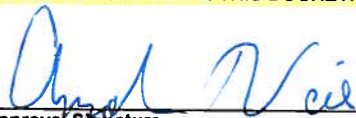


U.S. PROGRAMS
Transparency and Integrity Fund
Summary of Recommended Grants
Docket II, August 4, 2011

| Program Area / Organization | | | | | |
|---|------------|---------------------|-----------|---------------------|---------------------|
| Organization | Grant Code | Recommended | Term | 2011 | 2012 |
| Journalism for an Open Society | | | | | |
| Center for Investigative Reporting | T1: 21108 | \$ 700,000 | 18 months | \$ 350,000 | \$ 350,000 |
| Free Press ¹ | T1: 21108 | \$ 225,000 | 2 years | \$ 112,500 | \$ 112,500 |
| | T1: 21107 | \$ 225,000 | | \$ 112,500 | \$ 112,500 |
| Native Public Media (New America Foundation) ¹ | T1: 21108 | \$ 100,000 | 2 years | \$ 50,000 | \$ 50,000 |
| | T1: 21107 | \$ 100,000 | | \$ 50,000 | \$ 50,000 |
| Information Access, Design and Regulation | | | | | |
| Good Jobs First | T1: 21107 | \$ 200,000 | 2 years | \$ 100,000 | \$ 100,000 |
| New America Foundation | T1: 21107 | \$ 250,000 | 1 year | \$ 250,000 | |
| Independent and Diverse Judiciary | | | | | |
| Defenders of Wildlife | T1: 21110 | \$ 125,000 | 1 year | \$ 125,000 | |
| Lambda Legal Defense and Education Fund ² | T1: 21110 | \$ 100,000 | 1 year | \$ 100,000 | |
| | T1: 24450 | \$ 60,000 | | \$ 60,000 | |
| League of Women Voters Education Fund | T1: 21110 | \$ 165,000 | 1 year | \$ 165,000 | |
| Infinity Project (University of Missouri) | T1: 21110 | \$ 150,000 | 2 years | \$ 100,000 | \$ 50,000 |
| National Center for State Courts | T1: 21110 | \$ 400,000 | 2 years | \$ 200,000 | \$ 200,000 C |
| Total Recommended: | | \$ 2,800,000 | | \$ 1,775,000 | \$ 1,025,000 |
| GRANTMAKING TOTAL THIS DOCKET: | | \$ 2,800,000 | | | |


Approval Signature


Date

¹ These grants are split between our Journalism for an Open Society and Information Access, Design and Regulation portfolios.

² This grant of \$160,000 to Lambda Legal Defense and Education Fund is jointly funded by the Transparency and Integrity Fund, T1: 21110 (\$100,000) and the Equality and Opportunity Fund, T1: 24450 (\$60,000).

MEMORANDUM

TO: Aryeh Neier

FROM: Diana Morris, Laleh Ispahani, Nancy Chang and Staff of the Transparency and Integrity Fund and the National Security and Human Rights Campaign

DATE: July 28, 2011

RE: Transparency & Integrity Fund and National Security & Human Rights Campaign's Docket II, August 4, 2011

We look forward to meeting with you on August 4, 2011, to discuss the second docket of the Transparency and Integrity Fund (TIF) and the National Security and Human Rights Campaign (NSHR). TIF respectfully seeks approval of 11 grants in this docket, one of them a joint recommendation with NSHR. NSHR seeks approval of 5 grants in this docket. Other US Program Funds dockets include six grants for which NSHR is recommending co-funding.

Transparency and Integrity Fund Grants

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

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

Journalism

This portfolio's goals are to strengthen accountability journalism on critical open society issues at the state and local level; revitalize, expand and bring greater diversity to the public media sector; and increase and improve the production, distribution and reach of international reporting for U.S. audiences. TIF recommends four grants in this area; three of the four grants straddle both TIF's journalism and access to information portfolios.

A renewal general support grant to **Center for Investigative Reporting** recognizes the Center's leadership in the field of investigative journalism. The Center's investigations related to criminal justice, national security, immigration, privacy, civil liberties, and drug policy on a national and state level have sparked congressional hearings and legislation, United Nations resolutions, public interest lawsuits, and change in corporate policies. This grant will also provide project

support for CIR's state reporting initiative, California Watch, currently the state's largest investigative team, filling a growing void in investigative and enterprise journalism.

To further TIF's goal of diversifying the public media sector, TIF recommends a new grant to **Native Public Media**, which works to advance Native media at the community, tribal and national level. NPM plans to launch a new Media Excellence Program to help build the capacity of Native American media outlets to produce high quality journalism, with a focus on the forty-five radio stations serving Native communities. TIF support for Native Public Media would also advance the Fund's goals of supporting media and information policy that ensures an open, democratic communications infrastructure for speech, information, and knowledge exchange. The broadband deployment rate on Tribal lands is less than 10 percent, and anecdotal evidence suggests that actual usage rates may be as low as 5 to 8 percent, compared to 65 percent nationwide. Native Public Media is the national leader in advocating for policies and regulations that will benefit Native communities.

A great deal of journalism is distributed over public or quasi-public property: the airwaves, government-granted cable monopolies, and satellite bands. Journalism is therefore influenced by government regulation in ways that are often obscure to the public. In addition, the Internet will play an increasingly important role in the future of news delivery, so the policies that determine its cost, openness, and accessibility will affect public access to news and information. TIF grantees such as the New America Foundation, Public Knowledge, Free Press, and the Center for Media Justice are working to ensure universal, affordable high-speed access to the Internet and to protect public interest values in the online space itself. In this docket, we recommend renewal support for **Free Press** and the **New America Foundation's Open Technology Initiative**. Both organizations are increasingly focused on the future of the public media system in the U.S.

Access to Information

This portfolio's goals are to support groups working to collect and disseminate information that empowers citizens as well as watchdog groups monitoring the regulation of public information and government practices.

On this docket, we recommend support for **Native Public Media**, **Free Press** and the **New America Foundation's Open Technology Initiative**, discussed above. In addition, we recommend two year project support to **Good Jobs First** for its new Subsidy Tracker database, the first tool to gather and centralize state economic development subsidies (such as tax breaks) to specific corporations. Good Jobs First is a national research, advocacy, and resource center dedicated to promoting corporate and government accountability in economic development and smart growth for working families. This grant would advance TIF's goals of collecting, aggregating, and disseminating data to the widest possible audience and creating effective mechanisms for use of data that maximize the impact of organizing and advocacy efforts. The grant would also advance TIF's goal of enhancing disclosure of information that exposes the influence of money in politics.

A Fair, Diverse and Impartial Judiciary

TIF's long-standing concern that courts remain fair and impartial is closely related to its broader

efforts to stem the excessive flow of money into the political realm. Recognizing the central role the judicial branch plays in checking government power and providing access to justice for those most marginalized in our society, OSF has long provided support for a fair and independent judiciary. A robust judiciary – with a diversity of viewpoints and experiences and accountable to law and the Constitution rather than any rigid ideology or partisan agenda – is necessary to advance the many issues embraced by U.S. Programs. The vital role of the judiciary is especially threatened by the rise in increasingly partisan, big money judicial elections.

OSF has long supported national and state groups working for fair and impartial state and local courts. In 2010, groups working under the Justice at Stake Campaign’s umbrella developed a five-year strategic plan to develop a set of shared goals and coordinated strategies in four areas: judicial selection, diversity of the bench, judicial ethics, and access to justice. To ensure that OSF funding advances the strategic plan and the efficiencies it envisions, TIF, with this docket, is changing the way it funds the Campaign work. Historically, TIF made separate project grants to individual organizations. While there was some overlap in their efforts, their coordination with respect to both strategy and place was less than optimal. Going forward, TIF will fund only the work outlined in the Campaign’s strategic plan (which envisions specific collaboration among organizations).

We recommend a two-year renewed general support grant to the **National Center for State Courts**, a non-partisan, non-profit organization created by Chief Justice Warren Burger to improve the administration of justice in the state courts. With the Equality and Opportunity Fund, we also recommend renewal project support to **Lambda Legal Defense and Education Fund**, another organization working to implement the Justice at Stake strategic plan. We jointly recommend support for Lambda’s Fair Courts Project, which effectively engages the LGBTQ and Latino communities, engagement that has proven especially important when courts are attacked.

To address the lack of judicial diversity in state and federal courts, we recommend three grants. First, a two year renewal of project support to the **Infinity Project** will support a campaign to increase gender diversity of the state and federal bench and ensure quality justice in the Eighth Circuit. We also recommend a one year renewal of project support to the **League of Women Voters** to support the last year of its Quest for a More Diverse Judiciary Campaign, which promotes ethnic, racial and gender diversity on the state and federal courts, particularly in Kansas and South Carolina. Given the uncertainty as to whether OSF should continue funding federal judicial nominations (a part of TIF’s current mid-term review discussions), we recommend only a one year grant to **Defenders of Wildlife** for its Judging the Environment project, which creates a valuable daily digest of editorials, commentary and articles on judicial nomination topics.

TIF’s total contribution to the grants it is recommending in this docket is \$2,740,000. Grant recommendations and a financial summary are attached.

The National Security and Human Rights Campaign recommends five grants on its second docket of 2011, in addition to one grant that is being presented by the Criminal Justice Fund, two grants being presented by the Equal Opportunity Fund, and three grants being presented by the Democracy and Power Fund.

To advance its priority of strengthening the capacity of core organizations to advocate against a range of abusive counterterrorism policies and for a progressive national security policy that respects civil liberties, human rights, and the rule of law, the National Security and Human Rights Campaign recommends renewed project support for two key projects of the independent, bipartisan think tank, the **Constitution Project**, which works with unlikely allies to address policies that threaten to undermine constitutional protections in the name of national security: (1) the Rule of Law Program, and (2) the Task Force on Detainee Treatment. The NSHR Campaign and the Transparency and Integrity Fund jointly recommend renewed project support for the **National Security Archive Fund**'s Open Government and Accountability Program in order to strengthen its capacity to document government abuses committed under the pretense of promoting security. To further its goals of countering anti-Muslim bigotry and promoting the acceptance of Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities and individuals in American society and shifting the national security paradigm, the NSHR Campaign recommends a grant to **Rockefeller Philanthropy Advisors, Inc.** for a message research and development project to improve perceptions of American Muslims that is being undertaken by Hattaway Communications.

