

**U.S. PROGRAMS
TRANSPARENCY AND INTEGRITY FUND
Summary of Recommended Grants
July 24, 2009 Docket**

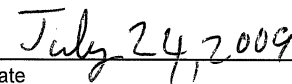
U.S. Programs, Transparency and Integrity Fund (T1: 21093)

Organization	Requested	Recommended	Term
Journalism			
Center for Independent Media	\$100,000 / 1 year	\$75,000	1 year
Center for Investigative Reporting	\$200,000 / 1 year	\$400,000	2 years
Center for Public Integrity	\$100,000 / 1 year	\$100,000	1 year
Pacific News Service (New America Media)	\$200,000 / 1 year	\$200,000	1 year
Texas Democracy Foundation (d.b.a. Texas Observer)	\$100,000 / 1 year	\$225,000	2 years
WCIJ (Wisconsin Center for Investigative Journalism)	\$50,000 / 1 year	\$50,000	1 year
Access to Information			
American University (Collaboration on Government Secrecy)	\$98,296 / 1 year	\$100,000 ¹	1 year
Public Justice Foundation of Texas	\$100,000 / 1 year	\$175,000	2 years
Election Systems			
Demos: A Network for Ideas and Action	\$300,000 / 1 year	\$225,000 ²	1 year
Pew Charitable Trusts	\$500,000 / 1 year	\$500,000 ³	1 year
Judiciary			
Defenders of Wildlife	\$300,000 / 2 years	\$300,000	2 years
Illinois Campaign for Political Reform	\$200,000 / 2 years	\$175,000	2 years
Judge David L. Bazelon Center for Mental Health Law	\$200,000 / 2 years	\$150,000	2 years
League of Women Voters Education Fund	\$381,089 / 2 years	\$330,000	2 years
National Partnership for Women and Families	\$300,000 / 2 years	\$200,000	2 years
National Senior Citizens Law Center	\$350,000 / 1 year	\$500,000	2 years
National Women's Law Center	\$425,000 / 2 years	\$250,000	2 years
Core Grantees			
William J. Brennan Jr. Center for Justice	\$2,000,000 / 2 years	\$1,250,000 ⁴	2 years

TOTAL RECOMMENDED: \$5,205,000



Approval Signature



Date

1 To be split between the Transparency and Integrity Fund, T1: 21093 (\$75,000), and the National Security and Human Rights Campaign, T1: 21095 (\$25,000).

2 To be split between the Transparency and Integrity Fund, T1: 21093 (\$75,000), and the Criminal Justice Fund, T1: 24027 (\$150,000).

3 To be split between the Transparency and Integrity Fund, T1: 21093 (\$250,000), and the JEHT Emergency Fund, T1: 59959 (\$250,000).

4 To be split between the Transparency and Integrity Fund, T1: 21093 (\$750,000), Criminal Justice Fund, T1: 24013 (\$300,000), and National Security and Human Rights Campaign, T1: 21095 (\$200,000).

MEMORANDUM

To: Aryeh Neier
From: Ann Beeson, Laleh Ispahani and the Transparency and Integrity Fund
Date: July 24, 2009
Re: Transparency and Integrity Fund's July Docket

We look forward to meeting with you next Friday, July 24, 2009, to discuss the second docket of the Transparency and Integrity Fund (TIF). We respectfully seek approval of eighteen grants in this docket.

As reflected in its 3 year strategic plan, TIF's grant making and program strategies include support for:

- Ensuring a transparent democracy and an engaged public through support for media and government 'watchdog' groups and support for the development and use of emerging technology tools and practices that increase public access to information;
- Addressing the crisis in journalism in part through supporting the development of solutions that ensure high quality, sustainable journalism on state and local governance and beat issues remains, or emerges on the Internet, radio, television or in newspapers;
- Promoting government accountability principally, though not solely, through supporting broad and equal access to the ballot and advocacy on the independence and diversity of the judiciary; and
- Exploring the impact of the increasing privatization of government functions, especially in relation to other USP priorities; e.g., privatization of prisons and immigration detention facilities.

The grants recommended in this docket and summarized below include support for important new journalism initiatives that signal the Fund's evolving and deepening involvement in this area. There are also recommendations to fund important elections systems reform, and national and state-level government watchdog groups. Finally, we recommend grants for work on judicial independence, nominations, and on engaging the public in the role of the courts and the Constitution.

Grants in this docket:

Journalism

OSI is deeply interested in the unfortunate decline of watchdog journalism and its programs are addressing the issue collaboratively. TIF recommends in this docket grants

to six organizations that are testing promising new models of journalism or continuing to build on successful models in order to maintain, and where possible expand, media coverage of important issues to the American public.

TIF's first grant to the **Center for Investigative Reporting** (CIR) would support its in-depth investigations as well as its participation in a pilot project with the Associated Press and a new state-focused initiative, *California Watch*. A renewal grant to the **Center for Public Integrity** would allow it – in partnership with CIR – to lead the formation of a nationwide network of non-profit journalism organizations that would share editorial, administrative and financial resources and collaborate on major projects, and to also support its own original investigative reporting. A renewal grant to the **Center for Independent Media** would support its continued building of an independent online news network to sustain public interest journalism at the state and national levels, delivering continuous coverage of national and local government, news analysis, special investigative reports and other stories traditional media are increasingly unable to support.

TIF's ethnic media interests are largely represented by a renewal recommendation to Pacific News Service (**New America Media**), a national AP-style ethnic media news exchange that integrates the ethnic media sector into mainstream American journalism.

Finally, we are proposing two state-based grants. One is a renewal grant to the Texas Democracy Foundation (d.b.a. **Texas Observer**) to broaden the *Observer's* coverage, and its reach, to complement its deep and extensive reporting on state government in a state that TIF has identified for concentrated work. The other is an initial grant to the new **Wisconsin Center for Investigative Journalism**, a state-level nonprofit journalism center that has forged a first-of-its-kind alliance with public television and radio, and the University of Wisconsin's journalism school, to produce high quality professional journalism in the public interest, while also working closely with Wisconsin ethnic media. Wisconsin is another state TIF has identified for concentrated work. (Both the Wisconsin Center and the *Texas Observer* are part of the evolving national network of non-profit journalism organizations mentioned above led by CIR and CPI.)

Access to Information

Originally, TIF envisioned supporting the broad field of government “watchdogs” as one of its goals, and planned to fund a wide range of strategies and tactics in use in the field. After further refining our goals and considering our resources, TIF concluded that the Fund would have greater impact if it narrowed this portfolio to support only those groups who increase access to information. Accordingly, we recommend a grant to the **Public Justice Foundation of Texas**, a vital member of the Texas community of government watchdog and investigative journalism groups, and one that does important work tracking and publicizing corruption in state government, in a state TIF has identified for broader and deeper work. We also recommend a grant to the American University-based **Collaboration on Government Secrecy** (CGS), led by a former Department of Justice information policy attorney. CGS has been convening government officials and

transparency advocates to identify and discuss issues of importance to the field and their implementation.

Election Systems

TIF's main priority in this area is to support the smart and well-coordinated effort to modernize the nation's antiquated voter registration system, so as to shift the onus for registration from private individuals and groups to the government and also to further simplify the process by making use of new technologies. We recommend the **Pew Center on the States'** Voter Registration Modernization Initiative, which engages and educates state elections officials nationwide on the feasibility and prudence of such reform, while also concentrating efforts in a handful of target states to develop state registration systems that are automatic, permanent and more efficient to administer. Such efforts would help build the state infrastructure likely to be required by any federal action on the matter. (In its last docket, TIF presented, and you approved, a grant to support the complementary federal reform effort coordinated by the Rockefeller Family Fund.)

In addition, TIF and the Criminal Justice Fund (CJF) recommend a joint grant to **Demos**, the **Prison Policy Initiative** and the **Public Policy & Education Fund of New York** for their coordinated effort to end the districting bias that results from the Census Bureau's policy of counting the incarcerated as residents of their prison districts rather than of their home communities. This allows typically rural communities to inflate their population numbers and thus receive increased government dollars, while racially gerrymandering communities and depleting communities of color of votes. The groups would respectively engage in litigation, public education and grassroots organizing to seek reform of this policy in New York State. A successful effort could have an impact on reform of the federal rule.

The Judiciary

Recognizing the central role the judicial branch plays in checking government power and providing access to justice for the most marginalized members of society, OSI has long provided support for efforts aimed at an independent and diverse judiciary. The Senate confirmation hearings of Judge Sotomayor – in which conservative views of the Constitution and the role of the judiciary defined the debate - only highlight the need for greater public education as to the role of courts and the Constitution. Still, because TIF's judiciary-related funding is disproportionately high and we need to free up funds for our other portfolios, TIF is significantly reducing its funding in this portfolio, and continuing support for only 'anchor' organizations, effective coalition leaders, long-term strategic thinkers, and organizations that provide coalition members research, communications and organizing support. Thus, although the total funding for Judiciary grants in this docket still appears high relative to the other portfolios, over half are tie off grants. By 2011, the size of this portfolio will approximate the others in the Fund.

In this docket, TIF recommends seven judiciary-related grants, four of which are tie-off grants. They are to the **Bazon Center for Mental Health Law & Policy**, which

represents the interests and concerns of the mental health disability community in the Coalition for Constitutional Values; the **National Partnership for Women & Families**, which works to educate and coordinate women's organizations around judicial nominations while also playing a prominent role in the Coalition for Constitutional Values (the Coalition); and, the **National Women's Law Center**, a go-to resource and key inside player in federal judicial nominations battles; and, long-time grantee the **Illinois Campaign for Political Reform**, a core member of the Justice at Stake Campaign (a TIF grantee) and the leader of recent efforts to reform judicial selection in Illinois.

The three organizations that TIF staff are recommending for current and likely ongoing funding are **Defenders of Wildlife**, for its Judging the Environment Project (formerly housed at Earthjustice) which performs a critical function in tracking and distributing media coverage and discussion of judicial nominations to Coalition members, the **League of Women Voters Education Fund**, which is launching two state-based campaigns to improve judicial diversity, and the **National Senior Citizens Law Center**, a key player in the effort to transform the conversation about the Constitution and the courts.

Core Grantees

The **Brennan Center for Justice** is being recommended for general support as a core TIF grantee at a level of \$1 million a year.¹ Previously, Brennan received project support from numerous USP funds and campaigns, most of it from TIF. The decision to locate the Brennan grant in a single fund – and to now give it general support - is the result of a USP process to streamline our grant making. This decision makes particular sense in Brennan's case where nearly every Brennan program received USP project support.

¹ The Transparency & Integrity Fund is committed to providing \$1.5 million over 2 years, while the Criminal Justice Fund is contributing \$300,000 over 2 years and the National Security and Human Rights Campaign is contributing \$200,000 over two years. Due to related budget constraints, TIF can only commit \$750,000 in the 2009 fiscal year, but plans to recommend an add-on grant of \$750,000 no later than the first docket of 2010 to bring the total funding to \$2 million over 2 years.

Name of Organization: Center for Independent Media

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

Purpose of Grant: To provide high-quality reporting coverage of federal agencies and Congressional delegations from the Center’s program states, including Colorado, Iowa, Michigan, Minnesota, and New Mexico

Previous OSI Support: \$470,000
\$250,000 from Transparency and Integrity Fund (2008)
\$200,000 from Strategic Opportunities Fund (2007)
\$20,000 from Progressive Infrastructure (2006)

Organization Budget: \$3,691,487

Project Budget: \$700,000

Major Sources of Support:

J.B. and M.K. Pritzker Foundation	\$500,000
Gill Foundation	\$150,000
Arkay Foundation	\$100,000

Amount Requested: \$100,000 over one year

Amount Recommended: \$75,000 over one year

Term: July 1, 2009 – June 30, 2010

Description of Organization

The Center for Independent Media (the Center), based in Washington D.C., is a nonprofit organization dedicated to building a network of online news sites to sustain public interest journalism at the state and national level. Launched in 2006, its network of six online news sites includes the flagship, the Washington Independent, which produces reporting on the federal government, foreign policy, and the presidential elections. It also maintains news sites in Colorado, New Mexico, Michigan, Minnesota, and Iowa. All of the Center’s sites combine professional and citizen journalism to produce ongoing coverage of national and local government, special investigative reports, news analysis, and other stories that traditional media sources are increasingly unable to support. The Center’s reporters are trained to adhere to the highest standards of journalism and follow the code of ethics adopted by the Society of Professional Journalists.

The Center’s goal is to provide coverage on issues critical to public debate that are insufficiently covered by traditional media. The Center’s work draws attention to these issues through the stories on its online news sites and the coverage they garner in more traditional outlets. The Center primarily seeks to reach policy makers, community

leaders, and members of the traditional media in Washington, D.C. and in key states across the country. The Center tracks the reach and scope of its work, as measured by both direct visits to the network's online news sites, and earned media through pickup by TV, radio, and newspapers. The Center has received dozens of awards from the Society of Professional Journalists.

Description of Program for Which Funding Is Sought

The Center seeks support for its national program, the Washington Independent, which is dedicated to covering topics of national importance including Congress, federal agencies, the Supreme Court, and the machinery that surrounds and attempts to influence government. This grant would support ongoing coverage of federal agencies and the U.S. Congress, with a particular focus on the delegations from the Center's program states, which currently include Colorado, New Mexico, Michigan, Minnesota, and Iowa.

The Washington Independent covers many of the executive branch agencies, commissions, and regulators. The most-covered agencies are: the Defense Department, CIA, Department of Justice (in particular the Office of Legal Counsel, the Civil Rights Division and FBI), State Department, Treasury Office of Thrift Supervision, Housing and Urban Development, Environmental Protection Agency, and the Department of Homeland Security, with a focus on Immigration and Customs Enforcement.

Since its launch in early 2008, the Washington Independent has tested several models for covering state delegations from Colorado, New Mexico, Michigan, Minnesota, and Iowa. Drawing from the experiences of several pilot programs, they have developed a plan that taps the expertise of state editors and the efficiency of centralized editorial leadership in Washington. Congressional reporters based in D.C. keep track of key members of each state delegation and their reports are vetted by the Washington Independent's editor. Coverage is centrally coordinated by a D.C.-based editor who is in daily contact with the state editors. The state editors help keep the Congressional reporters informed of what topics are most important to state readers. The D.C. editor, in turn, keeps state editors abreast of what stories are coming from Washington.

The Washington Independent was launched in early 2008 by Allison Silver, a former editor at *The New York Times* "Week in Review" section, the former editor of *The Los Angeles Times* Sunday "Opinion" section, and the Politics Producer for "Charlie Rose." It is currently led by editor Laura McGann, a former reporter for *Talking Points Memo* and the Dow Jones newswire and has a team of eight reporters and editors. In 2008, the news site received 3.5 million visits and now reports a monthly readership of 500,000.

Rationale for Recommendation

The Transparency & Integrity Fund recommends a grant of \$75,000 over one year. This grant would advance the Fund's priority of supporting promising new models for producing and distributing high-quality journalism, especially sustained reporting on state and local governance, and coverage of federal agencies.

Since its inception, the Washington Independent has covered many of the most complex issues facing the U.S., including the economic meltdown, the housing crisis and Wall Street bailouts, and the wars in Iraq and Afghanistan. With a specific focus on the federal agencies and Congressional delegations from the Center's program states, the Washington Independent holds public officials accountable at a time when few newspapers have Washington bureaus and the traditional press has lost the ability to adequately cover government activities.

In June 2008, the Washington Independent was accredited to join the Obama and McCain campaigns full time as members of the traveling press corps. Only five U.S. newspapers regularly traveled with the candidates.

