission and is likely to redouble its efforts on judicial ethics and merit selection while dropping its work on forensic science, which is well-covered by others.

Rationale for Recommendation

The Transparency Fund recommends a grant of \$250,000 over two years to AJS. This grant would advance the Fund's goals of sustaining funding to core judicial independence organizations working together to implement a five-year strategic plan for the field.

Since OSF began funding work on judicial independence in 1999, AJS has been an important contributor to efforts to advance and defend fair and impartial courts. AJS has

long enjoyed a reputation as a trustworthy source for unbiased research and assistance on the functioning of the justice system. Its ability to work closely with judges, court administrators and legislators means that it has influence in shaping judicial administration policies and practices. Through *Judicature*, AJS gets valuable research to a judicial and legal community that is less available through academic journals.

AJS is a core member of the Justice at Stake coalition, serving on the Fair Courts Advisory Committee (the body charged with shaping and assessing progress towards coalition goals), and is a leading player in the coalition's shared strategic efforts to defend and advance merit selection in the states. To that end, over the past two years AJS has led efforts to educate Iowans about the role of the courts and judicial independence amid (successful) efforts to unseat state Supreme Court Justices who participated in the *Varnum* decision recognizing marriage equality. AJS is advising advocates in Minnesota working to establish a merit selection system in that state (an effort already underway with a target of passage in 2014). And, in the past year, AJS has testified on merit selection in legislatures and/or provided research support to state partners of Justice at Stake in Pennsylvania, Tennessee, North Carolina, and Indiana.

As OSF considers working on issues of professional norms, ethics, and practices of the judiciary (as discussed at the May 2012 meeting of the U.S. Programs Board), AJS's expertise on judicial ethics is likely to prove particularly valuable and help us evaluate the nature and scope of any problems, as well as how (if at all) this foundation can productively intervene to improve the culture of professionalism in the judiciary.

We are impressed with AJS's decision to take the initiative and consider new modes of operation and focus. The board's early recognition that AJS will face financial challenges in the next few years—and that significant restructuring needs to be on the table—demonstrates a high level of responsible governance. OSF staff met with AJS's board chair and executive director recently to discuss the organization's plans and was impressed by the level of collaboration between board and staff. Although OSF has typically provided project support to AJS, we believe that general support for two years at this time will allow AJS to secure the help it needs to analyze its options, develop a structure and plan for continued work, and weather the transition to a new home.

Grant ID: 20036789

Name of Organization: Campaign Legal Center

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

Purpose of Grant: to provide general support

Grant Description: Based in Washington, D.C., the Campaign Legal Center (CLC) is a nonpartisan, nonprofit organization established in 2002, run jointly by Trevor Potter, former General Counsel to the McCain campaigns, and Gerald Hebert, a 20-year veteran of the Voting Section of the Department of Justice's Civil Rights Division. Renewal support would allow CLC to continue tackling issues of money in politics by focusing on campaign finance, transparency, and lobbying reform. CLC is also engaged in government ethics, voter protection efforts, and modernization of the nation's voter registration systems. CLC's work advances the Transparency Fund's goals of: (1) reducing the undue influence of money in politics; (2) protecting citizens from unreasonable restrictions on the right to vote; and (3) broadening access to the ballot for underrepresented and marginalized constituencies.

Previous OSF Support: \$600,000
 \$175,000 from Transparency Fund (2010-2011)
 \$100,000 from JEHT Emergency Fund (2010)
 \$150,000 from JEHT Emergency Fund (2009)
 \$150,000 from Strategic Opportunities Fund (2004)

Organization Budget: \$1,073,116

Project Budget: n/a

Major Sources of Support: MacArthur Foundation \$250,000
 Stuart Family Foundation \$300,000

Amount Requested: \$275,000 over one year

Contingent Grant: No

Amount Recommended: \$150,000 from the Transparency Fund (T1:21109)

Term: 1 year, beginning July 1, 2012

Description of Organization

The Campaign Legal Center (CLC) is a Washington, D.C.-based nonprofit organization established in 2002. Its work tackles the issues of money in politics by focusing on the reform of campaign finance, transparency, and lobbying. CLC offers nonpartisan legal advice and assistance on litigation and the legislative process to reform organizations and to state and local officials. It also provides expert testimony and written comments to Congress, the Federal Communications Commission, Federal Election Commission and the Internal Revenue Service. Through frequent press briefings, CLC helps shape national debates concerning money in politics, disclosure, lobbying reform, political advertising and enforcement issues. Its staff also serves as a resource to the national and local media.