The NSHR Campaign also recommends six grants that are being presented by other funds. Through a grant being presented by the Criminal Justice Fund, the Campaign recommends renewed general support to the **Foundation for Criminal Justice**, a group that works with its sister organization, the National Association of Criminal Defense Lawyers, to address threats to civil liberties from the arbitrary detention of terrorism suspects and to further the goals of ending arbitrary and indefinite detention domestically and internationally. In conjunction with the Equality and Opportunity Fund, the Campaign recommends renewed general support to **Let's Breakthrough, Inc.**, for its work in reaching out to young people on issues of national security and human rights using social networking platforms. With the Criminal Justice Fund and the Equality and Opportunity Fund, the Campaign recommends a project support grant to the **Rights Working Group** to develop progressive immigration enforcement policies that protect national security while respecting human rights. To counter anti-Muslim bigotry, the NSHR Campaign, the Equality and Opportunity Fund, and the Democracy and Power Fund jointly recommend general support grants to **Sojourners** and **Faith in Public Life**; with the Democracy and Power Fund, the Campaign recommends a general support grant to **Public Religion Research Institute** for its groundbreaking research to inform the public narrative on key national security issues.

Lastly, the NSHR Campaign recommends renewed project support for the **Connect U.S. Fund**¹ and **Proteus Fund, Inc.**'s Security and Rights Collaborative, two cooperative efforts that leverage the funding of other donors to strengthen NGO networks, support the development of common messages within and across issues areas, and provide rapid response grants. The Security and Rights Collaborative advances core NSHR Campaign objectives, whereas the Campaign serves as the administrative home in U.S. Programs for the grant to the Connect U.S. Fund.

¹ The Connect U.S. Fund grant is made on the Cooperative Global Engagement budget line (21096). Nancy Youman serves as program officer for the grant to the Connect U.S. Fund.

The total grant amount recommended by the National Security and Human Rights Campaign on the second docket of 2011 is \$3,950,000. Our grant write ups and financial summary are attached.

We look forward to discussing these recommendations with you on August 4, 2011.

Transparency and Integrity Fund Grant Recommendations
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Grant ID: 20033172

Legal Name of Organization: Center for Investigative Reporting

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To provide general support and project support for its state reporting initiative, California Watch

Grant Description: The Center for Investigative Reporting (CIR) is the nation's oldest nonprofit investigative news organization. CIR's mission is to produce and distribute multimedia reporting that reveals injustice and abuse of power, has an impact, and is relevant to people's lives. CIR distributes its reporting through partnerships with respected print, television, radio, and online outlets. CIR investigations have sparked congressional hearings and legislation, United Nations resolutions, public interest lawsuits, and change in corporate policies. This grant will provide core support for CIR's reporting on national concerns related to immigration, criminal justice, national security, privacy, civil liberties, and drug policy. This grant will also provide project support for California Watch, CIR's state reporting initiative. Support for the Center for Investigative Reporting advances the Transparency and Integrity Fund's goal of strengthening accountability journalism on critical open society issues at the state and local level.

Previous OSI Support: \$1,948,600
\$551,000 from National Security (2008, 2010)
\$400,000 from Transparency and Integrity (2009)
\$77,000 from Strategic Opp. (2004, 2009)
\$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 Crime, Communities, Culture (1997)

Organization Budget: \$5,200,000

Project Budget: \$2,652,000 (California Watch)

Major Sources of Support: *General Support*
MacArthur Foundation \$600,000
Earned Income \$290,000

California Watch
Hewlett Foundation \$1,200,000
Knight Foundation \$1,300,000

Amount Requested: \$1,000,000 over two years

Is this a contingent grant? No

Amount Recommended: \$700,000: \$300,000 in general support and \$400,000 in project support from the Transparency and Integrity Fund (Journalism for an Open Society T1:21108)

Term: 18 months, beginning June 1, 2011

Matching Requirements: None

Description of Organization

Founded in 1977, the Center for Investigative Reporting (CIR) is the nation's oldest nonprofit investigative news organization. CIR's mission is to produce and distribute multimedia reporting that reveals injustice and abuse of power, has an impact, and is relevant to people's lives. CIR distributes its reporting through partnerships with respected print, television, radio, and online outlets, including *The New York Times*, *Los Angeles Times*, *Washington Post*, *USA Today*, *ABC World News*, *CBS Evening News*, *NBC Nightly News*, *CNN*, *60 Minutes*, *PBS Frontline*, *National Public Radio*, *FRONTLINE/World*, *Politico*, and *Salon*. CIR investigations have sparked congressional hearings and legislation, United Nations resolutions, public interest lawsuits, and change in corporate policies.

Description of Program for Which Funding Is Sought

This grant will provide general support for CIR's reporting on national concerns related to immigration, criminal justice, national security, privacy, civil liberties, and drug policy. It will also provide project support for California Watch, CIR's state reporting initiative.

CIR launched California Watch in late 2009 as a response to the severe cuts in commercial journalism, especially in investigative reporting. Currently the largest investigative team in the state, California Watch is focused on the sweeping challenges facing Californians at community, regional, and statewide levels. Priority areas of coverage include education, health, criminal justice, the environment, and the influence of money on the political and regulatory processes. Recent stories have exposed money laundering by state political parties, waste in federal stimulus contracts, seismic safety issues at California public schools and hospitals, and the seizure of vehicles from unlicensed, mostly immigrant drivers at DUI checkpoints. In the coming months, California Watch will continue to focus its criminal justice reporting on sentencing reform, prison conditions, reliability of forensic evidence collection and analysis, misconduct in the criminal courts, drug policy, and the impact of the financial crisis on the criminal justice system.

California Watch has 20 full-time staff, including ten reporters, two editors, several multimedia producers, and a public engagement manager. It also draws on the wider CIR team, including an executive editor, a director of technology, a distribution manager, a world-class video production team (formerly of PBS *Frontline*), national reporters, and several key functions (fundraising, business development, financial management and a full human resources infrastructure). The staff is ethnically diverse; an American Society of Newspaper Editors survey last year found that California Watch had one of the most diverse newsrooms in the online journalism world.

With offices in Sacramento and the Bay Area, California Watch has established relationships with more than 225 media outlets throughout the state – including newspapers, online outlets, television, radio, and ethnic media – to help localize and distribute its reporting. California Watch shares a radio producer with public radio station KQED San Francisco. OSF grantee New America Media has helped to distribute California Watch stories to the ethnic press, translating them as needed. California Watch stories have appeared in five languages (English, Spanish, Vietnamese, Korean and Chinese).

Rationale for Recommendation

Support for the Center for Investigative Reporting advances the Transparency and Integrity Fund’s goal of strengthening accountability journalism on critical open society issues at the state and local level. As newsrooms continue to shrink across the nation, CIR is positioned to ensure that high-quality journalism flourishes. Building on its long track record, CIR is working to develop a sustainable model for investigative reporting that includes efficient collaborations with other news outlets, creative storytelling, effective use of data, community engagement, and revenue-producing strategies to ensure that the public continues to have access to relevant, actionable information.

CIR is the only major nonprofit investigative journalism organization west of New York City and Washington DC. It has excellent relationships with the nation’s top media outlets, which means that these outlets distribute CIR’s stories to audiences numbering in the millions. CIR has an impeccable reputation for journalistic integrity, which means that its reporting carries weight with government and the public.

CIR’s national immigration reporting has been cited in the Congressional Record during the introduction of legislation. Advocates have used the reporting to hold the U.S. Immigrations and Customs Enforcement Agency accountable and to urge it to shift policy. CIR reporting on the plight of mentally ill and disabled immigrants facing deportation led to the release of two men who had been detained, and essentially lost, for years by the U.S. government.

CIR has a long history of investigating the undue influence of money in the U.S. political system. In 2008, CIR partnered with NPR to produce “The Secret Money Project,” an ongoing election series documenting the impact and influence of independent groups on the presidential and senate races. In the coming year, CIR will continue to report on money and politics nationally and at the state level in California.

CIR is the only nonprofit journalism organization that has the capability of producing its reporting in-house in all available formats, including print, video, radio, web, social media, and various multimedia platforms. It has just launched an in-house, world-class video production unit, which greatly extends its reach through television news and new media. CIR also is the most aggressive journalism nonprofit in generating revenue to reduce dependence on philanthropic support.

No California news organization, not even the *Los Angeles Times*, now focuses on statewide issues on a routine basis. When Arnold Schwarzenegger was elected in 2003, news organizations flooded the Capitol and beefed up their coverage of politics and state issues, but those bureaus have shrunk or vanished. The decline in coverage of state issues in Sacramento has been well documented.

This retreat from statewide news comes at a dangerous point. The past two decades have seen an unprecedented devolution of federal authority, as Congress has shifted many of the government's most basic tasks to the states. State governments are increasingly asked to implement, and pay for, overhauling their welfare, housing, education, criminal justice and transportation systems under broad federal guidelines.

For California, that means important and wide-ranging policies affecting 38 million people and a \$2 trillion economy. Despite recent cutbacks, the California state budget remains one of the largest of any government in the world, with \$80 billion in federal funds and \$130 billion in state taxpayer money flowing through Sacramento. Municipal governments create billions more in revenue, but much of this spending is unwatched by any news organization. California's government is bigger and more powerful than ever, but watchdog journalism is disappearing.

The movement of mainstream media away from stories of statewide significance leaves the public ill-served. As reporters remaining in commercial newsrooms across the state focus on meeting daily deadlines, deep, complex and time-consuming investigative reporting is sacrificed. Stories such as the crisis in municipal finance are among those largely written off by newsrooms across the state – and around the country. Editors and reporters no longer have the mandate to pursue stories that require deep expertise and dogged persistence.

From inception, the vision of California Watch has been to focus on statewide issues, where the reporting gaps are greatest. However, by working with media partners across the state, California Watch is able to produce complete stories that incorporate the perspective of local communities into statewide stories.

California Watch has pioneered a collaborative strategy of working with both commercial and noncommercial partners to help fill the growing void in investigative and enterprise journalism. CIR launched the California Watch Media Network in January 2011 in collaboration with the *San Francisco Chronicle*, *Orange County Register*, *San Diego Union Tribune*, *Sacramento Bee*, *Fresno Bee*, *Bakersfield Californian*, and *The Riverside Press Enterprise*. A group of ABC affiliates in every major market in California have also joined the network. For an annual fee to CIR, these news partners receive a set number of stories – print and video – produced by California Watch's award-winning watchdog team. CIR developed this Network as a way to ensure broad distribution of its work, and as an experiment in revenue generation.