Over the past two years, the Washington Independent's stories have been regularly picked up by a range of broadcast outlets, extending their reach beyond the online news site. For example, in January 2009, in a story not reported anywhere else, the Washington Independent reported on an attempt by Fannie Mae and Freddie Mac to force mortgage holders to sign waivers before getting their loans restructured, giving up all legal claims related to their mortgages. Consumer groups and Rep. Barney Frank were not aware of the waivers prior to the piece. The waivers were eliminated within several weeks.

In February 2009, the Washington Independent reported that the stimulus bill failed to adequately protect employees of government contractors who act as whistleblowers. The story had not been covered by any other news outlet. Several days after the story appeared, Sen. Claire McCaskill introduced an amendment to strengthen whistleblower protections for private workers and TWI's story was cited as a factor.

The Washington Independent's state delegation coverage is focused on the intersection of critical policy debates and the Congressional delegations. Congressional reporters focus on policies that affect the average reader. For instance, the Washington Independent is providing in-depth coverage of New Mexico Sen. Jeff Bingaman and his involvement in Senate negotiations on climate legislation, a major issue of importance at both the state and national levels.

The Center for Independent Media is led by David Bennahum, a journalist and author who has contributed articles to *Slate*, the *New York Times*, and the *Economist*. He has also consulted with non-profits to assist with strategy development relating to the use of new media, the internet, and communications, bringing his combined expertise in journalism and technology to this work.

Name of Organization: Center for Investigative Reporting

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

Purpose of Grant: To provide general support

Previous OSI Support: \$1,273,6000
 \$77,000 from SOF (2004, 2009)
 \$276,000 from NSHR (2008)
 \$50,000 from President Grants (2008)
 \$300,000 from Progressive Infrastructure (2007)
 \$300,000 from Independence of Judiciary (2005)
 \$142,600 from USP General (2003)
 \$10,000 from Law and Society (2000)
 \$75,000 from Governance and Policy (1999)
 \$43,000 from CCCC (1997)

Organization Budget: \$2,330,596

Project Budget: Not applicable

Major Sources of Support:

Irvine Foundation	\$500,000
Hellman Family Foundation	\$100,000
Philip Armour Foundation:	\$ 95,000

Amount Requested: \$200,000 over one year

Amount Recommended: \$400,000 over two years

Term: June 1, 2009 – May 31, 2011

Description of Organization

Founded in 1997 to provide a home for investigative reporters to conduct in-depth, resource-intensive journalism, the Center for Investigative Reporting (CIR) is a leading supporter of investigative journalism in the public interest. Working with a mix of staff reporters and independent journalists operating under its direction, CIR has produced hundreds of investigations for newspapers, magazines, television, radio and the Internet that have reached millions of people throughout the U.S.

CIR's investigations into campaign finance, government surveillance, tobacco smuggling, gun trafficking, environmental abuses, education, criminal justice and many other issues are distributed to as wide and varied an audience as possible, typically through direct placements to news outlets. Less frequently, information uncovered by CIR reporters is provided without credit or byline to news organizations and opinion-makers. CIR has longstanding relationships with major news organizations, and its

reports have appeared on national TV and radio shows (*60 Minutes*, *20/20*, *ABC World News Tonight*, *CBS Evening News*, *NBC Nightly News*, *PBS Frontline*, *CNN*, and *National Public Radio*); in leading newspapers (*Washington Post*, *New York Times*, *Los Angeles Times*, *USA Today*, *San Francisco Chronicle*, and *Denver Post*), and in news and opinion magazines (*U.S. News & World Report*, *The Nation*, *Mother Jones*, and *Salon*).

CIR was one of four nonprofit journalism organizations recently selected by the Associated Press for a six-month pilot project to distribute watchdog and investigative journalism from nonprofit organizations to its 1,500 member newspapers. CIR stories have been widely recognized by the journalism community, including awards such as the Alfred I. du Pont-Columbia University Silver Baton, George Polk Award, Emmy Award, Society of Professional Journalists' Sigma Delta Chi Award, Investigative Reporters and Editors Award, and National Magazine Award for Reporting Excellence. Additionally, CIR reports have sparked congressional hearings and legislation, United Nations resolutions, public interest lawsuits and changes in corporate policies.

CIR's newest venture is California Watch, a major new reporting initiative to produce in-depth journalism on critical issues facing California, and to engage the public on issues of critical importance to the state. This project will serve to watchdog the government and powerful institutions, and will cover key issues including criminal justice, education, the environment, immigration, state governance, and public safety.

CIR's Executive Director Robert Rosenthal has worked for some of the most respected newspapers in the country, including the *New York Times*, *Boston Globe*, *Philadelphia Inquirer* and, most recently, the *San Francisco Chronicle*. Rosenthal worked for 22 years at the *Inquirer*, starting as a reporter and eventually becoming its executive editor in 1998. He became managing editor of the *San Francisco Chronicle* in late 2002, and joined the Center for Investigative Reporting as executive director in 2008.

Description of Program for Which Funding Is Sought

This recommendation is for general support.

Rationale for Recommendation

The Transparency & Integrity Fund recommends a grant of \$400,000 over two years. This grant would advance the Fund's priority of supporting promising models for producing and distributing high-quality journalism.

CIR's work creates greater transparency and accountability through the practice of watchdog journalism. CIR has the credibility, ambition, and vision to ensure that powerful, credible watchdog journalism flourishes, even in an increasingly challenging economic environment. CIR's model has always relied on in-depth collaboration with other news organizations, journalists, public policy organizations, and universities. Moreover, it takes advantage of technology to provide citizens—local and global—with critical, actionable information that impacts their lives.

With over a decade of experience as a non-profit journalism organization, CIR is in a strong position to help guide the development of new models at the state and local levels, and ensure that this journalism is held to high editorial standards and practices.

CIR's current operating budget is \$2.3 million, 90% of it in the form of restricted project grants. CIR has historically operated project-by-project with just a small core staff, raising money for particular investigations and hiring reporters and producers for the life of individual projects. CIR has produced important reporting this way for many years. This model was appropriate at a time when the nonprofit journalism sector focused almost exclusively on producing investigative reporting that many for-profit news outlets deemed too expensive. CIR recognizes that the crisis of the traditional business model of journalism threatens the production of ongoing daily coverage of national and local government, and intends to adapt to this changing climate.

CIR's new state-based initiative, California Watch, may serve as a new model for state level watchdog journalism. CIR will use the existing media infrastructure, including wire services, ethnic media, local papers, and local radio, as well as new media channels, to distribute its reporting. CIR has also found academic partners in California, including UC Berkeley and the USC Annenberg School. The stakes are high for California. More people have lost jobs, more homes have been foreclosed on and more banks have failed here in the last year than in any other state in the country. The state faces a \$24 billion deficit. Nowhere in the country, relative to the size of the state budget and population, are there fewer journalists covering the transformation in state government that is sure to come over the next few years.

In order to sustain its traditional investigative work, and devote an increasing amount of organizational resources to help shape the future of non-profit watchdog journalism, CIR must expand its core capacity. CIR plans to build a more substantial permanent newsroom that can respond more quickly to emerging opportunities so that it has the flexibility to begin working on projects without the delay of fundraising for a discrete investigation. This new structure will allow CIR to hire top editorial talent and to carve out new areas of reporting expertise. By developing a small in-house multimedia staff who can work with reporters from the inception of each story, CIR will increase its capacity to distribute its reporting in myriad formats – not only print, broadcast, radio and basic web, but also mobile and other emerging platforms. Greater core capacity will also enable CIR to hire more business staff to take full advantage of the distribution and revenue opportunities afforded by new technologies and partnerships.

In addition, CIR has partnered with the Center for Public Integrity (CPI) to create a national nonprofit watchdog news network. Together, these organizations aim to develop a blueprint for how state watchdog coverage can continue in an era of shrinking news investments, and thus begin to help fill an urgent and growing gap in state capitol coverage. In response to the current crisis in journalism, there has been a precipitous increase in new nonprofit journalism ventures on local, regional, and national levels. CIR and CPI recently organized a convening of about thirty of these organizations. With long

experience in the benefits of collaboration, CIR and CPI see how these organizations might come together to share resources. This docket also contains a grant recommendation for seed funding to the Center for Public Integrity, which will serve as the fiscal sponsor for this new initiative. Although CPI will serve as the fiscal sponsor, CIR will devote staff resources to the initiative. OSI's general support grant would enable CIR to continue to play a leading role in this initiative.

CIR produces in-depth multimedia investigative projects that reveal new information and deepen the public's understanding of complex issues. OSI has provided funding to CIR over the years to support individual investigations and CIR has proven to be a valuable investment. Prior judicial independence related grants to CIR, for example, have supported groundbreaking investigative journalism on the backgrounds of judicial nominees. The National Security and Human Rights Campaign recently supported CIR's investigation: *America's War Within: Investigating the Legacy of Homeland Security*, which scrutinizes the spending of Department of Homeland Security funds by state and local law enforcement agencies since the agency commenced operations in 2003, and investigates spending of other streams of federal counterterrorism funding since 2001. The Transparency and Integrity Fund now recommends a general support grant to the Center for Investigative Reporting to enable CIR to adapt to the changing news ecosystem, and to recognize the role it will play in shaping the future of non-profit journalism.

Name of Organization: Center for Public Integrity

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

Purpose of Grant: To provide seed funding for the development of the Nonprofit Investigative News Network

Previous OSI Support: \$3,362,554
\$300,000 from TIF (2008)
\$1,959,630 from Chairman’s Grants (1999 – 2003)
\$433,124 from Presidential Grants (1998, 2001, 2003)
\$375,000 from Governance and Public Policy (1998, 2001, 2002)
\$294,000 from Law and Society (2000, 2001)

Organization Budget: \$4,412,792

Project Budget: \$185,000

Sources of Support:

Carnegie Corporation	\$250,000
Popplestone Foundation	\$250,000
Park Foundation	\$250,000

Amount Requested: \$100,000 over one year

Amount Recommended: \$100,000 over one year

Term: June 1, 2009 – May 31, 2010

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.

CPI’s mission is to produce investigative journalism about significant public issues to make institutional power more transparent and accountable. Its reportage goes beyond the daily news cycle to uncover the complexities of topical stories, and broadcast those findings in innovative ways. CPI’s most recent investigation examines 350 million mortgages (raw data from the US Department of Housing and Urban Development) to expose which banks fueled the sub-prime meltdown but are now receiving “bailout” funds. It will also examine the connection between financial services industry lobbyists and legislators over the past decade. Each of the Center’s investigative projects is

produced in several formats to maximize impact, including print, web, audio, and video, and are distributed through multiple media outlets.

Description of Program for Which Funding Is Sought

This grant would provide seed funding for a new national nonprofit watchdog reporting network. Over the past several months, the Center for Investigative Reporting (also in this docket) and the Center for Public Integrity have been exploring plans to build a collaborative network of nonprofit journalism organizations around the country. In response to the crisis in journalism, there has been an increase in new nonprofit journalism ventures on local, regional, and national levels. These organizations have developed in relative isolation, although they share many common goals and challenges.

In June 2009, the Center for Public Integrity and the Center for Investigative Reporting led a three day retreat at the Rockefeller Brothers Fund's Pocantico retreat center in New York. Journalists from 25 nonprofit journalism organizations attended, including the Texas Observer, the Wisconsin Center for Investigative Reporting, the Voice of San Diego, New America Media, MinnPost.com, the Rocky Mountain News Network, and the New England Center for Investigative Reporting. The result of the retreat was the formation of the Nonprofit Investigative News Network.

Pledging collaboration on editorial efforts and business operations, the network created a steering committee to begin to develop plans for shared operational resources and for collaborations on major investigative projects. More broadly, this network will work together to maximize the quality, audience, and sustainability of public interest watchdog journalism on the state and local levels.

This new network will explore possibilities for collaborative content development (such as state capitol coverage schemes, means of covering and engaging communities, multi-media approaches to reporting, etc.), shared resources (such as legal help, data analysis, and research), collaborative fundraising (through shared mailing lists or development of a central fund), shared distribution (through a joint, national website that aggregates content, or shared networks for project reporting and rollouts), and revenue/sustainability options, for instance, syndication, or brokering of partnerships with for-profit aggregators.

The ultimate goal of this effort, perhaps several years down the road, is to build and link together state and regional investigative organizations to create a 50-state virtual network of state and regional centers for investigative and public interest reporting. This collaboration would be staffed in various ways by freelance and part-time investigative reporters, many of them veteran statehouse journalists, and funded with local, regional, and national resources.

The Center for Public Integrity will serve as fiscal sponsor for the Nonprofit Investigative News Network. A steering committee has been formed to oversee this new venture, and includes Bill Buzenberg; Sandy Close, executive director of New America Media; Sheila

Coronel, director of the Stabile Center for Investigative Journalism at Columbia University; Margaret Engel, executive director of the Alicia Patterson Journalism Foundation; Laura Frank, co-founder of the Rocky Mountain Investigative News Network; Margaret Wolf Freivogel, founding editor of the St. Louis Beacon; Brant Houston, Knight Chair Professor in Investigative and Enterprise Reporting at the University of Illinois; Joel Kramer, CEO and Editor of MinnPost; Scott Lewis, CEO of Voice of San Diego; and Robert Rosenthal, executive director of the Center for Investigative Reporting.

Rationale for Recommendation

The Transparency and Integrity Fund recommends a project grant of \$100,000. This grant would advance the Transparency and Integrity Fund's goal of ensuring equitable access to high quality journalism, with a special focus on original reporting on public affairs at the local and state levels. The Fund aims to identify and support promising models to preserve reporting on state capitols, city government, and beat reporting on critical issues.

As newsrooms, particularly at the 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 who have the most direct influence over their day to day lives.

On average, fewer than five reporters now cover state governments, with the time-consuming deep-dive investigative work sacrificed almost entirely. Lost in the diminishing coverage are stories on conflicts-of-interest, financial irregularities, lobbying by corporate interests, ethical lapses, and criminal wrongdoing. In January, *Governing* magazine documented the alarming reduction in coverage of state capitols. "Newspapers and radio stations are either abandoning or slashing their presence in Albany, Trenton, Springfield, Denver, Tallahassee, Austin, Sacramento, Oklahoma City – you name the capitol, the press corps is shrinking," the magazine reported. "Newspapers that once sent five people to cover state government are down to two and are pruning the space they get on the page; smaller papers have bailed out entirely; commercial radio is following the route television took years ago, parachuting reporters in for only the most attention-grabbing stories."

In response to the current crisis in journalism, there has been a precipitous increase in new nonprofit journalism ventures on local, regional, and national levels. The Nonprofit Investigative News Network may serve as a blueprint for how state watchdog coverage can continue in an era of shrinking news investments, and thus begin to help fill an urgent and growing gap in state capitol coverage.

As one of the foremost non-profit investigative journalism organizations and twenty-year veterans of producing investigative reporting on a non-profit basis with a public service interest, the Center for Public Integrity is eager to marshal its skills and experience and initiate collaborative projects with these groups.

The growing availability of many experienced and skilled professional journalists seeking part-time or free-lance opportunities makes this an ideal time to launch a cooperative partnership that will help fill the void in local watchdog journalism and leverage the relationships, experience, and audiences that veteran groups like the Center for Public Integrity and the Center for Investigative Reporting have already developed.

CPI was one of four nonprofit journalism organizations recently selected by the Associated Press for a six-month pilot project to distribute watchdog and investigative journalism from nonprofit organizations to its 1,500 member newspapers.

The Center is under able leadership and continues to receive significant media and public attention. Its executive director, William Buzenberg, successfully launched *Talk of the Nation*, American Radio Works, *Speaking of Faith*, and *Public Insight Journalism* while at NPR and Minnesota Public Radio, and is well positioned to drive innovation at CPI. The organization itself has received numerous awards for its work. Last year it received the online award from the National Press Foundation, whose judges described the Center's work as representing "the future of journalism."