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 \$150,000 over one year to the Campaign Legal Center. Support for CLC's work advances the Fund's goals of: 1) reducing the influence of money in politics; 2) protecting citizens from unreasonable restrictions on the right to vote, and 3) broadening access to the ballot for underrepresented and marginalized constituencies.

A. Litigation Program

CLC has an active litigation program in the areas of campaign finance regulation and voting rights. It responds to challenges to campaign regulations that are part of a systematic, long-term litigation offensive mounted by moneyed interests that are opposed to any type of regulation of political spending. Emboldened by the conservative majority on the Supreme Court, national party committees, special interest groups and other opponents of campaign finance regulation have brought an unprecedented number of cases in the last three years to challenge campaign finance laws at the federal, state and municipal levels. The most significant and successful challenge of these was, of course, the 2010 *Citizens United* decision allowing independent expenditures by corporations and unions. In another significant loss for reformers, last year the U.S. Supreme Court ruled that Arizona's public financing system's "trigger matching funds" provision is unconstitutional. ("Trigger funds" are provided to publicly financed candidates who face high-spending, non-publicly financed opponents or outside groups.) Given this strategic and steady tide of cases, there is a clear need for CLC to develop a robust and long-term legal strategy that includes defense of existing policies, development of affirmative litigation, and the generation of First Amendment scholarship that would support reforms.

Currently, CLC is monitoring over 40 lawsuits, in some cases participating in the litigation and defending the laws in court. In others, it counsels state attorneys general or city or county attorneys, helping them craft legal arguments. Where laws are struck down, CLC helps officials re-write laws to withstand legal challenge.

CLC's participation in federal and state courts has been important to developing a record and making arguments in support of campaign finance laws that will lead the courts to reject similar legal challenges. Two recent cases are illustrative. In the first, *American Tradition Partnership, Inc. v. Bullock*, CLC, joined by more than a dozen reform organizations, filed a brief in the United States Supreme Court urging the Court to let stand a lower court ruling upholding Montana's restrictions on corporate expenditures in elections. CLC asked the Court to deny *certiorari* or, if it grants *certiorari*, to reconsider its holding in *Citizens United* that independent expenditures do not result in corruption or the appearance of corruption. CLC President Trevor Potter also submitted a separate brief in support of Montana's ban on corporate expenditures, which was joined by a number of former federal, state and local election officials.

CLC's work on *Van Hollen v. Federal Election Commission* in the U.S. District Court for the District of Columbia provides a second example. In this case, CLC has been part of the legal team representing Congressman Chris Van Hollen (D-MD) in a challenge to a Federal Election Commission (FEC) regulation that has improperly narrowed the scope of the McCain-Feingold law's disclosure requirements and allowed nonprofit 501(c)(4) advocacy groups, 501(c)(6) business associations and others to spend millions on "electioneering communications," while keeping secret the identity of the donors who funded these ads. On March 30, the Court ruled that the FEC had overstepped its authority in promulgating this regulation allowing groups that spend money on election communications to withhold the names of their donors from the public. The Court also ordered the FEC to rewrite the disclosure regulations issued after *FEC v. Wisconsin Right to Life*. The case is currently on appeal.

B. Administrative Law Practice

CLC files complaints seeking enforcement, and participates in advisory opinion and rulemaking proceedings at the Federal Election Commission and Internal Revenue Service. It is currently the only reform group to regularly participate in FEC hearings and testify in support or defense of campaign finance regulations. For example, CLC recently sent letters to the IRS, calling on it to ignore any "pushback" against IRS investigations into whether 501(c)(4) "social welfare" organizations are violating their tax-exempt status by funding large scale political advertising campaigns on behalf of candidates. CLC also recommended that the agency promptly initiate a rulemaking proceeding to revise and clarify its regulations that spell out how much candidate campaign activity that 501(c)(4) "social welfare" organizations may engage in under the Internal Revenue Code. (Last year, spending by 501(c)(4) organizations dwarfed spending by SuperPacs by three to two, or \$95 million to \$65 million.)