CIR's executive director, Robert Rosenthal, is an award winning journalist with nearly 40 years of experience. In addition to working at the *New York Times* and *Boston Globe*, Rosenthal worked for 22 years at the *Philadelphia Inquirer*, becoming its executive editor in 1998. He became managing editor of the *San Francisco Chronicle* in 2002 and joined CIR in 2008.

Based on the foregoing, TIF recommends a grant to the Center for Investigative Reporting of \$700,000 over 18 months, \$400,000 of which would support California Watch.



March/April 2011

Tracking the Names

How California Watch put together its powerful series on earthquake safety concerns at thousands of state schools, and how it distributed its findings across a wide array of platforms. Friday, April 29, 2011

By Andrew Damstedt

The assignment was supposed to be simple: Write a story about the 20th anniversary of the Loma Prieta earthquake in San Francisco and seismic safety in schools.

Fresh from North Carolina, where he had reported for the Daily Reflector and the Fayetteville Observer, Corey Johnson, the new education reporter for the Center for Investigative Reporting's California Watch, started looking into the subject. He found online a state Department of General Services report that concluded 7,600 schools in California were potentially unsafe in the event of an earthquake.

"That report didn't have any names of any schools, so I said, 'Huh, wow, that'd be great to get some names of some schools,'" the 36-year-old Johnson says. "We would want to know that."

He says he asked a state legislative committee staffer about the issue and was told that he couldn't get that information because the committee hadn't been able to obtain the names. Then he asked the same staffer about the Field Act, a state law designed to make sure schools are built to resist earthquakes.

"So I asked, 'Are there any schools that don't comply?' The staffer kind of hemmed and hawed and said, 'Well, there's only a handful, but it's no big deal,'" Johnson recalls. "I came away from that saying, 'Hmm, I need to get this list the staffer said she couldn't get.'"

That was the start of what was ultimately a 19-month investigation. The end result was a powerful three-part series called "On Shaky Ground" that uncovered massive failure in the enforcement of California earthquake safety laws in connection with school construction, meaning that thousands of students and teachers each day are learning and working in buildings with structural flaws.

The series was widely distributed over an array of platforms, and has spurred concern at the state Legislature, which is following up on the California Watch findings.

"The fact that there's been a lot of reaction around the state, both at the local level and the state level—it feels like we did the right thing," says Robert Rosenthal, executive director of the Center for Investigative Reporting.

About a month after filing a public information request, Johnson received a list of schools that didn't comply with the Field Act from the Division of the State Architect, which is part of the Department of General Services, whose report had triggered the reporter's interest.

"They gave me a spreadsheet of a little over 9,000 projects that didn't comply with this Field Act," Johnson says. "And I said, 'Whoa, Over 9,000. Hell, that's more than a few.' So it was at that point that I knew that I was on to something potentially important and potentially big. The next process was trying to get more records and more documentation and more insight into how could this happen."

About a year after Johnson jumped in, California Watch higher education reporter Erica Perez joined him on the project. Her mission was to follow up on leads Johnson had acquired about lax oversight by state inspectors.

Soon more reporters were assigned, and both reporters and editors began thinking of the best ways to disseminate the information.

To make sure its alarming findings attracted as large an audience as possible, California Watch didn't just post the articles on its Web site and call it a day. It made the report available to a variety of news organizations around the state so that they could localize the material for their home bases.

It disseminated the information in many ways: via newspaper and online, radio reports, television, video footage, social media, an interactive map, an iPhone app and, to get the word out to a truly young demographic, a coloring book.

"We are very into being innovative in how we engage readers, especially readers who don't traditionally read newspapers or other mainstream media outlets," says Mark Katches, California Watch editorial director. "We're always looking for ways to broaden the audience reach. There are not a lot of good resources in California, in earthquake country; there are not a lot of great resources for kids in California to prepare for an earthquake."

"I don't think there's a lot of news organizations that spend a lot of time thinking about kids ages 5 to 10 as consumers of information," Katches says. "In that sense, this was a unique and exciting new way to deliver information in a public service sort of way. It's very important information for kids to have that they might not otherwise have."

The original thought was to publish 2,000 copies of the coloring book, but the print order has jumped to 32,000, Katches says.

Ashley Alvarado, California Watch's public engagement manager, came up with the coloring book idea during an editorial meeting as she was thinking of ways to get the information to children.

To accompany each of its major pieces, California Watch includes a section called "React and Act" to help people gain a better understanding of the article. In the case of "On Shaky Ground," the section contained a glossary of earthquake terms, a parent's checklist for earthquake safety and contact information for key players and school district information. Alvarado says for this particular series, she felt it was crucial to provide something special for kids.

The coloring book, "Ready to Rumble," features a dog named Sunny who teaches earthquake safety. The coloring book was translated into Spanish, simplified and traditional Chinese, and Vietnamese, Alvarado says. She says the response to the coloring book has been extraordinary; she recalls a woman telling her that because the book was translated into Vietnamese, it was the first time her mother could access information about earthquake safety.

Making important information available on numerous platforms was one of Rosenthal's goals when he became executive director of the Center for Investigative Reporting in 2008.

"One of the things I really wanted to do was sort of create a new model, not so much for the story, but for storytelling," says Rosenthal, a former editor of the Philadelphia Inquirer and managing editor of the San Francisco Chronicle. "In other words, as technology keeps evolving and changing, how do you take what in my background would've been a newspaper story, because I came out of newspapers, and tell it for audiences for radio, for mobile, for video, and using multimedia."

In 2009, the 34-year-old center established California Watch to carry out investigative projects in the state and set up collaborative relationships with local and regional news organizations in all mediums. The "On Shaky Ground" series was aired on KQED Public Radio in Northern California, which was involved in the reporting for months; distributed via ABC affiliates throughout the state; and run by newspapers in every major media region in California.

Katches says the partnership model varied. Some news outlets, like KQED, become involved early on, localizing the investigation, while others took the finished package after it was edited by California Watch.

"I haven't heard a tremendous amount of feedback other than they appreciate it and love it and like having the options of being able to run the content on different platforms," Katches says. "We even provided the flexibility of allowing partners to choose which story they wanted to be the main centerpiece for day three of the story. I think they appreciate the flexibility and appreciate having the work well in advance to shape it and do their own local reporting on it."

A year ago, Rosenthal says, no one was thinking about teaming up with hyperlocal news Web sites on a major investigation. By contrast, "On Shaky Ground" ran on 125 Patch.com hyperlocal sites after California Watch gave Patch reporters a primer on how to tailor the issue for their communities. California Watch also paid New American Media, a national advocate for ethnic news organizations, to translate the stories for distribution by ethnic news outlets.

Chase Davis, California Watch's money and politics reporter, developed an iPhone app, myFault, about a year into the story's preparation. He says the app was created to help readers understand

how the data affected their lives. MyFault includes a map of seismic hazards, a quake preparation list and a flashlight.

"It's something a lot of newsrooms haven't done—they don't have the time and expertise," Davis says. "I was interested in learning how" to create an app. "I sat down and figured it out as I went and it took an off-and-on process for a few months."

Johnson says starting to add all of these bells and whistles about a year after he started reporting the story was a challenge because he had to get others up to speed on the information he had collected.

"People say dealing with reporters is like herding cats," Johnson says. "It's true. Reporters all have a bunch of different things they're working on, different priorities, different questions, different viewpoints and understanding. In order to make sure everyone is operating on the same page, communication has to be good and consistent and clear. Other people could misunderstand or not get a briefing on something. All these little logistical challenges that could arise that if you're just a solo print reporter, you don't really bump into as much as when you start working across mediums."

While the entire package was published in early April, Johnson says reporting on the issue is far from over. He and fellow reporter Perez continue to monitor the issue; they covered a state Senate hearing April 27 convened to focus on the problems uncovered by the investigative report.

The duo reported that state legislators plan to relax the criteria for schools to be eligible for millions in unspent seismic repair funds and require state inspectors to report whether they've ever been convicted of a crime before taking a state certification test.

"It's been a tremendous blessing and opportunity to be able to be involved in a project that could really, truly impact all people's lives," Johnson says. "Most people don't get an opportunity to do things that matter... There's still work to be done, plenty of work to be done."

Grant ID: 20033183

Legal Name of Organization: Free Press

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To provide general operating support

Grant Description: Free Press is a nonpartisan organization working to reform the media and involve the public in media policymaking. Through research, education, organizing, and advocacy, Free Press's goals are to: 1) protect free speech on all communications platforms; 2) promote and sustain public service journalism, including a world-class public media system in the United States; 3) ensure universal, fast, affordable and open Internet access; 4) advocate for diverse media ownership; and 5) promote government and corporate accountability and transparency. This renewal general support grant would advance the Transparency and Integrity Fund's goal of supporting information policy that ensures an open, democratic communications infrastructure for speech, information, and knowledge exchange. This grant would also advance the Fund's goal of strengthening the field of journalism as an essential tool for transparency and accountability.

Previous OSI Support: \$1,610,000
\$350,000 from the Transparency and Integrity Fund (2009)
\$1,260,000 from Strategic Opp. Fund (2003-2007)

Organization Budget: \$4,625,000

Major Sources of Support:

| | |
|--------------------|-----------|
| Ford Foundation | \$750,000 |
| Park Foundation | \$500,000 |
| Sandler Foundation | \$400,000 |
| Knight Foundation | \$250,000 |

Amount Requested: \$450,000 over two years

Is this a contingent grant? No

Amount Recommended: \$450,000 from the Transparency and Integrity Fund
(50% Guarantee Access to Information T1: 21107; 50% Journalism for an Open Society T1: 21108)

Term: 2 years, beginning July 1, 2011

Matching Requirements: None

Description of Organization:

Free Press is a nonpartisan organization working to reform the media and involve the public in media policymaking. Through research, education, organizing, and advocacy, Free Press's goals are to: 1) protect free speech on all communications platforms; 2) promote and sustain public service journalism, including a world-class public media system in the United States; 3) ensure universal, fast, affordable and open Internet access; 4) advocate for diverse media ownership; and 5) promote government and corporate accountability and transparency. Free Press has nearly 500,000 active members and a staff of more than 40 with offices in Washington, D.C. and Florence, Massachusetts.