Name of Organization: Pacific News Service

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

Purpose of Grant: To support New America Media

Previous OSI Support: \$1,210,000
\$150,000 from Equality and Opportunity Fund (2009)
\$500,000 from Seize the Day Fund (2009)
\$535,000 from Strategic Opportunities Fund (2005 – 2007)
\$100,000 from Youth Development Grants (2005)

Organization Budget: \$5,436,577

Project Budget: Not applicable

Source of Support:

James Irvine Foundation	\$500,000
Atlantic Philanthropies	\$445,000
William and Flora Hewlett Foundation	\$360,000

Amount Requested: \$200,000 over one year

Amount Recommended: \$200,000 over one year

Term: June 1, 2009 – May 31, 2010

Description of Organization

New America Media (NAM) is a news and communications agency whose mission is to increase and improve the flow of news and communications connecting America’s diverse communities by working with ethnic media and developing youth media. NAM serves 3,000 ethnic media outlets, reaching more than 51 million people.

NAM’s primary goal is to develop a national AP-style ethnic media news exchange that integrates the ethnic media sector into American journalism. The model is collaborative, linking ethnic media outlets to one another to develop a media grid connecting otherwise isolated and fragmented communities, building inter-ethnic, inter-racial, and inter-generational communications and understanding.

NAM carries out its mission through:

- An AP-style news syndicate and web site carrying coverage that NAM produces, and also aggregates, from ethnic media partners;
- A trade association organizing awards, professional trainings, newsmaker briefings, and special events;

- Partnerships with journalism schools that help support regional networks of ethnic media, and links to hubs in Europe, Australia, and Canada;
- An online directory of over 2,500 media outlets, which also functions as an emergency messaging service for the Centers for Disease Control and other government agencies;
- Research and multilingual polling to project the voices of ethnic media's audience to each other and the larger public;
- Regular publication of youth journalism, editorials, and poetry, enhancing the voices of the most at-risk and marginalized young people; and
- A digital divide initiative aimed at expanding ethnic media's online presence.

Description of Program for Which Funding Is Sought

This recommendation is for general support.

Rationale for Recommendation

The Transparency & Integrity Fund recommends a grant of \$200,000 over one year. This grant would advance the Fund's goals of ensuring equitable access to high quality journalism and of increasing the capacity in the ethnic media sector. Because TIF's support for journalism initiatives will give primacy to those that focus on the needs of underserved communities, we see this as an area of rich collaboration with the Equality & Opportunity Fund, with a common goal of nurturing a better informed and more engaged populace in historically excluded or marginalized communities.

In June 2009, New America Media released the results of a national study on the penetration of ethnic media in the United States, which measured the growth of the ethnic media sector and ethnic media's readership over the past four years. The audience for ethnic media grew by 16 percent during this period, reaching 57 million people on a regular basis. The study also found that ethnic media reach 82 percent of all Hispanic, African-American and Asian-American adults; the percentage of the Asian-American adult population reached by television programming targeting Chinese, Vietnamese, Korean and Filipino viewers has grown by 30 percent over last four years; the penetration of Spanish-language television is now almost universal; and, Chinese and Korean newspapers now reach 70 percent and 64 percent, respectively, of their adult populations.

Ethnic media see their role as primarily to give voice to the community, strengthen cohesion, and chronicle community life. They report about the community from the inside out, sometimes quite literally. When inmates of the Reeves County Detention Center protested poor medical care at the privately run Texas facility, most outlets highlighted the damage to buildings. *Telemundo's* station in Midland/Odessa, Texas, also described the plight of hundreds of inmates - detained there on immigration violations - who slept outside in makeshift tents despite the freezing weather.

More than 42 percent of print newsrooms across the country employ no black, Asian American, Latino, or American Indian journalists at all. According to even the most

generous analyses, they consult white sources at least two-thirds of the time. With their ability to tap into the communities they serve, the ethnic media contribute context, history, and perspectives found nowhere else.

As part of the Four Pillars Campaign, OSI recently provided project support to help NAM widen the scope and improve the quality of the news coverage of immigration issues in the ethnic media sector. In April 2009, New America Media developed the Economic Stimulus project at the request of OSI Transparency and Integrity Fund staff. The project, funded through the Seize the Day Fund, will help NAM improve the quality of news coverage of economic policy issues in the ethnic media sector. The project is also designed to build the long-term capacity of ethnic media to report on economic policy issues and inform the communities most impacted by the recession and also most underserved by traditional and new media alike: low income, minority, immigrant, Native American and rural.

NAM has grown over the last decade from a small Bay Area ethnic media collaboration to the first and largest ethnic media association in the country and a budget of over \$5 million. With the great majority of this budget committed to specific projects and initiatives, a general support grant from OSI will allow NAM to build and strengthen the organizational infrastructure that is critical to fulfilling the rising demand for the services and news content NAM provides.

NAM was founded in 1996 by Sandy Close, who serves as its executive director. Close is the former China editor of the *Far Eastern Economic Review* in Hong Kong and founder of the inner-city newspaper *The Flatlands* in Oakland, CA. In 1995, Close received a MacArthur Foundation "genius award" for her work in communications. In 1997, a film she co-produced, *Breathing Lessons: the Life and Work of Mark O'Brian*, won the Academy Award for best documentary.

The Ford Foundation recently commissioned a year-long evaluation of NAM, which will include a detailed analysis of NAM's operations, management structure, leadership succession plan, board oversight and performance, financial health and sustainability, and effectiveness. Ford staff have invited OSI staff to help shape the evaluation, participate in meetings with the consultants, and review the consultant's interim and final reports. This independent audit will enable OSI and Ford to gain a full and unvarnished picture of how effectively NAM is delivering on the goals both funders share to improve journalism and media, particularly in and about ethnic and minority communities. The report will include recommendations that can serve as a reference for future OSI funding.

At a time when the ethnic media itself is struggling to serve its audiences with few if any of the resources available to general market media, this grant represents a strategic investment in its growth as the most important intermediary informing and engaging immigrants and ethnic minorities about the public life of this country.

Name of Organization: Texas Democracy Foundation (d/b/a *Texas Observer*)

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

Purpose of Grant: To provide general support

Previous OSI Support: \$150,000
\$50,000 from Transparency and Integrity Fund (2008)
\$50,000 from Strategic Opportunities Fund (2004 & 2006)
\$50,000 from U.S.P. General Grants (2000)

Organization Budget: \$1,087,317

Project Budget: \$720,299

Major Sources of Support:

Subscriptions and Sales	\$271,000
Individual Contributions	\$88,000
Mattsson-McHale Foundation	\$25,000

Amount Requested: \$100,000 over one year

Amount Recommended: \$225,000 over two years (\$200,000 outright and \$25,000 subject to matching requirements)

Term: July 1, 2009 – June 30, 2011

Description of Organization

The Texas Observer was founded in 1954 as an independent voice and source of information and reporting on the people, politics, and culture of Texas. Published in Austin, the semi-monthly journal has persistently covered the stories neglected or ignored by the mainstream press and has consequently been in the forefront of struggles for social justice in Texas. The *Observer's* investigative work, both in print and online, aims not only to unmask corporate and government corruption, but to foster social and economic justice in Texas by promoting democratic participation and encouraging open government.

Since 1994, the *Observer* has won more than 42 awards for its investigative reporting from newspaper, public policy, civic, legal, and grassroots associations. The nonprofit, 501(c)(3) Texas Democracy Foundation (TDF) was established to publish and promote the *Observer*.

Description of Program for Which Funding Is Sought

This recommendation is for general support.

Rationale for Recommendation

The Transparency and Integrity Fund recommends a grant of \$225,000 over two years. This grant would advance the Transparency & Integrity Fund's goals of supporting watchdog journalism. The grant would also support a state-level organization that functions within a larger network of state watchdog organizations in the state. Furthermore, the *Observer* is part of the newly formed nonprofit watchdog reporting network spearheaded by the Center for Public Integrity and the Center for Investigative Reporting. This grant would also serve to advance larger goals of U.S. Programs by supporting journalism on key issues of importance to OSI including efforts to temper pro-privatization trends/anti-public sector sentiment, reform criminal justice policies focused on mass incarceration, and impede the ability of citizens to participate in elections through voter suppression. This recommendation includes a matching requirement of \$25,000.

The *Observer* has built its reputation on the strength of its investigative reporting. A recipient of over 42 awards for its investigative work, the *Observer* plays an important role in the state's reform community by uncovering bad government policies and practices and delivering the news of such matters to a broad audience both inside and outside the state. Over the past decade, the *Observer* has expanded its readership to include new constituencies and made greater use of the Internet to expand distribution. As a result, it has increased its paid subscriber base by over 500% and has a monthly average of 54,000 unique visitors to its website. But its value must also be measured in terms of its followers: major media outlets both in Texas and around the nation pick up stories that first ran in the *Observer*. Although the *Observer* operates on a shoestring budget, its influence is expanded because it is connected to a network of watchdog journalism outlets operating at a state and national level. The *Observer* serves as a model of the importance of sustained reporting and investigative journalism in helping check government malfeasance and flawed policies.

The *Observer's* work has only become more important in light of massive budget cuts in Texas and layoffs of reporters at every major daily newspaper in the state. The *Observer* has recently increased its regular coverage of the Texas Legislature as other news outlets reduce coverage.

Over the past year, the *Observer's* small team of staff reporters and contributors have exposed partisan voter-fraud prosecutions, the racially unjust rebuilding of Galveston Island, the corrupt process of locating the nation's newest radioactive-waste dump in West Texas, and significant threats to civil liberties posed by unregulated law-enforcement "fusion" centers.

In a multi-part series beginning in 2008 and continuing this year, *Observer* reporters have demonstrated the human cost of Washington's failure to enact comprehensive legislation: increasing militarization of the southern border, hundreds of deaths in the desert, and a wall that threatens to crush human and wildlife communities on both sides of the border. The *Observer's* border investigations have led to inquiries from Congressional oversight

committees, stories in numerous national media outlets, and an installment of Public Broadcasting's *Now* documentary series. In February 2009, an *Observer* investigation, "Access Denied," revealed that women in U.S. immigration custody were being systematically denied their reproductive rights.

The *Observer's* investigative reporting has had an influence beyond the borders of Texas. In 2000, the journal broke the story of racially motivated arrests in Tulia, Texas, exposing the persistence of blatant racism in the criminal justice system. In 2002 and 2003, the *Observer* was the first to weave together the many fragments of House Majority Leader Tom DeLay's efforts to redraw the political map in Texas in order to solidify his own power in Washington. In 2004 and 2005, the *Observer* uncovered the corrupt influence of lobbyist Jack Abramoff in Washington politics. In May 2008, the *Observer* broke the story that former Sen. Phil Gramm was the key Congressional player in crafting and passing landmark financial-reform legislation that led to the national mortgage crisis. At the time, Gramm was the top economic adviser to John McCain. After the *Observer* story became national news, picked up by major national television and print media, Gramm was removed from his role in the McCain campaign.

The *Observer* relies upon a small permanent staff of editors and writers supplemented by freelancers. Bob Moser became editor of *The Texas Observer* in October, 2008. Bob's first book, *Blue Dixie: Awakening the South's Democratic Majority*, was published in August, 2008 by Times Books. He previously wrote and edited for *The Nation* magazine.

Stories broken first in the *Observer* have been picked up in the *New York Times*, *The Washington Post*, *USA Today*, *TIME*, *Dallas Morning News*, and the *Houston Chronicle*. These stories have also led, in many cases, to significant policy and institutional reform. Most famous nationally have been the resignations and prosecutions stemming from Delay's and Abramoff's activities. A 2007 story on sexual abuse of young men and boys at a Texas Youth Commission prison led the legislature to order a massive overhaul of the agency. In May 2008, the *Observer* documented a pattern of sexual and physical abuse, chronically inadequate care, and wretched conditions in Texas' thirteen large "state schools"—institutions housing the severely mentally disabled. The investigation, "Systemic Neglect," spurred the 2009 Texas Legislature to enact significant reform of these troubled facilities.

The *Observer* operates effectively within a network of watchdog and advocacy organizations in Texas. It collaborates with Texans for Public Justice (also in this docket), which publishes a regular column in the journal. It also calls attention to issues of importance to a wide range of advocacy groups around the state. A general support grant would enable the *Observer* to integrate collaboration with other organizations into its outreach efforts, finding new ways to get messages about the need for reform to a larger audience. Specifically, the *Observer* would work with the Center for Public Policy Priorities, Texans for Public Justice, and the Texas Criminal Justice Coalition.

This grant would also support work on specific issues of importance to other parts of U.S. Programs. Work to expose voter suppression advances the goals of the election

administration portfolio within TIF as well as the civic engagement portfolio in the Democracy and Power Fund and the voting rights grantmaking of the Equality and Opportunity Fund. Work to expose the negative consequences of privatization and deregulation touches on matters of importance to TIF as well as the Criminal Justice Fund (prison policy) and the National Security and Human Rights Campaign (privatization of surveillance and information gathering). Likewise, the Observer's story on denial of fundamental rights to women detained in immigration custody marries interests of the Fund (Constitutional rights) to those of the Equality and Opportunity Fund (immigration) and the Criminal Justice Fund (conditions of detention.)

Name of Organization: Wisconsin Center for Investigative Journalism

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

Purpose of Grant: To provide general support

Previous OSI Support: Not applicable

Organization Budget: \$108,000

Project Budget: Not applicable

Major Sources of Support: Ethics & Excellence in Journalism Fdn. \$100,000
The Evjue Foundation \$5,000

Amount Requested: \$50,000 over one year

Amount Recommended: \$50,000 over one year

Term: June 1, 2009 – May 31, 2010

Description of Organization

The Wisconsin Center for Investigative Journalism (WCIJ) was established in February 2009 with a grant of \$100,000 from the Ethics and Excellence in Journalism Foundation. WCIJ is a nonprofit journalism organization that aims to increase the quality and availability of public interest and investigative news reporting across Wisconsin. Operated by a small staff under the guidance of a local and national board of directors, this nonpartisan news organization is based at the University of Wisconsin-Madison School of Journalism and Mass Communication.

WCIJ will work in close partnership with Wisconsin Public Radio and Wisconsin Public Television to produce high quality professional journalism in the public interest. WCIJ will also collaborate with mainstream and ethnic media across Wisconsin. WCIJ will train journalism students in investigative techniques and teach residents how to scrutinize issues such as school performance, water quality and government ethics in their own communities. WCIJ will provide its content free of charge to the Wisconsin news media. WCIJ's website, WisconsinWatch.org, will publish stories, provide online investigative tools, and serve as a resource to journalists and the public. WCIJ will collaborate with the Center for Public Integrity, which TIF is also recommending for funding in this docket.

When resources become available, WCIJ will add a Washington, D.C., correspondent to track the impact of federal policies and funding on Wisconsin, and to serve as a watchdog over the state's congressional delegation and lobbyists.

WCIJ is a leader of a communitywide collaborative journalism project involving Madison-area print, broadcast and online news organizations including mainstream, ethnic, and niche groups. The collaborative will release its first product in October 2009, an examination of barriers Madison residents face to receiving healthcare, and potential solutions to those problems.

WCIJ was founded by Andy Hall, a former Investigative Reporters and Editors board member. 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 break the “Keating Five” scandal involving Sen. John McCain. At the *State Journal*, Hall’s reporting addressed, *inter alia*, the racial achievement gap in public schools and helped spark the creation of the nationally noted “Schools of Hope” volunteer tutoring program and exposed appalling conditions in neglected neighborhoods. In 2008, Hall won a first-place award for beat reporting from the Education Writers Association. He also has received the National Headliner, Gerald Loeb, James K. Batten and Inland Press Association awards for investigative, financial, deadline and civic journalism coverage. 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.