C. Voter Registration Reform and Voter Protection Advocacy

CLC's President, Trevor Potter, General Counsel to the McCain campaigns, uses his networks to increase bipartisan support for both campaign finance and voter registration reform. Potter has been working with Transparency Fund grantees on modernizing voter registration systems, a key strategy in our view to reforming the voting process. To that end, Potter co-chairs the Committee to Modernize Voter Registration, which, through op-eds, stakeholder outreach, policymaker outreach, and public conversations, has helped move the issue of voter registration to the center of discussions on electoral reform. CLC continues to keep the issue of registration reform visible, educating policymakers at the national and state levels as to the urgent need for it.

Recently, CLC and the Brennan Center began a short-term joint planning project to identify states that may be ripe for voter registration reform. The planning project includes identifying prospective states—and a broad-based bipartisan coalition within those states—where there is the likelihood to achieve significant reform. A broad-based bipartisan coalition would work together in a very proactive manner to achieve significant reform.

CLC has more recently become active in efforts to protect voters from the rising tide of suppressive activity. The landscape has changed significantly in the last two years, and vote suppression policies as well as the suppressive plans of private actors have gained substantial momentum. CLC is focusing most of its efforts on the threat posed by these private 'challenger' groups and, to that end, has been gathering information on the activities of such groups, including Houston-based True the Vote. Working in partnership with Transparency Fund grantee Project Vote, CLC has pieced together a narrative that strongly suggests a widespread effort by True the Vote to suppress minority voting. CLC made Open Records Requests to officials in Houston to obtain all communications between True the Vote and Houston election offices, obtained and analyzed these documents and presented their findings to the United States Department of Justice last month. Following this meeting, the Justice Department sent federal officials to Houston to monitor the May primary elections.

One other aspect of CLC's work in this area is its Executive Director, J. Gerald Hebert's role as chief counsel to a group of intervenors in *State of Texas v. Holder*—a case pending before a three-judge court in the United States District Court for the District of Columbia. The lawsuit seeks Voting Rights Act approval of a photo ID requirement in Texas, enacted in the 2011 legislative session. The intervenors are persons who cannot afford a photo ID and will be disenfranchised by the proposed law. CLC has been using information obtained from the Harris County, Texas, election office to identify voters in Texas who lack a photo ID and would be adversely affected by the new law. Filed in January 2012, the case went to trial on July 9. CLC actively participated in the trial and presented evidence about the adverse impact on minorities of the Texas voter photo ID bill.

D. Public Education

CLC also uses other strategies, especially public and policymaker education, to advance its work. It issues a regular newsletter and provides testimony and statements to Congress, especially on campaign finance issues. In a clever and highly effective use of popular media, CLC President Potter has, since 2011, been appearing on *The Colbert Report*. In an effort to raise public awareness of Super PACs, Potter serves as Steven Colbert's personal attorney, helping Colbert start his own Super PAC and transfer control of it while avoiding coordination, as Colbert considered a run for office. The effort has been very successful, reaching and eliciting a substantial response from a diverse, bipartisan audience. Potter also speaks widely on radio and television and before corporate and other audiences on campaign finance reform.

CLC is known and respected for its policy work at the federal level on issues related to campaign finance, government ethics, lobbying disclosure and redistricting reform (along with voter registration and voter protection issues mentioned previously). CLC is frequently invited to testify at congressional hearings, provide input and reaction to draft policy, and review the constitutionality and legality of proposed federal and state reforms. CLC approaches this and its other work with an emphasis on accuracy, common sense, and nonpartisanship.

Gerald Hebert, who joined CLC in 2004, currently serves as its Executive Director and Director of Litigation. From 1973 to 1994, Hebert worked in the Department of Justice, where he served in many capacities, including Acting Chief, Deputy Chief, and Special Litigation Counsel in the Voting Section of the Civil Rights Division. CLC President Potter, a former Commissioner and Chairman of the FEC, has specialized in the area of campaign finance and election law for 20 years. He is a nonresident Senior Fellow at the Brookings Institution and a member of Caplin & Drysdale, where he heads its political activities practice. He is an editor and author of various publications, including, the first and second editions of *The Campaign Finance Sourcebook* (Brookings).