Because the policies shaping the U.S. media have long been formed by powerful industry lobbyists against a backdrop of disparate agencies, laws and political priorities, Free Press addresses Internet, journalism, and public media issues simultaneously. Recent accomplishments include:

Conducting research and developing new ideas to strengthen public media. Free Press, in collaboration with the New America Foundation (also in this docket), is conducting research and developing ideas to reinvigorate the public media system. In 2009, Free Press published *New Public Media: A Plan for Action*, which described funding and governance models to shore up public media's political independence and financial viability. In 2010, in collaboration with New America Foundation and New York University, Free Press published *Public Media and Political Influence: Lessons for the Future of Journalism from Around the World*, which offered a comprehensive look at how public broadcasting is supported and governed in over a dozen advanced democracies. (This research was supported by OSF in 2010.)

Leading the fight to secure net neutrality and Internet freedom. For the past five years, Free Press and its allies have fought for rules that would prohibit the cable and telephone companies from using their control over Internet access to favor some speakers over others. This concern was not theoretical – the companies themselves announced plans to provide “fast lanes” and better “quality of service” for those content and service providers willing and able to pay. Such a plan would have made the decentralized Internet look like the centralized broadcast and cable systems we have today – systems that favor speakers with the greatest resources. Free Press was instrumental in prompting the Federal Communications Commission (FCC) to adopt net neutrality rules, rallying two million people to demand the strongest protections possible. Though the FCC's final rules are flawed, they set the expectation that the companies that provide Internet access cannot favor or disfavor certain speakers, and they put Internet freedom on the national agenda. Over the next several years, Free Press, along with other OSF grantees, will work to protect these rules from legal attack.

Discovering fake news on local TV and pressuring the FCC to take action. Free Press has brought to light a large number of advertisements masquerading as legitimate news stories. A 2006 exposé, done in conjunction with the Center for Media and Democracy, sparked an FCC investigation that resulted in several local stations being fined by the agency in 2010. Free Press has pushed the FCC to complete its investigation on the remaining complaints and to enforce

“enhanced disclosure” requirements that would give the public a clearer picture of whether local stations were actually serving the public.

Raising public awareness about community radio. Working with diverse allies, Free Press helped raise public awareness about the importance of local community radio. In 2010, Congress authorized the largest expansion of community radio stations in U.S. history, which will create hundreds of new local independent radio stations across the country.

Challenging media consolidation and industry mega-mergers. Free Press led public opposition to the Comcast-NBC merger, filing a comprehensive and detailed “petition to deny” at the FCC and organizing a broad range of groups and hundreds of thousands of people against the deal. Public pressure helped secure conditions that will potentially mitigate the merger’s negative impact on the diversity of online and televised programming. Free Press has redoubled its efforts to challenge the proposed merger of ATandT and T-Mobile, raising public awareness of the deal’s impact on workers and consumers, conducting detailed antitrust and economic analyses of the merger in filings with the FCC, and exposing the misinformation put forward by ATandT and its allies.

Exposing the revolving door and undue industry influence at the FCC and in Congress. In May 2011, FCC Commissioner Meredith Attwell Baker left the FCC to become a lobbyist for Comcast – just four months after voting for the company’s multibillion takeover of NBC. Free Press raised awareness and organized public protest against industry capture at the agency. And, Free Press tracked and publicized the network of “sock-puppet” think tanks and fake grassroots “astroturf” groups spreading anti-consumer propaganda on behalf of the largest media and telecommunications companies.

Uncovering corporate and government wrongdoing that threatens Internet freedom at home and abroad. A Free Press investigation found that a Boeing subsidiary named Narus was selling technology to Egypt that was likely used to spy on dissidents before and during the North Africa and Middle Eastern protest movements. This discovery made international news and brought calls from Congress for an investigation.

Description of Program for Which Funding Is Sought

This recommendation seeks general operating support.

Rationale for Recommendation

The Transparency and Integrity Fund (TIF) recommends a grant of \$450,000 over two years. This grant would advance TIF’s goal of supporting information policy that ensures an open, democratic communications infrastructure for speech, information, and knowledge exchange. This grant would also advance the Fund’s goal of strengthening the field of journalism as an essential tool for transparency and accountability.

An independent and diverse media and communications system enables informed public participation in the political decisions shaping our lives across countless sectors: employment, healthcare, criminal justice, education, energy, environment, finance, and national security. Yet our current media system has become an impediment to advancing the public’s interest in any of

these areas. Rather than serving as a necessary antidote to our polarized political environment, much of the media acts as an accelerant.

U.S. media are in crisis in part because of policies designed to favor the interests of private industry over the public good. U.S. broadcasters and Internet service providers use the public airwaves – a limited, valuable resource – to earn substantial profits. In return, they are obligated to serve the common good. Instead, the mainstream media increasingly offers cheaply produced infotainment and punditry rather than high-quality reporting on matters of public interest, and phone and cable companies operate without the pricing constraints imposed by competition, or fail to provide service altogether in communities that are deemed insufficiently profitable.

The Internet, in its first fifteen years of broad-based public adoption, has transformed how we receive news and information, participate in the economy, engage with government, and educate our children. Yet in the U.S., our networks are several times slower and more expensive than the high-speed Internet access service in many European and Asian countries. And even as the Internet becomes more of an essential utility than a consumer product, more than 30 percent of American households don't have access to it. Without fair communication and media policies to protect the needs of the public, millions of people will remain underrepresented and excluded from important economic, educational, and social opportunities.

A small handful of corporations with enormous political power and a strong incentive to avoid regulation effectively control high-speed access to the Internet. In the U.S., broadband providers are currently restrained neither by meaningful competition nor by effective rules to protect the openness of the Internet. They have both the technical means and the financial incentives to interfere with the free flow of information, and are a formidable lobbying force in Washington. Media and telecommunications companies are among the biggest lobbyists and campaign contributors in Washington, successfully securing policies that limit competition, permit unconstrained consolidation, and give them near-monopoly control over both content creation and distribution. Between 1989 and 2010, the second largest contributor to political campaigns in the U.S. was ATandT. In 2010, Verizon, ATandT, and Comcast, spent roughly \$45 million in lobbying.

Increasingly, Americans are gaining access to almost all of their media through online platforms, as newspapers, radio, television, telephone service and emerging technologies migrate to digital delivery. With most information and media increasingly traveling a single network – the Internet – an unprecedented potential is building for centralized control over what the public sees and hears. A viable media reform agenda therefore must address both distribution and content.

Since its inception in 2003, Free Press has developed the expertise and credibility required to advance an ambitious and proactive media and communication policy reform agenda both at the community level and in Washington. Free Press recognizes that even the best-crafted policy solutions, based on rigorous factual research, will not see the light of day unless backed by a broad and popular movement outside the Beltway. Free Press's education and outreach work is bolstered by high-caliber research, extensive legal analysis, and a communications strategy that capitalizes on current events to inspire rapid constituent response to critical threats and important opportunities.

Based on the foregoing, TIF recommends a grant to Free Press of \$450,000 over two years.

Grant ID: 20033175

Legal Name of Organization: Native Public Media

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

Name of Fiscal Sponsor: New America Foundation

Purpose of Grant: To support Native Public Media, which promotes healthy, engaged, independent Native communities by strengthening and expanding their access to, ownership of, and participation in media

Grant Description: Native Public Media (NPM) promotes healthy, engaged, independent Native communities by strengthening and expanding their access to, ownership of, and participation in media. NPM is focused on using media as a tool for advancing economic development, preserving language and culture, improving public health, increasing educational opportunities, facilitating tribal community engagement, and encouraging broad public participation. NPM plans to launch a new Media Excellence Program to help build the capacity of Native American media outlets to produce high quality journalism. It will have a special focus on the Native Radio Network, which currently consists of forty-five radio stations serving Native communities from Alaska to New York State. This project grant would advance the Transparency and Integrity Fund's goals of: supporting information policy that ensures an open, democratic communications infrastructure for speech, information, and knowledge exchange; and bringing greater diversity to the public media sector.

Previous OSF Support: n/a (for Native Public Media)

Organization Budget: \$16,300,000 (New America Foundation)

Project Budget: \$650,000 (Native Public Media)

| | | |
|---|-------------------------------------|-----------|
| <u>Major Sources of Support:</u> | Ford Foundation | \$300,000 |
| | Corporation for Public Broadcasting | \$150,000 |
| | Media Democracy Fund | \$ 50,000 |

Amount Requested: \$200,000 over two years

Is this a contingent grant? No

Amount Recommended: \$200,000 from the Transparency and Integrity Fund
(50% Guarantee Access to Information T1: 21107; 50%
Journalism for an Open Society T1: 21108)

Term: 2 years, beginning July 1, 2011

Matching Requirements: None

Description of Organization

The New America Foundation (New America) is a nonprofit, nonpartisan, public policy institute that invests in new thinkers and new ideas to address the next generation of challenges facing the United States. Led by Steve Coll, New America is located in Washington D.C. and also has a significant presence in California.

New America emphasizes work that is responsive to the changing conditions and problems of the 21st Century information-age economy – an era shaped by transformative innovation and wealth creation, but also by shortened job tenures, longer life spans, mobile capital, financial imbalances, and rising inequality. With an emphasis on big ideas, impartial analysis, and pragmatic solutions, New America invests in outstanding individuals whose ability to communicate to wide and influential audiences can change the country's policy discourse in critical areas, bringing promising new ideas and debates to the fore.

Description of Program for Which Funding Is Sought

Native Public Media (NPM) was founded in 2004 by leaders in Native public radio who saw the need for leadership and coordinated representation of the forty-five radio stations serving Native communities from Alaska to New York. NPM's mission is to promote healthy, engaged, independent Native communities by strengthening and expanding their access to, ownership of, and participation in media. NPM is focused on using media as a tool for advancing economic development, preserving language and culture, improving public health, increasing educational opportunities, facilitating tribal community engagement, and encouraging broad public participation.

Native Public Media is the national leader in advocating for policies and regulations that will encourage the expansion and strengthening of Native voices through media and platforms that are community-based, local, and democratic. NPM advocates for access to broadband Internet and for the full consideration of Native America in Federal Communication Commission (FCC) resource allocation decisions.

NPM represents Native media interests before Congress, the FCC, the Copyright Office, the Corporation for Public Broadcasting, the National Telecommunications and Information Administration, and the Public Radio Satellite System and throughout the arena of media regulatory and technological development. NPM helps Native communities pursue opportunities to access and control traditional and new media outlets—through spectrum auctions, license acquisition, competition in emerging services, access to wireless content and technologies, and the design of appropriate funding strategies to sustain media activities.