WCIJ has a strong seven-member board of directors composed of nationally acclaimed journalists and experts in management of nonprofit organizations. The Board President, Brant Houston, a former executive director of IRE, is the Knight Foundation Chair in Investigative and Enterprise Reporting at the University of Illinois’ Journalism Department. WCIJ’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. Mitchell was National Public Radio’s (NPR) first employee and was instrumental in developing “All Things Considered.” Mitchell was elected to an unprecedented four terms (12 years) on the NPR Board of Directors, including three years as its chair. The newest WCIJ board member is Karen Lincoln Michel, a nationally noted leader in Native American journalism and newsroom diversity. A Ho-Chunk Indian, she is the assistant managing editor of the *Green Bay Press-Gazette*, where she is responsible for the Opinion page, conducts community outreach to attract new audiences, and focuses on public service journalism through data-driven analyses. She previously covered state government and politics for the *Gazette*. She has written extensively about Native American issues and was a columnist for *The New York Times* syndicate’s former New America News Service. Lincoln Michel recently completed a two-year term as president of UNITY: Journalists of Color, the largest journalism organization in the nation, representing thousands of news reporters and editors of diverse racial and ethnic backgrounds.

Description of Program for Which Funding Is Sought

This recommendation is for general support.

Rationale for Recommendation

The Transparency and Integrity Fund recommends a grant of \$50,000 over one year. This grant would advance the Transparency & Integrity 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 Fund has identified Wisconsin as one of five states of interest to its emerging state-based grantmaking strategy, and this grant will serve as an early foray into Wisconsin funding.

WCIJ has an ambitious slate of stories, some in process and some under consideration. In conjunction with the *Wisconsin State Journal*, WCIJ is examining the quality of evidence handling and storage among law enforcement agencies in Wisconsin. There are no state or national standards for how agencies must handle the evidence and property they collect as part of criminal and civil cases. In recent years, evidence in several high-profile cases has turned up missing, either misplaced or prematurely destroyed. In two Wisconsin departments, including Madison, security lapses have allowed officers free reign of evidence rooms to steal money and drugs. WCIJ and the *Wisconsin State Journal* are surveying dozens of police agencies in Wisconsin to determine how well they handle evidence and property. Another story will break ground by, for the first time, evaluating all post-conviction DNA tests that have been conducted in Wisconsin since it began allowing prisoners to request such testing in 2001. Newspaper investigations in Ohio and Colorado in the past two years have shown that such requests rarely are granted. When they are, evidence is often degraded, lost, or destroyed.

In conjunction with Eau Claire-based *The Country Today* newspaper, WCIJ will explore another very relevant development: the growing presence of immigrants in the state's agricultural workforce. Documented and undocumented immigrants now make up half of the state's dairy industry workforce. The trend raises significant questions about worker exploitation, competition with legal residents for jobs during a time of high unemployment in Wisconsin, and growing inequity between farmers who use immigrant labor and those who do not. WCIJ will work with ethnic media outlets to explore the impact of immigration on Wisconsin communities.

WCIJ is also launching a rolling inquiry into budget secrecy in Wisconsin. WCIJ will examine the state legislature's system of secret earmarks, and dig into substantial budgetary issues that are decided out of public view (particularly in closed-door party caucus sessions).

A project under discussion would focus on Wisconsin's 11 Native American tribes. WCIJ would examine issues such as how the tribes that are receiving tribal casino windfalls are using those resources, and how well tribal and federal safety nets are protecting Native Americans during this deepening recession. For this project, WCIJ would collaborate with Native American journalists across the state and draw upon the expertise of new WCIJ Board Member Karen Lincoln Michel as well as experts on tribal issues at the University of Wisconsin and across the nation.

WCIJ is part of the recent 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. In late June, WCIJ was among 30 nonprofit journalism organizations that participated in a meeting organized by OSI grantees the Center for Public Integrity and the Center for Investigative Reporting. This meeting resulted in the formation of a Nonprofit Investigative News Network, which TIF is also recommending for seed funding in this docket.

In just a few months, WCIJ has emerged as a promising model for strengthening local journalism. In addition, as the Transparency and Integrity Fund develops a grantmaking and operational strategy in Wisconsin, WCIJ will serve as a source of information to the Fund.

Name of Organization: The American University

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

Purpose of Grant: To support the Collaboration on Government Secrecy

Previous OSI Support: *Project*
\$125,000
\$125,000 from TIF and NSHR (2008)

Organization Budget: *Collaboration on Government Secrecy*
\$98,296

Project Budget: \$98,296

Major Sources of Support: The American University

Amount Requested: \$98,296 over one year

Amount Recommended: \$100,000 over one year
(\$75,000 Transparency and Integrity Fund, T1: 21093)
(\$25,000 National Security and Human Rights, T1: 21095)

Term: November 1, 2009 – October 31, 2010

Description of Organization

American University, located in Washington, DC, is a leader in global education, enrolling a diverse student body from throughout the United States and nearly 140 countries. It also features a rich set of programs focused on domestic and international policy. Its law school, The Washington College of Law, specializes, among other things, in international law and federal regulatory law and practice. The Collaboration on Government Secrecy is a project based at the law school.

Description of Program for Which Funding Is Sought

The Collaboration on Government Secrecy (CGS) is a non-partisan academic project devoted to development of expertise, scholarly research and information resources on openness in government, freedom of information, government transparency and the study of “government secrecy,” both within the United States and internationally.

Founded in 2007, CGS has provided advice to the White House, executive branch departments and agencies, and Congress on “Right to Know” legal and policy issues. Over the past year, CGS has played a significant convening role in bringing together “Right to Know” advocates with government officials and employees at a series of well-attended convenings.

CGS has been actively involved in the current administration's transparency reforms. Following President Obama's Day One announcement of his administration's Open Government Directive, CGS Executive Director Dan Metcalfe began providing valuable advice on revising the Department of Justice's operative Freedom of Information Act memorandum, particularly on questions of how to revise the Ashcroft Memorandum that had established a standard of non-compliance. CGS has also organized a series of well-attended and productive meetings on key information policy questions. In January 2009, CGS hosted an event on information policy in the new administration that identified the key reforms that were required. CGS also hosted a meeting to analyze the law and journalism twenty years after the Supreme Court's decision in *Reporters Committee*. And CGS continues to serve as both a collaborator with and resource to many OSI grantees on issues of common interest: CGS worked with the Project on Government Oversight to develop that group's congressional oversight trainings; consulted with the National Security Archive in developing its standards for third-party FOIA requests; and joined the Electronic Frontier Foundation and Citizens for Responsibility and Ethics in Washington in sending a letter to White House Counsel on FOIA applicability to the White House Office of Administration.

In the coming year, CGS will continue these activities. Some concrete activities include the following: CGS will bring together administration officials and advocates to assess the Obama administration's transparency policy one year later at its FOIA Community Conference: "Transparency in the Obama Administration -- A First-Year Assessment," in January 2010, and will hold an academic conference on "The State of the State Secrets Privilege" at which it will convene experts to closely analyze the privilege in November 2009. CGS will also continue to serve as a resource and advocate for more effective transparency and information policies at the federal level.

Rationale for Recommendation

The Transparency and Integrity Fund (TIF) and National Security and Human Rights Campaign (NSHRC) recommend a grant of \$100,000 over one year. This recommended grant would advance the TIF goals of supporting government oversight organizations in efforts to increase transparency in the federal government, and reforming the practices of key executive branch agencies and departments, through CGS' focus on information policy in the executive branch. With CGS' focus on reform of government secrecy practices, this grant would also advance the National Security and Human Rights Campaign's goal of reducing excessive government secrecy in national security policy.

In the past year, CGS has played an important role in bringing together policy makers and reform advocates to tackle the key transparency issues raised by the Obama Administration. While President Obama placed transparency at the top of his initial agenda, these promises have not yet materialized, some due to implementation and some due to what seems to be retrenchment or a turnaround. Thus, ongoing oversight and

advocacy remain needed. Given its ability to get administration officials, advocates, and journalists to the table, CGS' efforts will remain valuable.

As part of a broader community of Right to Know advocates and experts, CGS brings to the table a deep and intricate understanding of the inner workings of executive branch information policymaking, execution and enforcement. That expertise resides primarily in CGS' executive director, Daniel Metcalfe. Metcalfe was the founding director of the Justice Department's Office of Information and Privacy, the office tasked with management of Freedom of Information Act policy in the executive branch. As a career attorney at DOJ (he started there in 1971 and left in protest in January 2007), Metcalfe advised the Attorney General and President on information policy. Most notably, Metcalfe drafted the "Reno Memorandum" that rejected the Reagan-era approach to FOIA compliance – permitting the government to refuse to compliance with a request for information if there was any "substantial legal basis" for doing so - in favor of a presumption of disclosure.

Metcalfe established CGS to serve as a base of operations for work on government secrecy. Far from conceiving his work in a siloed fashion, however, Metcalfe, in creating CGS, brought together key players in the Right to Know community and veteran investigative journalists concerned with access to information. Many of these individuals now sit on CGS' advisory board. Metcalfe has worked closely with this board to establish CGS' priorities and inform its activities and recommendations. Thus, CGS further advances cooperation within what is an increasingly energized Right to Know community. CGS is also of significant value to staff of the Transparency and Integrity Fund and the National Security and Human Rights Campaign because through Metcalfe, we are afforded an insider's perspective on the opportunities for and roadblocks to government reform. However, due to shifting priorities in TIF grantmaking strategies, following this grant our support to CGS will either end or be significantly reduced. That decision will be based upon evaluations of CGS' work over the coming year and the project's ability to find alternative sources of funding.

Name of Organization: The Public Justice Foundation of Texas

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

Purpose of Grant: To provide general support

Previous OSI Support: \$295,000
\$75,000 from the Transparency and Integrity Fund (2008)
\$50,000 from Progressive Infrastructure (2007)
\$120,000 from U.S. Justice Fund (2005-2006)
\$50,000 from Law and Society (2001)

Organization Budget: \$350,000

Project Budget: Not applicable

Other Sources of Support:

Winkler Foundation	\$40,000
Beaumont Foundation	\$25,000
Texas Law Firms	\$75,000

Amount Requested: \$100,000 over one year

Amount Recommended: \$175,000 over two years

Term: June 1, 2009 – May 31, 2011

Description of Organization

Founded in 1997, the Public Justice Foundation of Texas (PJFT) is a 501(c)(3) organization established to support eligible exempt activities undertaken by Texans for Public Justice (TPJ), a related 501(c)(4) organization. TPJ's primary mission is to promote open and accountable government and corporate responsibility. Although founded as a 501(c)(4) organization, TPJ typically engages in no lobbying activity. On the few occasions it has expended funds on lobbying activities, it has allocated 100% of those costs to non-foundation, 501(c)(4) income from individual contributions.

Based in Austin, TPJ is Texas' only public interest watchdog group focused on the influence of money on the law and policymaking arenas. Each year, TPJ collects, inventories and audits several hundred thousand data records on campaign contributions and lobbying expenditures, most of which come from disclosures filed with the Texas Ethics Commission. TPJ enhances the data's value by systematically identifying the economic interests behind Texas political action committees (PACs), campaign contributors, and lobbying clients, allowing TPJ to rank the state's top donors, PACs and lobbyists, analyze political money by industry, and identify emerging political trends. The database allows TPJ to analyze contributions to every statewide, legislative and appeals-judge candidate in Texas. This serves as the foundation of most of TPJ's research

projects, and is also made available to the media, advocacy groups, academics, and the public.

Working in partnership with the Justice at Stake Campaign, TPJ's Judicial Reform Project works to document sources of contributions to judicial candidates and expose conflicts of interest. For example, TPJ's research demonstrated the Texas Supreme Court grants *certiorari* at a much higher rate in cases brought by big donors to Supreme Court election campaigns. TPJ's research, demonstrating the extent to which state judges take campaign money from lawyers and litigants with cases before them, has furthered efforts to reform the judicial selection system in Texas and several other states. These reforms include improved public disclosure of judicial records and a prohibition on law firm hiring bonuses to Texas Supreme Court clerks. Most recently, TPJ has begun exposing how judges have illegally used campaign contributions to fund personal, non-election related lifestyle expenses.

TPJ researches, writes, and distributes four to six major reports each year analyzing the impact of campaign finances on state policy in Texas. *Watch Your Assets* investigates the uses of public assets for the benefit of private individuals, and accounts for whether the claims supporting those uses (increased jobs, tax revenues, etc.) are borne out. In 2008, *Watch Your Assets* examined the impact of lax oversight of private prisons. TPJ also produces periodic electronic newsletters. TPJ's program *Lobby Watch* presents case studies to expose how a particular special interest entity employs campaign and lobbying money to promote its agenda.

TPJ's research has been featured in major media outlets including the *New York Times*, *Wall Street Journal*, *American Lawyer*, *New Yorker*, *CNN*, *ABC News*, *NBC News*, *National Public Radio*, and *60 Minutes*. Many in the state credit TPJ with raising the visibility of campaign finance and judicial ethics issues, securing editorial support from Texas newspapers, building consensus around the need for reform, and putting pressure on current and former public officials to acknowledge the current deficiencies in the system and support meaningful reforms.

Description of Program for Which Funding Is Sought

This recommendation is for general support.

Rationale for Recommendation

We recommend a general support grant of \$175,000 over two years. This recommended grant advances the Transparency & Integrity Fund's goals of supporting watchdog organizations at the state level when those organizations form part of a larger network of transparency organizations whose synergies increase the likelihood of reform within a key state. The grant also advances the Fund's goals of supporting advocates for fair and impartial courts in the states.

The Transparency and Integrity Fund recently developed a three-year grantmaking and operational plan. As part of that plan, TIF will deepen and expand its state and local grant-making in several states that are at tipping points on issues central to the Fund. TIF has identified Texas as a high priority state with opportunities for increased transparency and accountability, due in part, to the groundwork that TPJ has laid over the past decade. There are also opportunities for cross-fund collaboration in Texas. A partnership on prison privatization, for example, with the Criminal Justice Fund, looks likely in the next year or so. TPJ will serve as a valuable resource to other U.S. Programs' funds working in Texas.

TPJ is a widely-respected model of a state-level watchdog organization. TPJ's aggressive research program has earned it a national reputation for delivering incisive information to media outlets both in Texas and beyond. In addition, citizens, academics, activists and policymakers regularly use TPJ's information. Its research has led to significant success in one of the nation's most challenging political climates. For instance, TPJ is widely credited with uncovering the corrupt practices that led to the downfall of House Majority Leader Tom DeLay. Its research and public education activities have prompted numerous other campaign finance, ethics and judicial reforms in recent years. TPJ works closely with the *Texas Observer* (also in this docket), writing a regular column on corruption in Texas government for the magazine. TPJ's reports function in tandem with the *Observer's* investigative reporting to reveal the often hidden inner workings of Texas' state government. The two groups are committed to greater collaboration in the coming year through coordination of stories and campaigns. Our hope is that such collaboration will serve to increase the reach and impact of both and have a greater impact on reform efforts of other OSI grantees working in Texas.

TPJ also remains important to our work to protect the independence and integrity of the judiciary. Texas is the largest state operating without limits on campaign contributions, and is one of a handful of states that continues to elect appellate judges through partisan statewide election campaigns. Since its inception, TPJ has worked to raise public concern over the influx of substantial amounts of campaign money in Texas judicial elections, typically in collaboration with other OSI grantees including the Institute on Money in State Politics and the Justice at Stake Campaign. Indeed, TPJ has been a pioneer and national leader in this work, and has served as a model for other state watchdog and judicial reform groups. Its report on how campaign contributions influence the Texas Supreme Court's grant of *certiorari* in cases involving campaign donors is now being copied in Louisiana and elsewhere.

Over the past three decades, Texas has been a leader in the national pro-privatization, anti-public sector trend. Privatization of public assets including prisons and highways, and use of growth subsidies to support private development at public expense, have all served to channel public funds into private hands. TPJ's "Watch Your Assets" program is an important watchdog of the use of public funds for private gain, exposing case after case of promises of public benefit that fell short of purported goals. In our efforts to support work that monitors the negative impact of some such privatization efforts, TPJ's work may present a model to be emulated in states around the country.

Name of Organization: Demos: A Network for Ideas and Action

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

Purpose of Grant: To conduct litigation, public education, and grassroots organizing in New York to end the districting bias created by the Census Bureau’s policy of counting incarcerated people as permanent residents of prison districts rather than their home communities

Previous OSI Support: \$2,650,000
(\$100,000 Chairman’s Special Projects-2009; \$100,000 National Security and Human Rights Campaign-2008; \$250,000 Transparency and Integrity Fund-2008; \$100,000 Chairman’s Special Projects-2008; \$1,000,000 Progressive Infrastructure Grants-2006; \$250,000 Progressive Infrastructure Grants-2005; \$250,000 Strategic Opportunities Fund-2005; \$200,000 Governance and Public Policy Program-2003; \$200,000 Governance and Public Policy Program-2002; \$125,000 Governance and Public Policy Program-2001; \$75,000 Governance and Public Policy Program-2000)

Organizational Budget: \$4,620,217

Project Budget: \$689,062

Major Sources of Support: *Project*

State of New York	\$200,000
Public Welfare Foundation	\$150,000
Individual Contributions	\$32,332

Amount Requested: \$300,000 over one year

Amount Recommended: \$225,000 over one year
(\$150,000 Criminal Justice Fund, T1: 24027)
(\$75,000 Transparency and Integrity Fund, T1: 21093)

Term: July 1, 2009 – June 30, 2010

Description of Organization

Founded in 2000, Demos: A Network for Ideas and Action (Demos) is a New York City-based non-partisan public policy, research, and advocacy organization that works with advocates and policymakers around the country for a more equitable economy with widely shared prosperity and opportunity; a vibrant and inclusive democracy with high

levels of voting and civic engagement; an empowered public sector that works for the common good; and responsible U.S. engagement in an interdependent world. As a national multi-issue organization, Demos combines research, policy development, and advocacy to influence public debates and catalyze change. It publishes books, reports, and briefing papers that illuminate critical problems and advance innovative solutions; works at both the national and state level with advocates and policymakers to promote reforms; helps to build the capacity and skills of key progressive constituencies; projects its values into the media by promoting Demos Fellows and staff in print, broadcast, and Internet venues; and hosts public events that showcase new ideas and leading progressive voices.

Demos has been an OSI grantee since its founding in 2000.

Description of the Project for Which Funding Is Sought

Demos and its partners, the Prison Policy Initiative (PPI) and the Public Policy and Education Fund of New York (PPEF), request funding to conduct public education, grassroots organizing, and litigation in New York to end the districting bias created by Census Bureau's policy of counting incarcerated people as permanent residents of prison districts rather than their home communities.² Specifically, OSI funding will enable Demos and its partners to implement their three-pronged strategy, including the following:

Litigation. Demos will lead a legal challenge in New York to the practice of counting incarcerated people as residents of the prison district for purposes of redistricting, to create a case precedent directly holding that a state violates constitutional or statutory guarantees by continuing to do so. Such a case will be one of "first impression" and thus there is some uncertainty as to its outcome. Successful or not, it will serve several key purposes. It is likely to create uncertainty for state officials about whether current practices can be defended in court and raises the question of whether state resources are best devoted to legal skirmishing or fixing a policy that on its face appears indefensible from the standpoint of fairness and political equity. Moreover, it provides an important springboard to publicize the failings and inequity of the prison miscount and a vehicle around which other organizing strategies may be pursued.

Public education and grassroots organizing. PPI and PPEF will educate the public and mobilize key constituencies to create a favorable climate for reform. Recognizing that urban communities have the most to gain from reform, PPI and PPEF will build support in the major urban areas while reducing the opposition in upstate rural areas with prisons. While the greatest amount of work will be done in New York City, PPI and PPEF's efforts in upstate cities will be important to broaden the base for support and to prevent this from being an upstate vs. downstate issue. With its long experience and history in

² Demos has not requested OSI funds nor has any OSI staff earmarked OSI funds for activities constituting lobbying under U.S. tax law. The project budget submitted clearly differentiates between expenses for lobbying and expenses that are not for lobbying and shows that the project expenses that are not for lobbying are greater than the amount of the recommended grant.

New York and its experienced network of organizers, PPEF will lead coalition building, grassroots outreach, media work, and public events, with a focus in the state's major cities, especially New York City, Buffalo, Rochester, Syracuse and Albany. PPI will provide the necessary research and policy analysis support required by PPEF and implement a rural communications strategy aimed at St. Lawrence, Essex, Franklin and Livingston Counties to weaken rural opposition to reform.

Rationale for Recommendation

This grant would advance the Criminal Justice Fund's interest in reducing harsh punishment in the U.S. by securing the political enfranchisement for and strengthening the political representation of communities most directly impacted by criminal justice policies and resulting practices. The grant would also advance the Transparency and Integrity Fund's interest in protecting the integrity of government institutions by ensuring fair electoral systems.

The Census Bureau's practice of counting incarcerated people as residents of the towns in which they are imprisoned rather than their actual home neighborhoods undermines the goal of fair representation on which the "one-person, one vote" doctrine is founded. Each decade, states use federal census data to update their legislative district boundaries, with the goal of ensuring that districts contain roughly equal population, as required by the federal constitution's "one-person, one-vote" rule. However, the Census counts incarcerated people as "residents" of the city and county of the prison in which they are incarcerated on census day, not as residents of the community from which they come and to which they will likely return, on average, 34 months later.³ The Bureau's current practice was developed two hundred years ago, before prison populations became large enough to distort democratic processes. Today, more people live in U.S. prisons than in our three least populous states combined, and African Americans are imprisoned at more than seven times the rate of whites⁴, resulting in the political disenfranchisement of largely poor, urban communities of color and the disproportionate representational power of largely white rural communities.

The most comprehensive solution to the prison miscount is for the Census Bureau to change its policy and count incarcerated people at home. Despite efforts by Congress to push for change, the Census Bureau squandered critical planning time and this solution is off the table for the 2010 Census. However, states are not without a possible remedy. While states must redistrict each decade, they are not *required*, as a matter of constitutional law, to rely on Census data when drawing legislative districts. Thus, even without a policy change from the Census Bureau, the potential exists for individual states such as New York to undertake the necessary data gathering and to draw their post-2010 legislative districts using data that assigns incarcerated people to their home communities rather than to their upstate prisons.

³ Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics*, 2002, Table 6.38.

⁴ Bureau of Justice Statistics, *Prisoners in 2006*, Table 9.

The political environment in New York now holds the promise that a legal challenge to New York's system of prison-based gerrymandering, combined with a statewide campaign to raise public awareness about this inequitable system, can lead to a policy breakthrough for counting incarcerated people at home in New York, and possibly nationally. New York State has leadership both at the executive and legislative level sympathetic to such reform. Legislation introduced by Senator Eric T. Schneiderman (S. 1934) would provide an alternative to the Census count by requiring alternative counting methods and procedures by the New York State Legislative Task Force on Demographic Research, the Department of Corrections, and the Board of Elections. In addition, because of the research and outreach of Soros Justice Fellow and PPI Executive Director Peter Wagner, opinion leaders in New York are regularly speaking out about the implications of the Census Bureau's counting policy.

Because the Census Bureau sees itself as providing services to the states, which are its clients, change in the states' counting—especially in a large bellwether state like New York—could encourage the Census Bureau to change the way it counts incarcerated people. The Census Bureau considers redistricting to be the second most important use of its data (after congressional apportionment) and wants its data to be used for that purpose. It understands that collecting the Census requires public and policymaker support, so while it seeks to avoid controversy, it has a greater need to ensure that its data is useful. Earlier this month, a state constitutional amendment was introduced in Wisconsin that would end prison-based gerrymandering in that state. New York is not just one of the most critically affected states; it is a large and influential one. A legal challenge and public education and grassroots organizing campaign in New York will expand public and policymaker interest and signal to the Census Bureau growing desire for change in the states by validating the claim by advocates that the Bureau's current data is unacceptable for redistricting and by mobilizing advocates across the country.

Demos and its project partners bring critical expertise to the project and are well positioned to implement this coordinated campaign. In 2006, Demos formally allied itself with the National Voting Rights Institute, a legal center, giving it not only the research and advocacy expertise but also the expert litigation abilities required of this project, and generally, for eliminating barriers to democratic participation in the U.S. Thus, it is ideally suited to lead the litigation and spearhead the campaign. Through its creative use of GIS mapping technology, statistics, and the law, project partner PPI has achieved impressive success at transforming this technical and previously obscure Census issue into a public education and advocacy campaign and established itself—and Soros Justice Fellow Peter Wagner—as the national leader on this issue. Its work has educated the public not only about how redistricting works but also to graphically demonstrate how this delicate process can be skewed by miscounting a sizable portion of the population and thus to undermine our democracy. Project partner PPEFNY has extensive experience leading statewide organizing campaigns and grassroots bases in every New York region, giving the campaign strong legs.

Because of the project's ability to focus the conversation on communities most affected by concentrated incarceration, this project complements OSI's investments in Justice

Mapping and Justice Reinvestment projects by advocating for policies that empower rather than further weaken communities to which large numbers of formerly incarcerated people return. The project also challenges policymakers and the public to understand incarcerated men and women as displaced residents of their neighborhoods, and as assets rather than liabilities to their communities, and stresses the unexpected commonality of interests between urban and rural communities *vis-à-vis* the impact of criminal justice policies. By arguing that Census policies dilute the power of rural towns adjacent to those in which prisons reside, for example, Demos and its partners will incorporate communities often left out of—or positioned on the opposite side of—progressive justice reform campaigns.

For these reasons, the Criminal Justice Fund and the Transparency and Integrity Fund jointly recommend project funding in the amount of \$225,000 over one year. If approved, the Criminal Justice Fund would contribute \$150,000 and the Transparency & Integrity Fund would contribute \$75,000 toward this grant.

Name of Organization: Pew Charitable Trusts

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

Purpose of Grant: To support the Pew Center on the States' Voter Registration Modernization Initiative

Previous OSI Support: Not applicable

Organization Budget: \$262,000,000

Project Budget: \$2,641,700

Other Sources of Support: *Project*

Pew Charitable Trusts	\$1,500,000
Other	\$641,700

Amount Requested: \$500,000 over one year

Amount Recommended: \$500,000 over one year
(\$250,000 Transparency and Integrity Fund, T1: 21093)
(\$250,000 JEHT Emergency Fund, T1: 59959)

Term: August 1, 2009 – July 31, 2010

Description of Organization

The Pew Charitable Trusts conducts independent research on key issues affecting the American public and advocates for nonpartisan policy solutions. It operated for five decades as a private foundation until 2004 when it restructured as a public charity allowing it to operate programs directly. Its state policy initiatives are undertaken by its Center on the States, which researches emerging topics, identifies states employing innovative approaches and documents their effect and provides expertise and support. It currently has major initiatives focusing on early education, sentencing and corrections and the electoral process. Pew Charitable Trusts is headquartered in Philadelphia with offices in Washington, DC.

Description of Program for Which Funding Is Sought

This recommendation is for a grant to support the Pew Center on the States' Voter Registration Modernization Initiative (the Initiative). The Initiative seeks to modernize the way voter registration is conducted at the state level, namely by shifting the onus for registration from the private to public sector, moving from a reliance on paper registration forms to digital data and implementing systems that allow for voter rolls to be automatically updated when a voter moves, changes their name or is deceased. To advance voter registration modernization (VRM), Pew's Initiative would: (1) document

the problems in the current system and construct the case for reform; (2) build consensus around data-driven solutions; (3) address the technical challenges of implementing a modern voter registration system at the state level; (4) evaluate and document the impact of select states' efforts; and, (5) lay the groundwork for successful state level advocacy campaigns by conducting outreach to traditional and non traditional stakeholders.

To construct the case for reform, Pew would build on its extensive research on the U.S. electoral system by examining the issues most relevant to VRM. For example, in the proposed grant period, Pew would analyze the current state of the voting rolls in a sampling of jurisdictions to develop an in-depth picture of where the system fails and conduct a study comparing the costs of the current system of registering voters with possible reforms.

In implementing a modern voter registration system there are numerous technical challenges that Pew would assist election officials to overcome. In June 2009, it brought key state election officials to Toronto to hear from Canada's top officials on how they handled a similar challenge – resolving the technical and administrative issues with an automatic registration system – and following the meeting, is organizing a working group to design a technical and administrative roadmap for a modernized system in the States. Pew would also work with leaders in key constituencies, like election officials, advocacy groups, technical experts and others to conduct and present key findings related to implementation issues, such as getting multiple databases to be interoperable, overall data accuracy and security and cost.

The organization would support states that are implementing the building blocks of a modern voter registration system and document and evaluate the impact. Drawing on the expertise of those that develop the roadmap described above, Pew would advocate in the states for adoption of VRM and form an interstate group of leaders and experts to nurture those pilots as they progress. It intends to support pilot VRM in up to four states in the first year of the Initiative.

Pew would continue its outreach to stakeholders to develop a diverse coalition for reform. Military and overseas voters, as represented by the Alliance for Military and Overseas Voting Rights, would be a partner in Pew's efforts, as would organizations that run voter registration efforts and the related field of community organizations, civic groups, labor unions, environmental organizations and others. Pew's Government Relations team—led by Susan Magill, former chief of staff to Senator John Warner (R-VA)—has already developed strong relationships on Capitol Hill and especially with Republican congressional offices. On the information technology side, Pew would involve the IT staff in state and local election offices for their often underappreciated expertise on potential electoral reforms.

Rationale for Recommendation

The recommended grant to advance voter registration modernization would support the Transparency and Integrity Fund's (TIF or the Fund) priority of ensuring broad and equal

access to the ballot and is its central strategy for doing so. The recommended grant would also recognize U.S. Program's (USP) history of supporting efforts to ensure that every American can participate in the electoral process without impediment and advance the priorities of other current USP funds, such as the Equality and Opportunity Fund, which supports full and equal voting rights for historically underrepresented, marginalized communities.

The United States' current voter registration system is antiquated. It is one of the last governmental systems entirely dependent on paper and is built on outsourcing voter registration to political campaigns, nonpartisan drives and the collection of forms at motor vehicle and public assistance agencies. In the 2008 General Election, approximately three million registered voters did not vote due to voter registration problems. This fragmented system, which varies procedurally from county to county, also leaves one-third of the electorate unregistered and therefore invisible to campaigns and candidates and largely unrepresented and ignored in the ensuing policy debates. In a democracy where elections are the public's greatest tool for holding government accountable to its needs, these realities are unacceptable.

On the heels of the 2008 election and in anticipation of 2010, there is a window of opportunity to address the challenges and implement changes to the electoral system. A number of states, including California, Colorado, Indiana and Kansas, have either passed or are considering legislation that would require the state to make online registration available. In the Senate Rules Committee, Chairman Charles Schumer intends to introduce a major voter registration reform bill this year. While there is momentum for transformative voter registration reform emerging at both the state and federal levels, it is the significant impediments that Pew's Initiative will address.

Pew Center on the States is well positioned to advance VRM at the state level, due at least in part to its network of relationships and reputation, both of which are extremely important given the politically sensitive nature of potential changes to the voter registration system. Over the years Pew has built relationships with secretaries of state, state election directors and local election officials in more than twenty states, including many of the largest and most influential in the country. Its data-driven, strictly nonpartisan approach allows it to position itself as the authoritative, go-to source on state electoral systems reform, and makes it a vital partner in these efforts.