NPM regularly consults with groups and organizations throughout Native America that are interested in launching a media outlet. This might mean expanding the reach of a current radio station or pursuing the creation of a new one. For example, NPM implemented a campaign to expand Native public media via the FCC's 2007 Non-Commercial Educational filing window. This unprecedented effort, conducted in cooperation with the New America Foundation's Open Technology Initiative (also in this docket), resulted in the approval of construction permits for 38 new Native public radio stations to date—almost doubling the number of Native public radio stations nationwide. In Indian Country, where broadband penetration remains at less than 10%, terrestrial radio stations provide vital and often critical life-saving information.

NPM believes that Native media has a central role to play in enabling individuals and communities to tell their own stories, solve their own problems, and shape their own future. It understands that Native Americans must develop the capacity to produce media and use it effectively. NPM is increasingly working to facilitate the production of high quality content and to develop the resources needed to operate media outlets, use new digital platforms, and create media systems that, at all levels, inspire and facilitate active engagement by Native people.

With OSF support, NPM plans to expand this work and to launch a new Media Excellence Program to help bridge the digital and media divides in Indian Country and build the capacity of Native American media outlets to produce high quality journalism. This program will focus on the Native Radio Network, which currently consists of forty-five radio stations serving Native communities from Alaska to New York State. NPM will develop journalism training on writing and editing, reporting, photojournalism, professional standards and ethics, research methods, and media law and policy. NPM's partners will include the Native American Journalists Association and the Institute for American Indian Arts. OSF will help NPM to take advantage of the expertise of grantees including New America Media, the Sunlight Foundation, and the Investigative News Network as they develop reporting resources for the Native Radio Network.

Rationale for Recommendation

The Transparency and Integrity Fund (TIF) recommends a grant of \$200,000 over two years. This grant would advance TIF's goal of supporting information policy that ensures an open, democratic communications infrastructure for speech, information, and knowledge exchange. This grant would also advance TIF's goal of bringing greater diversity to the public media sector.

For decades, Native Americans have largely been misrepresented by mainstream media, ignored by federal telecommunications policy, and underserved by telecommunications providers. As the FCC noted in 2004, "By virtually any measure, communities on tribal lands have historically had less access to telecommunications services than any other segment of the population." Native Americans are among the most vulnerable, invisible, and underserved populations in media and telecommunications policy, sharply limiting tribal capacity to expand access to and participation in media. Broadband deployment in Indian Country is at less than 10 percent, while analog telephone reaches only one in three families in many tribal communities.

The dramatic changes in media over the past two decades present both challenge and opportunity to Native America. The rapid development and adoption of new media pose the risk that Native communities, traditionally underserved by communications technology, will fall increasingly

behind. With the support and guidance of NPM, Indian Country has a voice at a critical moment in the evolution of media in the United States.

Until 2009, little empirical data was available regarding technology use and broadband access in Indian Country. Information about the role of technology in tribal communities and how Native Americans use computers, cell phones, and social networking tools did not exist. To fill this data gap and to explore promising, replicable models for developing broadband projects in Indian Country, NPM, in collaboration with the New America Foundation's Open Technology Initiative, produced a major study: *New Media, Technology, and Internet Use in Indian Country: Quantitative and Qualitative Analysis*.

The report found that Native Americans are using technology when it is available to interact, share culture, and gain the skills needed in a digital world. Despite a lack of access, higher prices for broadband and often non-existent infrastructure, the report noted that leaders in these communities have developed a vision and built self-sufficient networks and community technology centers to connect and strengthen their Native communities.

This report was used to inform the 2010 FCC National Broadband Plan, which ultimately included several specific recommendations on deployment, adoption, access, competition and digital literacy which were submitted in joint comments by Native Public Media, the National Congress of American Indians, the Southern California Tribal Chairmen's Association's Tribal Digital Village, and the New America Foundation.

NPM is uniquely positioned to advance Native media at the community, tribal and national level. It brings to the table deep roots in Indian Country, rich policy expertise and advocacy experience, a commitment to high quality, local journalism, and a national scope. In addition to its contribution to the National Broadband Plan, NPM has played a central role in several other significant policy achievements over the past year, including the FCC's adoption of new rules giving Native American tribes priority in obtaining broadcast radio licenses for tribal communities and the establishment of an Office of Native Affairs and Policy at the FCC.

Loris Ann Taylor is President and CEO of Native Public Media. She was instrumental in helping to establish the first FCC Tribal Priority for broadcasting and the new FCC Office of Native Affairs and Policy. Taylor led the study "New Media, Technology, and Internet Use in Indian Country" and contributed to the FCC's National Broadband Plan. Formerly the General Manager of KUYI-FM Radio, Taylor co-founded the award winning Indian Country News Bureau. Taylor instituted the first radio class/curriculum at the Hopi Junior Senior High School. She currently serves as a member of the Distribution and Interconnection Committee of the National Public Radio Board and the Free Press Board of Directors, and is active in the Aspen Institute's Communications and Society program. Taylor contributed to the Knight Commission Report on the Information Needs of Communities in a Democracy. Taylor has served as associate director of the Hopi Foundation, and is a founder of the Hopi Education Endowment Fund.

Based on the foregoing, TIF recommends a grant to Native Public Media of \$200,000 over two years.

Grant ID: 20033187

Legal Name of Organization: New America Foundation

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To support the Open Technology Initiative

Grant Description: To support the New America Foundation's Open Technology Initiative, which conducts policy research and development, public education, and coalition building. The goal of this work is to attain universal public access to critical communication technologies and ensure the vibrant and free flow of information and ideas. This grant would advance the Transparency and Integrity Fund's goal of supporting information policy that ensures an open, democratic communications infrastructure for speech, information, and knowledge exchange. This grant would also advance the Fund's goal of strengthening the field of journalism as an essential tool for transparency and accountability.

Previous OSI Support: \$4,441,875
\$635,000 from NSHR Campaign (2009-2011)
\$775,000 from Chairman's Grants Overseas (2007-10)
\$275,000 from USP Transparency and Integrity (2009-2010)
\$500,000 from USP Democracy and Power Fund (2008)
\$1,431,875 from SOF (2004-2008)
\$575,000 from Progressive Infrastructure (2006)
\$150,000 from Governance and Public Policy (2002)
\$100,000 from U.S. General (2001)

Organization Budget: \$16,300,000

Project Budget: \$3,865,000

Major Source of Support:

| | |
|-------------------------|-----------|
| Ford Foundation | \$600,000 |
| Wyncote Foundation | \$275,000 |
| Urban Affairs Coalition | \$526,000 |

Amount Requested: \$250,000 over one year

Is this a contingent grant? No

Amount Recommended: \$250,000 from the Transparency and Integrity Fund (Guarantee Access to Information T1: 21107)

Term: 1 year, beginning August 1, 2011

Matching Requirements: None

Description of Organization

The New America Foundation (New America) is a nonprofit, nonpartisan, public policy institute that invests in new thinkers and new ideas to address the next generation of challenges facing the United States. It is located in Washington D.C. and also has a significant presence in California.

New America emphasizes work that is responsive to the changing conditions and problems of the 21st Century information-age economy – an era shaped by transformative innovation and wealth creation, but also by shortened job tenures, longer life spans, mobile capital, financial imbalances, and rising inequality. With an emphasis on big ideas, impartial analysis, and pragmatic solutions, New America invests in outstanding individuals whose ability to communicate to wide and influential audiences can change the country's policy discourse in critical areas, bringing promising new ideas and debates to the fore.

Steve Coll is president of New America Foundation, and a staff writer at *The New Yorker* magazine. Previously he spent 20 years as a foreign correspondent and senior editor at *The Washington Post*, serving as the paper's managing editor from 1998 to 2004.

Description of Program for Which Funding Is Sought

This grant would support New America's Open Technology Initiative (OTI), which produces cutting-edge policy research and forward thinking analysis, builds pilot community-based communications networks to challenge existing private models, and conducts public education in order to engage policymakers, the press, and community groups in a democratic debate about the future of the U.S. digital communication infrastructure. Staff members combine expertise in technology, engineering, research, policy analysis, and community organizing.

New America recognizes that the Internet and digital technologies play an increasingly central role in our economy, culture, and democracy. OTI is committed to maximizing the potential public benefit of new technologies by studying their social and economic impact – particularly for low income, rural, and other underserved communities. The goal of this work is to attain universal and affordable access to a world-class communications infrastructure and ensure the vibrant and free flow of information and ideas.

An example of OTI's policy research and advocacy is its work on the regulation of mobile phones. Mobile phones increasingly serve as the primary gateway to the Internet for minority and low-income communities. In 2010, the Federal Communications Commission (FCC) adopted rules for network neutrality that had positive benefits, but that also created a critical distinction between wired and wireless Internet access. By granting mobile broadband providers the ability to continue to restrict user access to certain applications, content, and services, the FCC has laid the groundwork for new forms of discrimination against already underserved communities. This creates a new digital divide based not just on which communities do not have Internet access, but also on the type of device through which they access the Internet.

Given these concerns, OTI has built partnerships with a growing coalition of public interest and civil rights groups seeking to address issues of mobile phone justice. OTI has worked with community and grassroots groups on mobile phone issues, including OSF grantees the Center for Media Justice and the Center for Social Inclusion as well as the National Hispanic Media Coalition, serving as a key policy and technical resource for these groups. OTI also contributed to a cellphone literacy toolkit produced by the People's Production House to educate the public about mobile phones and relevant policy issues.

An example of OTI's work to build pilot communication networks is its plan to adapt its "Internet in a Suitcase" project for use in low-income communities, with an initial pilot in Detroit. This work was described in a June 2011 *New York Times* article "U.S. Underwrites Internet Detour around Censors." Building off work that was originally supported through a 2004 grant from the OSI Information Program, OTI received funding from the U.S. Department of State to support the further development of a platform that can transform devices such as cellphones or personal computers to create an invisible wireless web without a centralized hub. In other words, a voice, picture or e-mail message could hop directly between the modified "mesh network" of wireless devices — each one acting as a mini cell "tower" and phone — and bypass the official network (see illustration below). This technology can be used in areas that are not served by an of

OTI is in a unique position to deploy an exemplar network, based upon its extensive technical expertise and its close ties to the Detroit community. In 2009, OTI co-founded and has supported the development of the Detroit Digital Justice Coalition. OSF support will enable OTI to build and deploy a prototype demonstration network in several Detroit neighborhoods with the goal of replicating these technologies in underserved communities throughout Detroit. By developing and piloting exemplar networks, OTI and community partners can build the case that these technologies and networks are feasible and that policymakers should support their development.