Pew's Initiative is complementary to other efforts supported by TIF. The Fund also supports a national voter registration modernization project being coordinated by the Rockefeller Family Fund, which seeks more comprehensive voter registration reforms than were accomplished under the National Voter Registration Act (NVRA) or the Help America Vote Act. As this national effort will require significant state infrastructure, state efforts to modernize their voter registration systems in advance of any federal action would both increase the momentum for change nationally and prepare states for it. Demos' efforts to ensure state compliance with the NVRA, funded by TIF until no longer needed, would continue to support access to the ballot for primarily low-income populations while more comprehensive electoral reforms advance.

When the JEHT foundation closed, the Pew Center on the States (PCS) lost a significant funder and approximately three million a year in grants. Although this was a significant setback for its Election Initiatives, PCS is still positioned as a leading resource of both election information and innovation. TIF is therefore recommending that additional funds from OSI's JEHT Emergency Fund supplement its own in supporting PCS' important work around voter registration modernization. Support from OSI would increase the likelihood of the Initiative receiving additional funding from Pew Charitable Trusts or other funders in covering any budget shortfalls.

Pew's Initiative is being led by an experienced team capable of managing the varied relationships and approaches the project would require. Michael Caudell-Feagan is the Deputy Director of the Pew Center on the States and oversees its Election Initiatives. David Becker, the project director for Election Initiatives, is a veteran of the Department of Justice's Voting Section and John Lindback, the senior officer for Election Initiatives, just joined this team from Oregon, where he served for more than thirteen years as the state's election director. Lindback is also the outgoing president of the National Association of State Election Directors, where he was involved in ongoing discussions around VRM.

Name of Organization: Defenders of Wildlife

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

Purpose of Grant: To support the Judging the Environment project

Previous OSI Support: *Project – previously housed at Earthjustice*
\$555,000 from Judicial Nominations (2005-2009)

Organization Budget: \$29,841,256

Project Budget: \$350,000 over two years

Major Sources of Support:

Kresge Foundation	\$800,000
Doris Duke Charitable Foundation	\$300,000
National Fish and Wildlife Foundation	\$241,000

Amount Requested: \$300,000 over two years

Amount Recommended: \$300,000 over two years (\$250,000 outright and \$50,000 subject to matching requirements)

Term: September 1, 2009 – August 31, 2011

Description of Organization

Defenders of Wildlife (Defenders) is a national, nonprofit membership organization dedicated to the protection of all native animals and plants in the natural communities. Founded in 1947, Defenders of Wildlife is one of the country’s leaders in science-based, results-oriented wildlife conservation. The organization is particularly engaged in championing the Endangered Species Act and other laws that protect and restore wildlife, safeguard habitat. Based in Washington, DC, Defenders works across international borders and engages in advocacy, public educations, and mobilization of the environmental community.

Description of Program for Which Funding Is Sought

In 2001, Earthjustice launched the *Judging the Environment Project* (the Project) to highlight the issues at stake for the environment in judicial nominations and to work to prevent the confirmation of anti-environment ideologues to lifetime positions on the federal bench. Working in close collaboration with the Constitutional Accountability Center (CAC), another OSI grantee, the Project has worked to:

- Investigate and expose the views of judges and judicial nominees with anti-environmental views on environmental issues;

- Mobilize environmental and other grassroots constituencies to speak out in defense of an independent judiciary and in support of the critical role played by the judiciary in upholding laws enacted to protect the environment;
- Shape public opinion by designing and implementing media campaigns that translate the product of its investigative research into news stories, commentary, and editorials; and
- Urge the defeat of judicial nominees with views antithetical to environmental protection.

Working with the Coalition for Constitutional Values, the Project produces a signature item: *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, Senate staff, journalists, law professors and others needing up-to-the-minute, comprehensive information on developments in this area. *JUD NOMS* has consistently and reliably focused attention on lower court nominations that are of particular importance even though they do not garner as much attention in the media. 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.

Earlier this year, Earthjustice decided that because it appears in Federal Courts with regularity, it did not feel comfortable engaging in advocacy and education about judges that it might appear before once they were confirmed. Thus, the Project worked closely with CAC and OSI staff to find itself a new institutional home. Having weighed many offers, the Project decided to locate its work at Defenders, assuring that its efforts to educate and mobilize environmental and other grassroots constituencies around judicial nominations issues will continue without disruption.

Rationale for Recommendation

The Transparency and Integrity Fund recommends a grant of \$300,000 over two years (with \$50,000 subject to matching requirements). This grant would advance the Fund's goal of supporting innovative and effective efforts to shape discussions concerning the future of the Constitution and the courts. Given the Project's fundamental importance to all members of the Coalition for Constitutional Values, its continued operation is particularly important to other grantees working specifically on federal judicial nominations.

Our prior grants supporting the Project, and two other environmental organizations, Community Rights Counsel and the Environmental Law Institute, were part of a larger effort to highlight the role of conservative judicial activism in eviscerating the environmental protections enacted by Congress in the 1970s. Over the past two years, CAC has shifted its focus away from environmental work and OSI has ended its funding of ELI as a result of funding reallocations. Still, the environmental community's involvement in nominations work remains critically important. Although Americans have

benefited from federal protection of our environment, public health, and natural resources, with major changes in the federal courts, the legal underpinnings of federal environmental law appear to be in serious jeopardy. This year the Supreme Court appears to have begun to make good on long-term conservative efforts to roll back the modern regulatory state. Environmental interests lost all five cases brought to the Court, even though they had prevailed in the lower courts in each case. *The National Law Journal* called it a “Supreme Shutout” in its top story, quoting one business-side environmental litigator to say that the Court’s trend is “business always wins, even when the government’s interest is to the contrary.” It was, one advocate said, the “worst term ever.”

These battles have resonance for a wide array of open society issues. Congress’ power to regulate interstate commerce provides a constitutional basis not only for protecting water, air, and endangered species, but also for ensuring fair wage and labor standards. States employ the doctrine of sovereign immunity not only to avoid compliance with federal environmental regulation, but also to fend off civil rights litigation. And all plaintiffs, not just environmental plaintiffs, are facing increasing restrictions on their right to sue under cramped interpretations of standing doctrine.

With so much at stake, strategists in the Coalition believe that environmentally-conscious Americans – a “mainstream” constituency that spans a spectrum from progressive Democrats to independents to moderate Republicans – are a logical target audience for public education and outreach efforts.

The Judging the Environment project is critical to the overall efforts of the Coalition for Constitutional Values. The *Jud Noms* email provides vital information to every member of the Coalition, regardless of issue interest. Multiple organizations have advised OSI over the past year that they could not do their work absent this Project and the daily information it provides. Glenn Sugameli, the guiding force behind the Project, is a tireless collaborator and one of the most published Coalition members in newspapers around the country. When organizations working on judicial nominations need to review and assess strategies in past nominations battles, judicial nominations efforts need to look back at past nominations battles, the Project archives and can share its comprehensive repository. And Sugameli himself is an encyclopedia of strategy and messaging from the past decade.

Name of Organization: Illinois Campaign for Political Reform

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

Purpose of Grant: To provide general support

Previous OSI Support: \$593,800
\$100,000 from Transparency & Integrity (2008)
\$123,800 from Progressive Infrastructure (2007)
\$290,000 from U.S. Justice Fund (2004-2006)
\$80,000 from Law & Society (2002-2003)

Organization Budget: \$839,000

Project Budget: Not applicable

Major Sources of Support:

Joyce Foundation	\$245,000
MacArthur Foundation	\$100,000
Chicago Community Trust	\$25,000

Amount Requested: \$200,000 over two years

Amount Recommended: \$175,000 over two years

Term: May 1, 2009 – April 30, 2011

Description of Organization

The Illinois Campaign for Political Reform (ICPR) is a nonpartisan public interest group based in Chicago, Illinois. Created as an initiative of the Joyce Foundation, ICPR promotes accountability and transparency in government by securing reforms that address the role of money in politics and building public constituencies to support them. It is the premier government reform group in the state, focusing on election reform, government transparency, and ethics reform.

ICPR plays a lead role in efforts to reform Illinois' corrupt and dysfunctional government, acting as watchdog and organizer. This dysfunction has been particularly visible in the past year with the indictment and resignation of Governor Rod Blagojevich and the appointment of Rod Burris to replace Barack Obama in the U.S. Senate. But such problems have also been on display in the state's costly and contentious judicial election system. Over the last two election cycles candidates raised a combined \$12.7 million from contributors, these large sums casting their impartiality into doubt. ICPR monitors the flow of money in state elections and works with public stakeholders and members of the court on ethics issues and to identify opportunities for reform.

In response to recent scandals, ICPR organized the Change Illinois coalition. This coalition brings together business and bar leaders, labor unions, members of the faith community, grassroots organizations, and good government advocates, to push for fundamental reform of the state's government ethics rules and laws. The coalition unites vested insiders and public stakeholders of all political affiliations. On judicial reform matters, ICPR works with justices of the Illinois Supreme Court, bar leaders, business and civic leaders, and OSI grantees such as Justice at Stake, the National Center for State Courts and the Brennan Center to develop model rules and reforms, review draft legislative proposals, seek input from the public and engage in public education efforts.

In addition to its organizing and advocacy efforts, ICPR is also a leading nonpartisan resource for the media, voters and other organizations. ICPR was the "go-to" group when national media sought comment on the Blagojevich scandal and in the state it remains a vital resource on judicial elections issues. For instance, prior to Illinois' February 5, 2008 primary elections, ICPR sent questionnaires to judicial candidates seeking answers as to their ability, experience and relationship to peers and clients (but not their opinions on specific cases or issues). The nonpartisan voter guide was published online and distributed electronically. ICPR also provided regular updates to the media on the sources and amounts of campaign contributions to judicial candidates. Its analyses shaped statewide coverage of the elections.

Description of Program for Which Funding Is Sought

The recommendation is for general support.

Rationale for Recommendation

The Transparency and Integrity Fund recommends a two year grant of \$175,000. The recommended grant advances the priorities of the Transparency and Integrity Fund (TIF) because ICPR confronts threats to the independence and impartiality of the judiciary. Given the reallocation of funds across TIF portfolios resulting in a reduction in funding for judiciary-related work, this would serve as a tie-off grant to ICPR.

Illinois has become the poster child for government corruption. The Blagojevich scandal that erupted in late 2008 brought national attention to the state's problems with political corruption and spurred widespread call for reforms. The new Governor created a Commission to explore reform and much talk of change echoed in the halls of the statehouse. The most exciting development was the ICPR-led Change Illinois coalition which brought together a genuinely diverse group of individuals and organizations to call for reform. Yet despite the Commission's recommendations and widespread pressure for change from outside government, only a weak bill, described as "awful" by ICPR Executive Director Cindy Canary, passed earlier this summer. The defeat seems to have only further angered and energized coalition members to work for meaningful reform in 2010.⁵

⁵ OSPC provided a small (c)(4) grant to support ICPR's lobbying efforts on this bill.

On the judicial reform front, ICPR continues to play a vital role. In 2010 there will be three vacancies on the Illinois Supreme Court. If the recent past is any indication, big money and attack ads will raise questions the integrity of the winners of those races. Between 2004, when \$9.3 million was raised by candidates in a Supreme Court race, and 2006, when \$3.4 million was raised in an appellate court race, ICPR recognized and publicized the growing involvement of national special interest groups in local judicial elections. As Illinois has become a national battleground and expenditures by independent groups rise, public confidence in the courts has declined. A 2005 survey found that 85% of Illinoisans believe that court rulings are influenced by campaign contributions.

ICPR is one of the most respected reform groups in the state, and its proven leadership skills will be critical in building support for government and judicial reform. This is due in large part to the impressive abilities of ICPR's executive director Cynthia Canary, a former director of the Illinois State Bar Association and the Illinois League of Women Voters. She is a key player in the strategy group that develops Justice at Stake's (JAS) national campaign strategy and serves on the JAS national Board of Directors. We have always considered ICPR to be one of the most impressive state organizations in the Justice at Stake Campaign. On a recent site visit, OSI staff was once again impressed by its grasp of the political landscape in Illinois and its connection to regional and national groups working on similar issues.

Given shifts in the Transparency & Integrity Fund's funding allocation across issue areas, as well as changes to its state-based grantmaking strategy, this recommended grant would be a tie-off grant to ICPR. TIF seeks to coordinate and consolidate its state-specific work in a limited number of states and Illinois is not among those chosen for its focus. TIF staff believe that a two year, general support grant is nonetheless proper given that OSI has been ICPR's second-largest supporter over six years and because the group continues to be an important partner in other national efforts. Finally, it is recommending a two-year tie-off out of respect for the long partnership OSI has had with the Joyce Foundation in supporting ICPR. Given that TIF hopes to partner with Joyce in state-based transparency efforts in Wisconsin, it believes it is important to maintain strong relations with them.

Name of Organization: Judge David L. Bazelon Center for Mental Health Law

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

Purpose of Grant: To expand the Center’s legal research, issues education and coalition-building around judicial nominations.

Previous OSI Support: \$3,110,714
\$2,053,000 from U.S. Justice Fund (1997 – 2009)
\$200,000 from Progressive Infrastructure (2007)
\$303,000 from Independence of Judiciary (2005)
\$554,714 from PDIA (1998 – 2001)

Organization Budget: \$3,263,314

Project Budget: \$447,055

Major Sources of Support:

MacArthur Foundation	\$120,000
MAGNA-Olmstead Federal Contracts	\$85,000
Annie E. Casey Foundation	\$65,000

Amount Requested: \$200,000 over two years

Amount Recommended: \$150,000 over two years

Term: October 1, 2009 – September 30, 2011

Description of Organization

The Judge David L. Bazelon Center for Mental Health Law (Bazelon) is a nonprofit legal advocacy organization, based in Washington, D.C., with over 30 years of experience advocating for the mentally ill and disabled through litigation and federal policy initiatives. Bazelon is also active in national policy coalitions that advocate on behalf of children and adults with mental disabilities and, more recently, the mentally ill who are incarcerated or at risk of incarceration. The National Council on Independent Living (NCIL), Bazelon’s partner on this grant, is a cross-disability, non-profit, grassroots membership organization that uses organizing and advocacy to advance independent living for, and the rights of, people with disabilities.

Description of Program for Which Funding Is Sought

For the past four years, Bazelon (in partnership with NCIL since 2007) has run a program to bring the concerns of the disability rights community to discussions and debates over the future of the federal judiciary. Bazelon and its partners have monitored the progress of all federal judicial nominations; investigated the background, record, and public statements of nominees; and used that information to educate and mobilize the disability

rights community and the larger civil rights community around its concerns. Bazelon is an active member of the Coalition for Constitutional Values (the Coalition) and participates on the Leadership Conference on Civil Rights' (LCCR) communications taskforce. NCIL is a member of LCCR's grassroots taskforce.

The project's most significant activity is Bazelon's in-depth legal and factual research on the records of nominees and potential nominees to the federal bench, particularly as they related to people with disabilities. The group shares this information with Coalition members, other organizations in the disability rights community, the media, and key decisionmakers in government. Bazelon's experience in defending the Americans with Disabilities Act (ADA) has been of particular value here, allowing the organization to develop a heightened awareness of the many ways in which the ADA has been undermined by judicial decisions.

NCIL, with 700 institutional members nationwide, brings to the partnership with Bazelon both a grassroots presence as well as experience in Washington advocacy. NCIL disseminates messages on judicial nominations through its weekly advocacy monitor, action alerts, and *Independence Today*, a newspaper with a monthly readership of 300,000. NCIL works with its members to craft op-eds, to communicate messages on judicial nominations and specific nominees, as it did during the past administration. NCIL will also engage in targeted grassroots outreach through its coalition partners when appropriate.

Rationale for Recommendation

The Transparency and Integrity Fund recommends renewal support of \$150,000 over two years. This grant would advance the Fund's goals of supporting effective efforts to shape discussions concerning the future of the Constitution and the courts. Given the reallocation of funds across TIF portfolios resulting in a reduction in funding for judiciary-related work, this will serve as a tie-off grant to Bazelon.

People with disabilities have been particularly affected by conservative judicial activism. In cases involving federalism and state sovereign immunity, an increasingly conservative federal judiciary has gradually weakened the protections of the ADA (enacted during the first Bush Administration with strong bipartisan support), and has threatened other social safety net protections upon which disabled people depend.

Bazelon and NCIL have joined together to address this emerging threat to the hard won rights of the disabled. Their partnership melds Bazelon's expertise on legal and policy issues involving the disabled with NCIL's grassroots reach. Before OSI's first grant to Bazelon in 2005, the organization was not known as a "usual suspect" on this issue. That was traditionally the role of ADA Watch, which is facing possible closure this year. Thus Bazelon's work, particularly with NCIL, is only becoming more important as the disability rights community has provided a great deal of grassroots strength in fights over the future of the judiciary.

The need for this project has not abated in a new administration, as demonstrated by the recent nomination of Judge André Davis to the U.S. Court of Appeals for the Fourth Circuit. Bazelon was the only group in the Coalition for Constitutional Values whose research revealed past rulings by Davis that contravened to the intent of the ADA. Bazelon led a meeting of disability groups with White House staff to express the community's concerns. The result was a commitment by the White House to more closely analyze disability rights issues in vetting future nominees. Bazelon's research also served as a reminder to Coalition members that the concerns of disability groups must play a more prominent role in future discussions.

Name of Organization: League of Women Voters Education Fund

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

Purpose of Grant: To provide support for the League’s project *Safeguarding U.S. Democracy: The Quest for a Diverse Judiciary*

Previous OSI Support: \$1,738,020
\$330,000 from Transparency and Integrity Fund (2007)
\$718,000 from U.S. Justice Fund (2004 – 2007)
\$575,020 from Law and Society (2000 – 2003)
\$115,000 from U.S. Programs (1997, 2004)

Organization Budget: \$2,017,977

Project Budget: \$381,089

Major Sources of Support: *Project*
League of Women Voters \$13,600

Amount Requested: \$381,089 over two years

Amount Recommended: \$330,000 over two years

Term: July 1, 2009 – June 30, 2011

Description of Organization

The League of Women Voters of the United States is a nonpartisan membership organization, with over 850 state and local chapters. Based in Washington, DC, its mission is to encourage the informed and active participation of all citizens in government and to increase understanding of major public policy issues. Its 501(c)(3) affiliate, the League of Women Voters Education Fund (LWVEF), provides League organizations, and the wider public, with information and educational services on important issues of public policy.

Description of Program for Which Funding Is Sought

LWVEF seeks support for a new project: *Safeguarding U.S. Democracy: The Quest for a Diverse Judiciary* (the Project). The Project would work in two states to promote ethnic, racial, and gender diversity on the state and federal courts in two states: Kansas and Colorado. The Project has three goals: 1) to educate the judicial nominating commissions in both states about the importance of diversity; 2) to build a diverse network/coalition to support adoption of policies that will result, in time, in a judiciary that is more diverse; and 3) to increase the level of awareness among citizens about the importance of a diverse judiciary and engage people in ongoing efforts to diversify the bench. Lessons

learned in efforts in these two states would serve to develop campaigns in other states after this initial two year effort.

Working with Justice at Stake, the Brennan Center for Justice, and the Infinity Project (all OSI grantees), state and local Leagues will work with the national League to create and distribute educational materials on diversity. Local leaders will collaborate to develop a campaign plan, combining public education with direct advocacy to nominating commissions, teaching them about unconscious bias and sharing best practices for diversifying the pool of candidates and engaging in better outreach to underrepresented communities.

The efforts involved in this project would build on and continue the gains made by LWVEF's Judicial Independence Project, launched in 2001 with OSI support, to raise the visibility of judicial independence issues among the League's membership and to create incentives for state and local League chapters to develop citizen education campaigns related to the judiciary. Past OSI grants funded the salary of the Project's national coordinator, based in LWVEF's national office, who is tasked with providing support to individual chapters as needed and ensuring that information is shared among them. The project coordinator also serves as liaison to Justice at Stake Campaign partner organizations, helping to connect League chapters with the resources the national groups can provide. The Project has raised the profile of judicial independence issues among the League's membership, catalyzing judicial independence projects across the country and making possible this more focused new effort.

Rationale for Recommendation

The Transparency and Integrity Fund recommends a grant of \$330,000 over two years. This grant would advance the Fund's goal of supporting efforts to diversify the judiciary at the state and federal levels. It would also advance the Fund's goal of sustaining funding to core judicial independence organizations. Finally, it would advance the Fund's overarching goal of supporting and facilitating work that ensures that a diversity of voices is represented across government institutions.

This Project represents an important departure from the League's past efforts on judicial independence. Over the past decade the League has done more than any other group to spread the message about judicial independence in state capitals, cities, and towns around the nation. But with the judicial diversity remaining a significant problem in courts around the nation, the League decided to take a more targeted approach to attacking the problem, and has thus conceived of these state-based campaigns. The choice of Kansas and Colorado came after much consideration by the League, which assessed which state chapters are most interested in and capable of carrying out such a campaign as well as looking at states where the need is greatest. In Kansas, only 11% of state district court judges are women while Latinos represent only 4 of the 186 judges and African-Americans only 3 of 186 judges statewide. Colorado's courts show slightly better yet still dismal numbers. Even minimal progress would represent a major step forward in these states.

LWVEF plays an important role in the Justice at Stake Campaign. It is one of the only national partner organizations that can call on grassroots “foot soldiers.” It also brings unparalleled “brand recognition” as a nonpartisan voice for good government and civic engagement. In the decentralized culture of the League, the centralized support offered by the Project (including technical assistance and mini-grants to underwrite the costs of hosting forums and publishing reports – which will continue albeit at a significantly reduced level with this grant) has proven to be an effective way of supporting action by local Leagues around the country.

Name of Organization: National Partnership for Women and Families

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

Purpose of Grant: To provide support for the Judicial Nominations and Federal Court Initiative

Previous OSI Support: \$2,660,000
 \$600,000 from Progressive Infrastructure (2006 – 2007)
 \$675,000 from Women’s Rights (2004 – 2006)
 \$1,100,000 from Reproductive Rights (1998 – 2005)
 \$30,000 from SOF (2005)
 \$35,000 from President Grants (1997 – 2003)

Organization Budget: \$6,446,829

Project Budget: \$952,392 over two years

Major Sources of Support: *Project*

National Partnership Operating Funds	\$180,088
Legal Advocates for Women	\$30,000
Marjorie Cook Foundation	\$30,000

Amount Requested: \$300,000 over two years

Amount Recommended: \$200,000 over two years

Term: October 1, 2009 – September 30, 2011

Description of Organization

The National Partnership for Women and Families (NPWF), founded in 1971 as the Women’s Legal Defense Fund, is a Washington, DC-based nonprofit, nonpartisan organization that uses public education and advocacy to promote fairness in the workplace, quality health care and policies that help women and men meet the dual demands of work and family.

Description of Program for Which Funding Is Sought

NPWF’s *Judicial Nominations and Federal Court Initiative* (the Initiative) is a campaign of public education, research, communications, and media outreach to ensure a strong voice for women and working families in debates over the future of the federal judiciary and federal court nominations. The Initiative has several components:

- *Leadership role in nominations through provision of technical assistance to key decision makers.* Efforts on this front include making recommendations on potential nominations (particularly focused on potential female nominees),

- *Judicial research and analysis.* NPWF staff conduct in-depth research on the background and records of potential federal court nominees. This research serves as the basis for reports, fact sheets, and statements on nominees once they are announced. This research looks particularly at nominees in relation to critical legal issues affecting women and families, such as employment discrimination and reproductive freedom.
- *Participating as Amicus Curiae in cases that will affect constitutional rights and anti-discrimination law.* NPWF engages in a targeted *amicus* brief program to support and defend important civil rights laws. For instance, this year NPWF coordinated a brief for a coalition of women’s organizations in *Ricci v. City of New Haven*, the Title VII firefighters case in which the Court overturned past interpretations of employment discrimination law.
- *Communications Strategy.* NPWF works with the Coalition for Constitutional Values to develop messages on nominations and the federal courts. Of particular interest to NPWF are messages that resonate with women and identification of effective spokespeople to carry that message. Communications efforts are ramped up for Supreme Court nominations (as is now the case with the Sotomayor nomination), increasing outreach to the media and NPWF’s members and allies as well as working with the Coalition to mobilize key constituencies.

Rationale for Recommendation

The Transparency & Integrity Fund (TIF) recommends a grant of \$200,000 over two years. This grant would advance the Fund’s goals of supporting effective efforts to shape discussions concerning the future of the Constitution and the courts. It also would advance the Fund’s goals of supporting efforts aimed at diversifying the judiciary. Given the reallocation of funds across TIF portfolios resulting in a reduction in funding for judiciary-related work, this will serve as a tie-off grant to NPWF.

Women have a particularly strong stake in the current national debate over the future of the federal judiciary. In cases such as *Ledbetter* and *Ricci*, the Roberts Court has shown a willingness to overturn hard-won and long standing protections against discrimination. In *Carhart*, the Court showed a troubling disregard for the reproductive rights (and basic autonomy) of women. Thus, providing support for NPWF brings a particularly important voice to discussions of the federal courts and judicial nominations.

NPWF is in a position to help activate women and shape public opinion on future nominations, both in terms of what is at stake for women and how particular nominees are likely to affect the rights, liberties, and well-being of American families. NPWF brings a depth of experience on issues of reproductive freedom and civil rights. It also has unique expertise on a range of legal issues affecting working women and families –

including the legal parameters of cutting edge work/family policies, sexual harassment and pregnancy discrimination, fair pay and benefits, hiring and promotion, and health care and pension plans.

Its high quality work and reputation has also made it a trusted resource for the current administration, which has sought NPWF's strategic advice and counsel in the discussions leading up to specific nominations. NPWF's former General Counsel Jocelyn Frye, who oversaw NPWF's judicial nominations work, is now Director of Policy and Projects for First Lady Michelle Obama. Thus, NPWF's interest in expanding the number of women on the bench may be well received in the next few years.

NPWF has been a long-time OSI grantee, primarily in the area of women's health, with a demonstrated track record of success. The National Partnership has been a leader in mobilizing women's organizations, low-income health advocates, and a broad array of influential people and groups to oppose policies that threaten all working families, but especially those of poor women and women of color. Judith Lichtman, NPWF's founder and now Senior Advisor, has been an influential force for women in federal policy circles for close to three decades. Her successor Debra Ness, appears to be following in Lichtman's footsteps as a highly regarded and effective leader.

Name of Organization: National Senior Citizens Law Center

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

Purpose of Grant: To provide support for the Center’s Federal Rights Project

Previous OSI Support: \$1,523,200
\$170,000 from Democracy and Power Fund (2008)
\$500,000 from Progressive Legal (2007)
\$600,000 from Judicial Nominations (2003-05)
\$203,200 from Law & Society (2000-03)
\$50,000 from Emma Lazarus (1997)

Organization Budget: \$1,690,000

Project Budget: \$500,000

Major Sources of Support:

California Endowment	\$300,000
Administration on Aging	\$150,000
Public Welfare Foundation	\$75,000

Amount Requested: \$350,000 over one year

Amount Recommended: \$500,000 over two years (\$350,000 disbursed in year one and \$150,000 in year two)

Term: June 1, 2009 – May 31, 2011

Description of Organization

The National Senior Citizens Law Center (the Center) is a public interest law center specializing in constitutional and statutory issues affecting the aged. It is the only national organization principally dedicated to alleviating the legal problems of the elderly poor. Based in Washington, D.C., the Center advocates nationwide to promote the independence and well being of low-income elderly individuals and people with disabilities, with particular emphasis on women and minorities. The Center also assists local advocates with advice, materials and training.

Description of Program for Which Funding Is Sought

The Center is home to the *Herbert Semmel Federal Rights Project* (the Project), the mission of which is to oppose dangerous conservative legal theories that restrict enforcement of federal civil rights and public benefit laws in the name of “federalism,” “pre-emption,” and “state sovereign immunity.” Over the past few years, the Project’s primary goal has been to frame popular and elite understandings of the federal courts,

helping the public see the ways in which the courts are distorting American constitutional law to advance a partisan agenda.

The Project combines litigation, policy advocacy, communications, and coalition building to push back against conservative jurisprudence. It works to develop legal theories and provide training and brief writing assistance for allied organizations. Through its federal rights listserve, the Center helps coordinate the response to conservative judicial activism –providing information, education and technical assistance to a broad field of civil rights, public interest and legal aid advocates on these complex and rapidly changing areas of the law. The Project’s policy-based efforts focus on judicial nominations. In doing this work the Project collaborates with the OSI-supported Coalition for Constitutional Values to mobilize senior citizens around federal court issues.

As the Supreme Court’s jurisprudence has taken a sharp turn to the right, the Project’s mission has taken on a new urgency. As it has since the Project’s origins in 2000, the Center has connected the dots between a disparate set of Supreme Court decisions to show how the Court is systematically rolling back state and federal laws that have long protected citizens and limiting the ability of people to vindicate long-established constitutional and legal rights. The Project has ramped up its communications and coalition building efforts. Over the past two years Project head Simon Lazarus and his staff have published numerous articles in *The American Prospect*, *The New Republic*, *Roll Call*, *Clearinghouse Review*, and a variety of blogs. The Center has also collaborated with the American Constitution Society, the Center for American Progress, and Constitutional Accountability Center to develop common talking points for allies discussing the Roberts Court and Federal judicial nominations with the media. The Project proposes continuing these efforts over the next two years. More specifically, the Project will:

- *Refocus the national conversation about the courts to stress the impact of law and courts on the basic needs of ordinary persons* through publications, effective communications, and outreach to progressive advocacy communities, Congress, and the Obama administration;
- *Prevent judicial expansion of Rehnquist and Roberts Court doctrines that obstruct court access to enforce rights under civil rights, safety net, consumer, and other progressive laws* through publications, the Project’s Federal Rights list-serve (linking hundreds of advocates nationwide), seminars, conferences and other training venues, technical assistance to courtroom advocates, and strategic participation in litigation;
- *Persuade Congress and the Obama administration to prioritize restoring Congressional authority vis-à-vis the judiciary, revitalizing progressive laws undermined by Supreme Court decisions, and preventing judicial subversion of statutory reforms* through publications, one-on-one meetings with Congressional leaders and staff, and coalition activity with influential opinion leaders (i.e. Unions, constituency organizations, etc).

Rationale for Recommendation

The Transparency and Integrity Fund recommends a grant of \$500,000 over two years (with \$350,000 disbursed in year one and \$150,000 in year two). This grant would advance the Transparency & Integrity Fund's goal of supporting the most innovative and effective efforts to shape discussions concerning the future of the Constitution and the courts.

The Project is led by Simon Lazarus, one of the leading thinkers and strategists in the community of organizations supported TIF's judiciary portfolio. In past work for OSI, Lazarus has shown a keen understanding of the Court, the politics of the nominations process, and the importance of framing the Court in clear terms for the media, advocates, and the public. Lazarus (often in collaboration with the Constitutional Accountability Center's Doug Kendall) has laid out a strategic vision for judicial nominations and Federal Courts work that is unmatched in the field (see attached). He has assembled a solid team of thoughtful and productive attorneys who have effectively worked with coalitions such as the OSI-supported Coalition for Constitutional Values and the National Campaign to Restore Civil Rights to multiply the power of the constituencies fighting the conservative assault.