In 2010, OTI launched the Media Policy Initiative, which complements OTI's work on technology by focusing on media production and content, with a particular emphasis on the future of the public media system in the U.S. The Media Policy Initiative's Fellowship program recruits a cross-section of media thinkers and doers who are able to: study the social and economic impacts of the ongoing disruption in media business models; build collaborations among academics, media producers, entrepreneurs, and industry that can inform policymakers about shifts within media industries; and conduct assessments of local media ecosystems—including Scranton, Seattle, and Minneapolis-St. Paul—to inform the debates in D.C. with diverse, outside the beltway perspectives. Current fellows are focused on policies to invigorate public media, increase independent public interest journalism, and improve citizen access to and engagement with high-quality information.

Rationale for Recommendation

The Transparency and Integrity Fund (TIF) recommends a grant of \$250,000 over one year. This grant would advance TIF's goal of supporting information policy that ensures an open, democratic communications infrastructure for speech, information, and knowledge exchange.

This grant would also advance the Fund's goal of strengthening the field of journalism as an essential tool for transparency and accountability.

Communications, the Internet, and the broader information and news sectors in the U.S. are undergoing rapid disruption and transformation. The U.S. continues to lag behind a growing list of countries around the globe in broadband speeds, adoption rates, and pricing. A persistent digital divide for rural and low-income communities persists, a divide that is no longer about those with access to broadband and those without, but is based around what services and devices those communities are allowed when they connect to the Internet. Particularly on mobile broadband, the trend among communication providers and others is to lock down networks, devices, and users in ways that drastically increase inequality. In doing so, some network operators, business models, and government policies are fundamentally undermining the very freedom and openness of the Internet that helped lay the communications foundations of 21st century civil society.

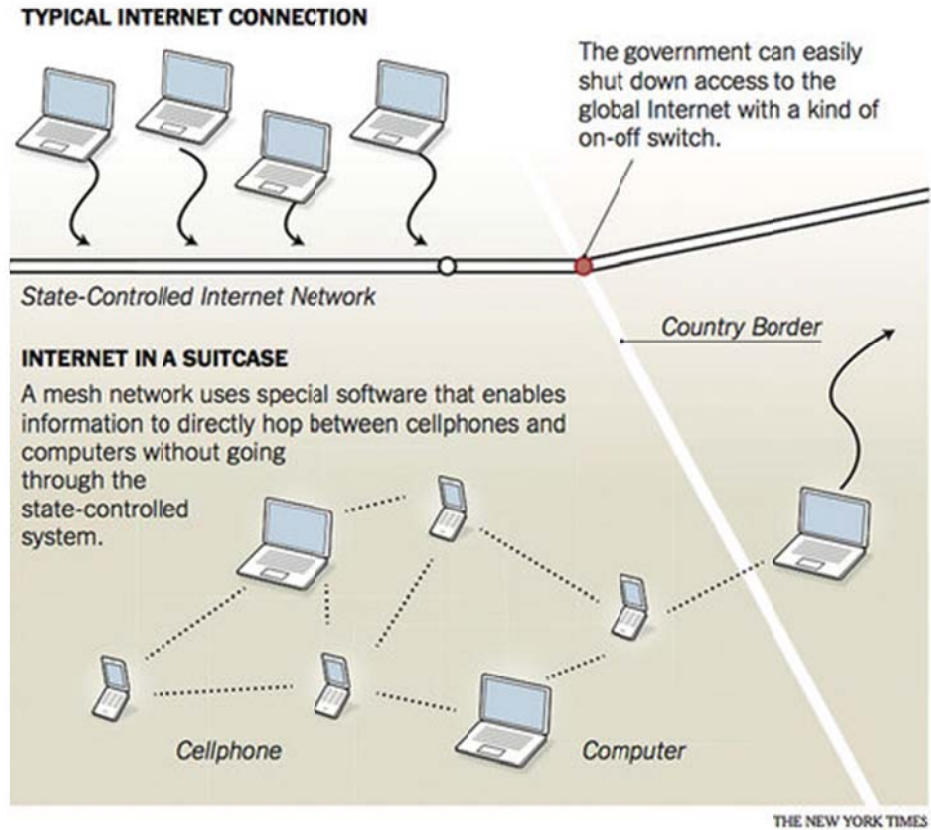
OTI plays a unique and critical role in the field of media and information policy. Its staff have considerable policy research and analysis expertise to contribute to policy debates and help constituencies, including OSF grantees, that might not otherwise have the internal organizational capacity to follow, understand, and engage with technology policy. OTI staff technologists have the expertise to understand communications technologies, implement them in the field, and explain them to policymakers and the public. OTI's input is often sought out by key decision-makers looking for information on the social impact of new technologies and broadband networking. Its history of involvement with local organizations and communities provides it with essential experience and long-standing working relationships, enabling collaborative and innovative projects to get up to speed quickly. OTI is committed to the principle that community needs must inform policy discussions and technological development.

Based on the foregoing, TIF recommends a grant to New America Foundation of \$250,000 over one year.

From the *New York Times*, June 12, 2011

Creating a Stealth Internet

A project known as an "Internet in a suitcase" could allow dissidents to communicate in countries where the state-controlled network is heavily censored or shut down.



With OSF support, the Open Technology Initiative will adapt this technology for use in low income communities in the United States, with a pilot in Detroit. The Open Technology Initiative will also work with Native Public Media (also in this docket) to explore the possible application of this technology on U.S. tribal lands.

Grant ID: 20033162

Legal Name of Organization: Good Jobs First

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To grow and enhance Good Jobs First's new Subsidy Tracker database, the first web-based tool for finding state economic development subsidies awarded to specific corporations

Grant Description: Good Jobs First is a national research, advocacy, and resource center dedicated to promoting corporate and government accountability in economic development and smart growth. Good Jobs First seeks funding to expand and improve its new Subsidy Tracker database. Subsidy Tracker is the first web-based and most comprehensive source for identifying and tracking state economic development subsidies (such as tax breaks) awarded to specific corporations. As it expands, Subsidy Tracker will link to the state level campaign spending data collected by grantee the National Institute on Money in State Politics. This will allow advocates and journalists to understand the connection between state campaign contributions and spending decisions. This grant would advance the Transparency and Integrity Fund's goal of guaranteeing broad and equitable access to information. Specifically, this grant will aid in collecting, aggregating, and disseminating data (on public economic development subsidies) to the widest possible audience and create effective mechanisms for using data in organizing and advocacy efforts. The grant would also advance the Fund's goals of increasing disclosure of information that exposes the influence of money in politics.

Previous OSI Support: \$1,390,000
\$1,000,000 from Seize the Day (2010-2011)
\$140,000 from Seize the Day (2010)
\$150,000 from U.S. Programs (2009)
\$100,000 from U.S. Justice Fund (2003)

Organization Budget: \$1,150,000

Project Budget: \$200,000 over two years

Major Sources of Support:

| | |
|-------------------------------|-----------|
| Ford Foundation | \$250,000 |
| Surdna Foundation | \$100,000 |
| Unitarian Universalist Veatch | \$ 40,000 |

Amount Requested: \$200,000 over two years

Is this a contingent grant? No

Amount Recommended: \$200,000 from the Transparency and Integrity Fund (Guarantee Access to Information T1: 21107)

Term: 2 years, beginning July 1, 2011

Matching Requirements: None

Description of Organization

Good Jobs First (GJF) is a national research, advocacy, and resource center dedicated to promoting corporate and government accountability in economic development and smart growth. Based in Washington, DC, GJF's mission is to empower constituency-based groups and pro-reform public officials with high quality research and technical assistance to make government spending more transparent, equitable, accountable, and effective. GJF produces research reports, maintains websites, conducts trainings for local activists, and provides technical assistance and consulting to allied individuals and organizations.

Description of Program for Which Funding Is Sought

Good Jobs First seeks funding to expand and improve its new Subsidy Tracker database. Subsidy Tracker is the first web-based and most comprehensive source for identifying and tracking state economic development subsidies (such as tax breaks) given to specific corporations. The database collects information on economic development subsidies from government databases, information requests to state agencies, and freedom of information petitions when state agencies refuse to divulge data. GJF organizes the information so that corporations have consistent names across states (a common and significant challenge in national disclosure efforts) and streamlines the many formats used by states into one, widely useable data source.

State government subsidies for economic development projects constitute a major aspect of state spending and a common vehicle for corruption and kickbacks. Across the country, states use taxpayer dollars to underwrite the development of shopping malls, attract businesses to set up shop in the state, and otherwise encourage investments. These subsidies typically come with promises of new jobs for state residents and of increases in tax revenues. Watchdog and advocacy organizations and the media have uncovered many examples of failures to deliver on these promises but, until now, such examples tended to require a great deal of digging into individual subsidies. What Subsidy Tracker does (and is seeking support to do better) is gather in one place data on subsidies, making it possible to see connections within and across state lines (i.e., to see which companies are receiving subsidies in multiple states, better identify and uncover corruption, and reveal connections between state campaign contributions and the award of subsidies).

With project support over the next two years GJF will:

- Grow its subsidy database (currently 67,000 entries from 169 subsidy programs in 38 states) through research and open records requests, with a goal of tripling its present size while maintaining accurate, updated information for entries already gathered;
- Expand the types of information captured by the database to include grants, loans, corporate income tax credits, personal income tax diversions, etc.
- Connect Subsidy Tracker with other databases such as the National Institute on Money in State Politics website, which collects campaign contribution information from every state-level election in the United States;
- Expand the use of Subsidy Tracker by non-profit advocacy groups, public officials, and journalists through outreach and training (as GJF recently did at the Investigative Reporters and Editors conference).

Rationale for Recommendation

The Transparency and Integrity Fund (TIF) recommends a project support grant of \$200,000 over two years. This grant would advance the Fund's goal of guaranteeing broad and equitable access to information by collecting, aggregating, and disseminating data on state subsidies to the widest possible audience and by creating effective mechanisms for use of the data to maximize the impact of organizing and advocacy efforts. The grant would also advance the Fund's goal to equalize access to the democratic process by reducing the influence of money in politics.