Over the past two years the project has proven itself to be a selfless and key collaborator within the Coalition for Constitutional Values. The Project was among the first to understand the value of "civics class" approaches to messaging on judicial nominations, and in the past five months has gently steered Coalition members in that direction. People for the American Way's Marge Baker (one of the Coalition's co-chairs) gives Simon Lazarus the highest praise for his insightful feedback and thinking. The Project's staff has also established a strong and trusting relationship with the Senate Judiciary Committee's (SJC) staff and leadership, working closely with them on strategic messaging and (non-lobbying) activities. For instance, last summer the Project was primarily responsible for orchestrating a series of SJC hearings on how the Roberts Court has been systematically undermining civil rights laws and other laws (such as ERISA) and thus hitting Americans in their pocketbooks. Since those hearings, SJC Chair Senator Leahy has adopted the Project's approach to messaging on the courts and judicial nominations.

Perhaps most impressive has been the Project's media output, unparalleled by Coalition members with larger staffs and professional communications departments. Over the past two years, the Project has published numerous articles in *The American Prospect*, *Roll Call*, *The New Republic*, *The Nation*, *the Guardian*, and through New America Media. When the Supreme Court handed down its disturbing decision in *Gross v. FBL Financial Services*, radically re-writing the Age Discrimination in Employment Act, it was the Project that called the case to the media's attention, appearing in print and on radio across the nation. But most impressive is how the Project's efforts have helped reshape discussions of the Supreme Court and federal law, notably influencing Jeffrey Rosen's rethinking of the Court in his May 2008 *New York Times Magazine* cover story, "Supreme Court, Inc."

Despite its excellent record, the Project remains an under-recognized and under-funded star in the constellation of organizations working on federal courts issues. We have worked closely with the Project to develop new donor relationships and have made clear that the Project must find other sources of funding to supplement OSI's support. This recommendation would provide reduced funding compared to the Project's most recent support levels (the Project received \$420,000 in the most recent grant year).

Name of Organization: National Women’s Law Center

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

Purpose of Grant: To provide renewal support to the Center’s Federal Courts and Administration of Justice Project

Previous OSI Support: \$2,540,000
\$1,200,000 from Judicial Nominations (2003 – 2009)
\$340,000 from U.S. Justice Fund (1997, 2004)
\$1,000,000 Reproductive Health (1998 – 2003)

Organization Budget: \$10,990,180

Project Budget: \$925,000

Major Sources of Support: *Project*
Anonymous \$250,000

Amount Requested: \$425,000 over two years

Amount Recommended: \$250,000 (\$150,000 disbursed in year one and \$100,000 in year two)

Term: September 1, 2009 – August 31, 2011

Description of Organization

The National Women’s Law Center (the Center), founded in 1972, is a leading national legal advocacy group for women and girls. Based in Washington, DC, the Center employs litigation, advocacy and public education strategies to address issues affecting the lives of women and girls, including education, employment, family economic security, and health – with special attention given to the needs of low-income women and their families.

Description of Program for Which Funding Is Sought

The Center has a long history of working on issues relating to the Supreme Court and other federal judicial nominations. The Center is an important and active member of the Coalition for Constitutional Values (the Coalition). It is also a core member of the Alliance for Justice and leader of the pro-choice coalition on judicial nominations (formerly known as the Joint Emergency Campaign for Choice).

Through its *Federal Courts and Administration of Justice Project* (the Project), the Center works to ensure a fair and balanced judiciary committed to preserving and expanding core legal protections on which women and other Americans rely, with a focus

on engaging opinion leaders and other elites on the issue of judicial nominations. The Project is composed of three mutually reinforcing initiatives:

- *Research, analysis and strategic advocacy.* Through its *Watching the Courts – Women’s Rights at Stake* initiative, the Project monitors the decisions of federal courts and broadly disseminates – via its blog, website, electronic communications, and coalition partners – analyses and comments on decisions involving critical legal rights for women. It also publishes annual updates of its seminal report, *The Supreme Court and Women’s Rights*, which highlights recent Supreme Court decisions and describes the impact that new justices can have on women’s fundamental legal rights. Through these efforts, the Center seeks to demonstrate the importance of judicial nominations to women’s legal rights.
- *Coalition building and outreach to key constituencies.* In its role as coalition leader and go-to resource on judicial nominations issues, the Center reaches out to key constituencies with which the Center has well established connections and credibility (such as women’s and civil rights groups, national, state, and women’s bar associations, law students, and attorneys around the country), to educate them on the issues at stake for women.
- *Public education and communications.* Through media outreach, speaking engagements, online communications and a variety of other approaches, the Project works to educate a target audience of legal advocates, journalists, policymakers, White House staff, and Hill staffers about the issues of concern to women in judicial confirmations. Since May, it has been working closely with the Common Purpose Project to educate the public and the Center’s constituents about what is at stake in the Sotomayor nomination.

Rationale for Recommendation

The Transparency & Integrity Fund recommends a grant of \$250,000 over two years. This grant would advance the Fund’s goals of supporting effective efforts to shape discussions concerning the future of the Constitution and the courts. However, given the reduction in funding for judiciary-related work, this will serve as a tie-off grant to the Center.

The Center continues to play a leadership role on federal judicial nominations issues. Through its role as co-chair of both the Steering Committee of the Leadership Conference’s Coalition for Constitutional Values and a coalition of women’s and pro-choice groups working on judicial nominations issues (formerly known as the Joint Emergency Campaign for Choice), the Center serves as a bridge between the civil rights and women’s/reproductive rights communities – helping to ensure more cohesive strategies on judicial nominations issues. It is the Center that deserves greatest credit for educating the public on the significance and impact of the Supreme Court’s egregious *Ledbetter* decision, an effort that led to President Obama signing the Lilly Ledbetter Fair Pay Act in the first weeks of his term.

Center Co-President Marcia Greenberger is an important strategist in the field, invited by Democratic Senators to testify to the Senate Judiciary Committee on the Senate’s “advice

and consent” role, and frequently consulted on an off-the-record basis. She is also actively involved in collaborative efforts with the Common Purpose Project on the Sotomayor nomination.

The Center’s work remains highly valuable, particularly in these first two years of a new administration, when there is the greatest room to reframe and influence debates over the present and future of the judiciary. Furthermore, the Center has long relied upon OSI funds for its work on nominations and other issues. Thus, we recommend a two-year tie-off grant to the Center, allowing the organization to continue working on nominations while seeking alternative sources of funding. Given the continuing nominations battles over Supreme Court and Court of Appeals nominations, the Center’s expertise and efforts will be sought and required in the next few years.

Name of Organization: William J. Brennan Jr. Center for Justice

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

Purpose of Grant: To provide general support

Previous OSI Support: \$11,620,347
 \$807,715 from Strategic Opportunities Fund (2009, 2006, 2005, 2003)
 \$223,414 from JEHT Emergency Fund (2009)
 \$2,881,218 from U.S. Justice Fund (2008-2004, 2002-2000, 1997)
 \$2,625,000 from Progressive Infrastructure (2007, 2006)
 \$60,000 from OSI-Baltimore (2006)
 \$1,223,000 from Independence of Judiciary (2004-2002, 1997)
 \$1,000,000 from Governance and Policy (2002)
 \$2,270,000 from Law and Society (2001-1997)

Organization Budget: \$7,357,278

Project Budget: Not applicable

Major Sources of Support:

Carnegie Corporation	\$900,000
Joyce Foundation	\$400,000
Tides Foundation	\$395,000

Amount Requested: \$2,000,000 over two years

Amount Recommended: \$1,250,000 over two years
 (\$750,000 Transparency and Integrity Fund, T1: 21093)
 (\$300,000 Criminal Justice Fund, T1: 24013)
 (\$200,000 National Security and Human Rights, T1: 21095)

Term: July 1, 2009 – June 30, 2011

Description of Organization

The William J. Brennan Jr. Center for Justice at New York University School of Law (the Brennan Center) is a non-partisan public policy and law institute that focuses on fundamental issues of democracy and justice. The Brennan Center was founded in 1996 by the former clerks of Justice William Brennan to honor Justice Brennan’s vision of a “living constitution” that enshrines human dignity, equal opportunity and democratic participation as its core values. Based in New York (with offices in Washington, DC and Los Angeles), the Brennan Center’s work ranges from voting rights to redistricting reform, from access to the courts to presidential power in the fight against terrorism. A singular institution—part think tank, part public interest law firm, part advocacy

organization—the Brennan Center combines scholarship, legislative and legal advocacy, and communications to win meaningful and measurable change in the public sector.

The Brennan Center’s work is divided into two programs: the Democracy Program and the Justice Program. The Democracy Program seeks to improve the ways in which citizens participate in their government by ameliorating, or amending where possible, the systems that discourage voting, hinder competition and promote the interests of the few over the rights of the many. This program houses projects related to fair courts, redistricting, voting rights and elections, felon disenfranchisement, campaign finance reform, and reform of New York state government. Its Fair Courts Project has been the research backbone of the Justice at Stake campaign since the time OSI began funding judicial independence work. Its Voting Rights Project is a leader in the push for universal voter registration, working on policy, litigation, and public education fronts to shape the discussions on that issue.

Brennan’s other program, the Justice Program, is dedicated to justice system reform that reduces the gap between the promise of equal justice and the day-to-day reality in American courts and communities. The Justice Program houses projects related to civil justice, criminal justice, economic opportunity, liberty and national security, and non-profit rights. The civil justice project focuses primarily on the provision of legal services and the right to counsel for people living in poverty. The criminal justice project works on issues of indigent defense, punitive criminal court fees, sentencing reform, and felon disenfranchisement (the latter in conjunction with the Democracy Program). Since 9/11, the Liberty & National Security Project has fought to restore checks and balances to executive power and restore respect for basic constitutional values in the fight against terrorism.

Over the past three years, with OSI support, the Brennan Center has undergone a significant strategic planning process and brought on board a new Executive Director, Michael Waldman. The strategic plan that was developed reaffirmed Brennan’s commitment to research and policy development, diligent and careful litigation, and technical assistance to government leaders and policy advocates. Both the plan and new initiatives following the arrival of Michael Waldman seek to increase Brennan’s public profile through strategic communications and a more visible footprint at the Federal level.

Description of Program for Which Funding Is Sought

This recommendation is for general support, and results from a process that we have undertaken across US Programs to streamline its grantmaking. To this end, where appropriate, it is moving grantees receiving multiple project grants from our various funds and campaigns into a single fund and converting the project support into general support. This makes particular sense in Brennan’s case where USP funds have been providing project support to almost every program within that organization.

Rationale for Recommendation

The Transparency and Integrity Fund, the Criminal Justice Fund, and the National Security and Human Rights Campaign plan to grant Brennan a total sum of \$2 million over 2 years. Due to budget constraints within TIF, however, is is able to recommend a grant of \$1,250,000 over two years (\$1 million in year one; \$250,000 in year two).⁶ The grant would advance the Transparency and Integrity Fund's goals of increasing the integrity of the electoral system and the judiciary through advocacy, education, and litigation. The grant would advance the Criminal Justice Fund's interest in reducing harsh punishment by securing voting rights and expanding the civic engagement of people with criminal records and its goal of securing fair and equal access to justice through systemic reform by strengthening the relationship between public defenders and their communities. And the grant would advance National Security and Human Rights Campaign's goal of strengthening the capacity of core organizations to advocate against a range of abusive counterterrorism policies and for more progressive national security policies that respect civil liberties, human rights, and the rule of law.

As U.S. Programs has begun its effort to identify and provide ongoing support to "core" grantees, there was no question but that the Brennan Center would be among those groups. OSI began funding Brennan for its judicial independence work in 1999, and since then has awarded the organization over fifty grants from multiple funds within OSI for work on a wide range of U.S. Programs priorities. In addition to the breadth and depth of Brennan's relationship to OSI (internationally and domestically), Brennan's "core" status is also based on its relationship to a large number of organizations (OSI grantees and others) working on a diversity of issues. Since its inception, Brennan has established a solid reputation as a trusted and selfless partner and collaborator in its fields. Rather than seeking credit and attention for its own work, Brennan has often been willing to play the role of workhorse, toiling in the shadows to advance and achieve goals that serve a larger set of organizations.

Brennan continues to be a central grantee in advancing core goals of multiple Funds within U.S. Programs. Brennan's efforts on judicial and electoral system integrity place it at the center of the Transparency & Integrity Fund's grantmaking strategies. Of particular note have been Brennan's recent efforts on judicial diversity and recusal reform, both major efforts of the Justice at Stake coalition in 2009 and 2010. Brennan staff are *the* leading force in bringing together the ideologically and organizationally diverse (and successful) effort to advance recusal reform in the U.S. Supreme Court's *Caperton* case. And Brennan staff have also been deeply an early promoter for, and now deeply engaged in, the push for universal voter registration, providing essential research and advocacy expertise to a wide array of reform-minded groups.

⁶ The Criminal Justice Fund is contributing \$300,000 over 2 years. The National Security and Human Rights Campaign is contributing \$200,000 over two years. The Transparency & Integrity Fund is committed to providing \$1.5 million over 2 years. However, due to related budget constraints, TIF can only commit \$750,000 in the 2009 fiscal year. TIF will recommend an add-on grant of \$750,000 at the first opportunity but not later than the first docket of 2010 to bring the total funding to \$2 million over 2 years.

Political re-enfranchisement of people with felony convictions through voting and civic participation remains a Criminal Justice Fund priority. In addition to its importance to preserving democracy and fortifying open society in the U.S., promoting civic and political participation of people with criminal records is important for assuring successful reentry after prison and is a strategic inroad to addressing other collateral consequences of criminal convictions that make U.S. criminal justice system sentences peculiarly severe. Brennan's Right to Vote Project operates nationwide on both the federal and state level, and includes litigation, legislative and administrative advocacy, and public education to restore the vote to people with criminal convictions. Right to Vote has been critical to victories in Florida, Iowa, Maryland, Nebraska, and Rhode Island—where changes in eligibility rules have reduced the number of permanent disfranchisement states from five to two since 2005 and have opened the polls to hundreds of thousands of potential new voters. Brennan also helped to streamline restoration procedures in Tennessee and to enforce compliance with the law in Alabama and New York.

Brennan has also been an important leader in the national indigent defense reform movement, in its dedication to and expertise in strengthening defender services and securing the promise of *Gideon v. Wainwright*. Brennan directs the *Community Oriented Defender Network* (COD), which helps public defenders achieve important policy reforms, even as they represent their clients in individual cases. Among its activities, Brennan's COD partners with defender programs to research racial disparities in police and prosecution practices; works with defender programs to achieve racial justice reform, advocates to ensure that a new generation of "fees and fines" does not unfairly shift the costs of criminal justice systems onto those least able to shoulder them, and promotes best practices that constitute the "Community Oriented Defense" model.

U.S Programs began providing project support to Brennan's Liberty & National Security Project in 2005. The Project's mission is to preserve constitutional values against erosion in the post-9/11 world and to set meaningful limits on the exercise of executive power. By developing innovative policy recommendations and using the tools of litigation and public advocacy, the Project fights to ensure that America's commitment to national security does not trump its commitment to fairness, accountability, and due process. In partnership with OSI, the Project is promoting the creation of a non-partisan commission of inquiry to investigate abuses committed in connection with U.S. detention and interrogation policy. Aziz Huq left Brennan for a professorship in January 2009, and since then the Liberty & National Security Project has been led by Liza Goitein, former counsel to Senator Russell Feingold.

Brennan's new Executive Director, Michael Waldman, joined the organization in 2005 and helped lead the organization's strategic planning process. Former Chief Speechwriter for President Bill Clinton (and author of multiple books), Waldman brings to Brennan an insider's understanding of federal policymaking and a keen eye for communication of ideas to a broad audience. Under his guidance, Brennan has reorganized and streamlined its areas of work and brought on impressive new staff to help direct its efforts. Far from suffering from "founder's syndrome," Brennan appears

to have successfully made the transition to new leadership at a time when the need and opportunities for its expertise have grown exponentially.