The current recession combined with poor state-level economic policies have led state governments to make massive cuts to public benefits, schools, courts, and other basic services. At the same time, many state officials are touting the use of economic development subsidies with the justification that they will help create jobs and rebuild dwindling state revenues. Unfortunately, these claims (and the programs that result) are rarely evaluated to see if the promised jobs and revenues actually materialize. What many investigations have shown is that these programs fail to live up to their promises, doing little more than funneling taxpayer dollars into corporate coffers. When the links between campaign contributions and subsidies are revealed, the discrepancies come to light and there is a new opening to attack the underlying subsidy policy and practice.

Good Jobs First's Subsidy Tracker database will help journalists and watchdog organizations uncover examples of bad (or corrupt) subsidies and subsidy programs without adequate enforcement provisions. It will also help advocacy groups make a data-driven case for channeling dwindling state monies to programs that help those most in need and that successfully create jobs that benefit those communities hardest hit by the recession. Unlike other similar projects (including, most notably, the Pew Charitable Trusts' *Subsidy Scope*), GJF's database focuses on state (rather than federal) subsidy data. More importantly, it does not simply identify government subsidy projects and calculate their costs on a national basis but rather identifies the actual corporate recipients of subsidies in each state. It allows for deeper investigation into who is receiving subsidies and whether those subsidies are fulfilling their economic development promises.

GJF has received occasional OSF grants, particularly since the recession. It focuses its research and advocacy efforts on economic development issues that, potentially, could have the greatest impact on communities suffering most from the economic crash. GJF has played an important

role in organizing, coordinating, and supporting organizations working to increase transparency and equity in the economic recovery. In particular, it is working with OSF-funded state alliances to assure that federal stimulus dollars are tracked and allocated to the communities most in need.

Given its work on this and other recent grants, we are confident that GJF will not only create an accurate and extensive database but also use its existing relationships to ensure the database is used by journalists and advocacy groups in the states.

We are pleased that GJF has already begun collaborating with the National Institute on Money in State Politics to determine how Subsidy Tracker can connect to the Institute's extensive database of campaign spending (now including independent expenditures). This linkage will increase the value of both sets of data as it will allow journalists and advocacy groups to tell a larger story about how state campaign monies translate into state spending decisions.

Based on the foregoing, TIF recommends a grant to GJF of \$200,000 over two years.

Grant ID: 20033157

Legal Name of Organization: Defenders of Wildlife

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

Name of Fiscal Sponsor: n/a

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

Grant Description: Defenders of Wildlife (Defenders) is a national, nonprofit membership organization dedicated to the protection of all native animals and plants in natural communities. Based in Washington, DC, Defenders works across international borders and engages in advocacy, public education, and mobilization of the environmental community. This project grant would provide renewal support for the *Judging the Environment* project (the Project), the most valuable output of which is a daily e-mail compilation of editorials, commentary, and articles on judicial nominations topics. The Project's daily digest has become an invaluable resource for advocates, Senate staff, journalists, law professors and others needing up-to-the-minute, comprehensive information on developments in this area. The recommended grant would advance the Transparency and Integrity Fund's goal of ensuring fair, impartial, and diverse courts. The Project's ongoing operation has fundamental importance to all members of the Coalition for Constitutional Values (the primary advocacy coalition on this issue), as well as to other grantees working on federal judicial nominations.

Previous OSI Support: *Project, which was previously housed at Earthjustice*
\$300,000 from Transparency and Integrity (2009)
\$555,000 from Judicial Nominations (2005-2009)

Organization Budget: \$30,337,759

Project Budget: \$200,334

Major Sources of Support:

| | |
|---------------------------------------|-------------|
| Kresge Foundation | \$800,000 |
| Doris Duke Charitable Foundation | \$3,500,000 |
| National Fish and Wildlife Foundation | \$283,000 |

Amount Requested: \$125,000 over one year

Is this a contingent grant? No

Amount Recommended: \$125,000 from the Transparency and Integrity Fund (Foster an Independent and Diverse Judiciary T1: 21110)

Term: 1 year, beginning July 1, 2011

Matching Requirements: \$75,000

Description of Organization

Defenders of Wildlife is a national, nonprofit membership organization dedicated to the protection of all native animals and plants in natural communities. Founded in 1947, it is one of the country's leaders in 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 and safeguard habitat. Based in Washington, DC, Defenders of Wildlife works across international borders and engages in advocacy, public education, and mobilization of the environmental community.

Description of Program for Which Funding Is Sought

In 2001, three environmental organizations launched the *Judging the Environment Project* (the Project) to highlight the environment-related issues at stake in federal courts and to work to prevent the confirmation of anti-environment ideologues to lifetime positions on the federal bench. Originally housed at Earthjustice, the Project moved to Defenders of Wildlife in 2009. The Project works in close collaboration with the Coalition for Constitutional Values (the Coalition), an alliance of racial justice, disability rights, environmental, LGBT equality, and other groups (some of whom are OSF grantees). Its role as a member of the Coalition is to:

- Monitor day-to-day debates, discussions, and decisions about judicial nominations and confirmations;
- Investigate and expose the views of judges and judicial nominees with anti-environment views;
- 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.

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

Rationale for Recommendation

The Transparency and Integrity Fund recommends a grant of \$125,000 over one year. The recommended grant would advance TIF's strategic goal of ensuring fair, impartial, and diverse courts. The Project's ongoing operation has fundamental importance to all members of the Coalition for Constitutional Values (the primary advocacy coalition on this issue), as well as to other grantees working on federal judicial nominations.

Prior grants supporting the Project (and two other environmental organizations, Community Rights Counsel and the Environmental Law Institute) have been part of an OSF effort to highlight the role of conservative judicial activism in eroding environmental protections enacted by Congress in the 1970s. While our support for work on federal judicial nominations (and for environmental groups in particular) has shrunk, we continue to see the work of this Project as particularly valuable and important for the daily collection and analysis of information and debates on federal judicial nominations. Time and again, people working on federal judicial nominations (including those at OSPC and at anchor grantee the Leadership Conference on Civil and Human Rights) tell us that they rely on *Jud Noms* to do their work. The *Jud Noms* email provides vital information to every member of the Coalition, regardless of their issue interest.

Glenn Sugameli, the guiding force behind the Project, is a tireless collaborator and one of the most published Coalition members in newspapers around the country. When organizations working on judicial nominations need to review and assess strategies used in past nominations battles, the information they need is found in the Project's archives. Sugameli himself is an encyclopedia of past strategy and messaging.

We are continuing to encourage the Project to develop a more diverse funding base. The Project successfully raised \$50,000 dollars as part of a matching requirement in its last OSF grant. With this grant, TIF recommends attaching a \$75,000 match requirement (which the Project would need to meet in one year rather than two).

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

Grant ID: 20033158

Legal Name of Organization: Lambda Legal Defense and Education Fund

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To provide renewal support for Lambda Legal’s Fair Courts Project

Grant Description: Lambda Legal Defense and Education Fund (Lambda Legal) is one of the oldest and largest legal organizations in the LGBTQ civil rights movement. It engages in impact litigation to expand the rights of LGBTQ and HIV positive individuals and employs targeted educational initiatives and public policy reforms to complement and magnify its work in the courtroom. This grant would provide renewal project support for the Fair Courts Project (the Project), a public education and non-litigation advocacy effort that provides a much-needed LGBTQ voice and presence in advocacy for fair and impartial courts. In the seven years since its creation, the Project has engaged in nationwide outreach to the LGBTQ community, the Latino community, and other concerned citizens to encourage them to defend courts under attack. The recommended grant would advance the Transparency and Integrity Fund’s goal of ensuring fair, impartial, and diverse courts by supporting core judicial independence organizations collaborating in the Justice at Stake campaign. It supports the Equality and Opportunity Fund’s overarching goal of ensuring justice and equality, prohibiting arbitrary and discriminatory government action, and lifting barriers that prevent people from participating fully in economic, social, and political life. It also advances EOF’s specific grantmaking priority of strengthening and expanding policies that protect the rights of LGBTQ people, including efforts to secure legal protections for same-sex relationships and families.

Previous OSI Support: \$1,040,000
\$380,000 from Transparency and Integrity (2008)
\$120,000 from Progressive Infrastructure (2007)
\$440,000 from U.S. Justice Fund (2004-2006)
\$100,000 from USP General Grants (2003)

Organization Budget: \$12,695,750

Project Budget: \$415,843

Major Sources of Support: Gill Foundation \$165,000

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|----------------------|-----------|
| Individual Donations | \$100,000 |
| Calamus Foundation | \$50,000 |

Amount Requested: \$200,000 over one year

Is this a contingent grant? No

Amount Recommended: \$160,000
\$100,000 from the Transparency and Integrity Fund (Foster an Independent and Diverse Judiciary T1: 21110); \$60,000 from the Equality and Opportunity Fund (Ensure LGBTQ and Gender Equality, T1: 24450)

Term: 1 year, beginning November 1, 2011

Matching Requirements: \$40,000

Description of Organization

Established in 1973, the Lambda Legal Defense and Education Fund (Lambda Legal) is one of the oldest and largest legal organizations in the LGBTQ civil rights movement. It engages in impact litigation to expand the rights of LGBTQ and HIV positive individuals and employs targeted educational initiatives and public policy reforms to complement and magnify its work in the courtroom. One such effort is its Fair Courts Project, which addresses threats to an independent judiciary that undercut the courts' proper role in our system of checks and balances. Lambda Legal is headquartered in New York City and has regional offices in Los Angeles, Chicago, Atlanta, and Dallas. It is a partner in the Justice at Stake Campaign, a coalition of nearly 50 organizations nationwide working to keep state and federal courts fair and impartial.

Description of Program for Which Funding Is Sought

The Fair Courts Project (the Project) is a public education and non-litigation advocacy effort that provides a much-needed LGBTQ voice and presence in advocacy for fair and impartial courts. It was launched in 2004 in response to intense anti-court rhetoric in the wake of *Goodridge v. Department of Health* (establishing same sex marriage in Massachusetts) and the Terri Schiavo controversy. In the seven years since its creation, the Project has done extensive outreach around the country to explain the proper role of courts in a democracy to the LGBTQ community, the Latino community, and to the public in states where such anti-court attacks have flared up in recent years.

As marriage equality litigation made its way through Iowa's courts, Lambda Legal organized a public education and outreach campaign in that state to counter substantial anti-court rhetoric. Lambda Legal trained local advocates to speak out in favor of fair and impartial courts, working to create a climate in which the court's ruling would be respected and not attacked. After the Iowa Supreme Court handed down its unanimous decision upholding marriage equality in 2009, the project further ramped up its efforts. Project staff worked closely with One Iowa (an LGBTQ political action group and sub-grantee of the Civil Marriage Collaborative, which is supported by

the Equality and Opportunity Fund) and with Justice at Stake coalition members such as the American Judicature Society to educate the LGBTQ community and the broader public about why efforts to remove three justices (in response to the Iowa decision) threatened judicial independence. With renewal support, the Project will continue its work in Iowa (where an effort to unseat a fourth justice is expected in 2012) while pursuing other goals identified in the Justice at Stake strategic plan. Those goals are:

Counter efforts to intimidate judges and weaken judicial independence. The Project will work in concert with Justice at Stake and other partners to monitor and respond to attacks against the judiciary in Iowa, New Jersey (where litigation to establish marriage equality is now getting underway), and other states as identified through Justice at Stake.

Educate and advocate for judicial diversity. The Project will work in concert with Justice at Stake and partner organizations to advocate for greater judicial diversity. This effort will include: outreach to LGBTQ lawyers who might consider a career in the judiciary (whether through appointment or election) and, providing information about the process for reaching the bench and ways to counter assumptions of bias based on sexual orientation and gender identity. Working with Justice at Stake, the Lawyers Committee for Civil Rights Under Law, and local partners, Lambda Legal will help connect potentially interested LGBTQ lawyers with sitting LGBTQ judges who can act as their mentors (Lambda Legal's work on this aspect of the project is already underway in Washington state).

Recruit new identity-based organizations to participate in the Justice at Stake coalition. Lambda Legal is one of the few identity-based groups currently active in Justice at Stake. Using the connections and alliances it has built through its litigation efforts and coalition work on other issues, Lambda Legal will take an active role in outreach to groups such as the Mexican American Legal Defense and Education Fund, the National Asian Pacific American Bar Association, and the National Bar Association to get them more involved in fair courts efforts generally and the Justice at Stake coalition specifically.

Educate the LGBTQ community about the importance of fair and impartial courts. Building on its past work, the Project will continue disseminating a "fair courts advocacy toolkit" (including a Spanish language edition completed last year) to interested LGBTQ advocates. The toolkit builds on Lambda Legal's past efforts to bring a normally dry and specialized topic – judicial independence – to a broad non-lawyer audience.

Rationale for Recommendation

The Transparency and Integrity Fund (TIF) and the Equality and Opportunity Fund (EOF) recommend a grant totaling \$160,000 over one year to support Lambda Legal's Fair Courts Project. The recommended grant would advance TIF's strategic goal of ensuring fair, impartial, and diverse courts by supporting core judicial independence organizations collaborating in the Justice at Stake campaign. The proposed grant would further the Equality and Opportunity Fund's overarching goal of ensuring justice and equality, prohibiting arbitrary and discriminatory government action, and lifting barriers that prevent people from participating fully in economic, social, and political life. It also advances EOF's specific grantmaking priority of strengthening

and expanding policies that protect the rights of LGBTQ people, including efforts to secure legal protections for same-sex relationships and families.

State courts that decide to hear and rule on cases related to the rights of LGBTQ people are often assailed by partisans for “legislating from the bench,” even though the courts are the proper venue for addressing individual’s rights claims and for deciding how the law and the constitution apply. When the California Supreme Court struck down marriage discrimination based on the state constitution, there was an outpouring of anti-court rhetoric from special interests and politicians, some of whom called it an “outrage” and an “example of judicial tyranny.” The same thing happened in Iowa following that its Supreme Court’s unanimous decision in 2009. In 2010, three of the court’s seven justices were voted off the bench in retaliation. Such action jeopardizes the integrity of the nation’s courts, especially the ability of the courts to protect the constitutional rights of minority groups. LGBTQ groups are therefore an important constituency to engage in broad-based efforts to promote a fair and independent judiciary.

Lambda Legal is calming the heated rhetoric by educating communities about fair and impartial courts and the constitutionally established role of America’s courts. By doing so, it aims to foster an environment in which courts can decide cases based on the law without the risk that they will be publicly attacked for upholding the law. In its messaging, Lambda Legal frames the issue of judicial independence in the context of America’s history and founding. By doing so, it undercuts the argument that the judiciary is in some way departing from tradition in certain rulings.

Lambda Legal serves as an important bridge between good government groups and LGBTQ groups. It is the only LGBTQ organization with a full-time staffer dedicated to judicial independence issues. And, it often works with more litigation-minded LGBTQ groups, such as the National Center for Lesbian Rights and Gay and Lesbian Advocates and Defenders (both current Equality and Opportunity Fund grantees), to discuss fair and impartial courts and effective messaging. Much of the latter it has developed in conjunction with the Justice at Stake Campaign. Lambda Legal is an integral member of the Campaign because it represents a heavily impacted constituency.

Lambda Legal’s work in this arena is directed by Meredith Palmer, a knowledgeable and enthusiastic new project leader. She brings to Justice at Stake coalition discussions a set of concerns and issues that are too often overlooked in the judicial independence field. She has therefore played an essential, and much appreciated, role in developing the Coalition’s strategies on judicial diversity as part of its overall strategic plan.

Based on the foregoing, TIF and EOF recommend a grant to Lambda Legal of \$160,000 over one year.

Grant ID: 20033156

Legal Name of Organization: League of Women Voters Education Fund

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To provide renewal project support for the League's *Quest for a More Diverse Judiciary* campaign

Grant Description: The League of Women Voters of the United States (League) 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, provides League organizations, and the wider public, information and educational services on important issues of public policy. This renewal project grant would provide support for the third and final year of the *Quest for a More Diverse Judiciary Campaign*, which has three goals: 1) to educate the judicial nominating commissions in Kansas and South Carolina about the importance of diversity; 2) to build a diverse network/coalition to support adoption of policies that will result, with time, in a more diverse judiciary; 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. The Campaign is working intensely in both states to promote ethnic, racial, and gender diversity on the state and federal courts. The recommended grant would advance the Transparency and Integrity Fund's goal of ensuring fair, impartial, and diverse courts by supporting core judicial independence organizations collaborating in the Justice at Stake campaign.

Previous OSI Support: \$1,888,020
\$480,000 from Transparency and Integrity (2008 – 11)
\$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: \$2,998,948

Project Budget: \$363,375

Major Sources of Support: *Project*
League of Women Voters \$170,880

Amount Requested: \$192,495 over one year

Is this a contingent grant? No

Amount Recommended: \$165,000 from the Transparency and Integrity Fund (Foster an Independent and Diverse Judiciary T1: 21110)

Term: 1 year, beginning September 1, 2011

Matching Requirements: None

Description of Organization

The League of Women Voters of the United States (the League) 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, information and educational services on important issues of public policy.

Description of Program for Which Funding Is Sought

The League of Women Voters Education Fund seeks support for the third and final year of its *Quest for a More Diverse Judiciary* campaign (the Campaign). The Campaign has three goals: 1) to educate the judicial nominating commissions in Kansas and South Carolina about the importance of judicial diversity; 2) to build a diverse network/coalition to support the adoption of policies that will result, with time, in a more diverse judiciary; 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. In the last two years the Campaign has focused on two states – Kansas and South Carolina – to promote ethnic, racial, and gender diversity on the state and federal courts in those states.

The Campaign is a closely-knit collaboration among the LWVEF, the League of Women Voters of the United States, the League of Women Voters of Kansas, the League of Women Voters of South Carolina, and the 1,200+ active League members in those states. Over the past two years, the Campaign has used a variety of approaches to reach its goals, including: hosting conferences and public forums featuring judges, legislators, attorneys, and members of judicial selection bodies; sponsoring diversity trainings for nominating commissioners; cultivating partnerships with state bar associations and other key players; pursuing a media strategy, including letters to the editor and op-eds; engaging in targeted outreach to communities of color and younger audiences; and distributing brochures to the public at major community gatherings.

Any effort to diversify the judiciary would be slow to show results given the slow rate of personnel changes on the bench. Yet the Campaign has had impact. In Kansas, the League persuaded the state's Chief Justice to make public all judicial vacancy announcements and nominating commission rosters – a step towards greater transparency that allows concerned

communities to identify and support the nomination of judges from underrepresented groups. Furthermore, the Campaign pressured the Supreme Court and Appeals Court Nominating Commission to open candidate interviews to the public for the first time. This will allow greater public monitoring of the process, including checking for biases that may prevent qualified and diverse candidates from reaching the bench. Since the Campaign began in Kansas in late 2009, the Commission has placed two women on the bench in that state: one on the Supreme Court and one on the Court of Appeals. In South Carolina (where the Campaign has been in operation for just a year), League members are now applying to join the advisory boards that recommend nominees to the state Judicial Merit Selection Commission, a new level of engagement and involvement.

With a final year of funding, the Campaign will focus increased attention on South Carolina, aiming to further embed judicial diversity in the nomination process. League members hope to continue to impact thinking and action on judicial diversity. The Campaign will wrap up its work in Kansas, taking advantage when vacancies arise to promote judicial nominees from underrepresented communities. The League will also work with Justice at Stake and its coalition partners to identify opportunities for its involvement in advancing the coalition's strategic plan relating to diversity.

Rationale for Recommendation

The Transparency and Integrity Fund (TIF) recommends a grant of \$165,000 over one year. The recommended grant would advance TIF's strategic goal of ensuring fair, impartial, and diverse courts by supporting core judicial independence organizations collaborating in the Justice at Stake campaign.

LWVEF's Campaign represents an important departure from its past efforts on judicial independence. In the past decade, the League has been the principal member-driven organization advocating for judicial independence in state capitals, cities, and towns around the nation. That work, however, was "scattershot" – it took place in an unsystematic manner and did not focus the necessary time, attention, and resources in target jurisdictions to get results. It was at OSF's urging in 2009 that LWVEF adopted a more focused approach – something that would recall the League's past reform campaigns (when critics and allies alike referred to the group with both contempt and respect as the "Plague of Women Voters"). After surveying state League affiliates to gauge need, interest, capacity, and opportunity, the group chose Kansas and South Carolina for its work.

The Campaign has brought new energy and attention to the issue of judicial diversity in both states where there was little to none before. Members of the judiciary, judicial selection commissioners, policymakers, editorial boards, and citizens have become more informed and engaged on the importance of diversity in the functioning of fair and impartial courts. And changes are now visible.

LWVEF plays an important role in the Justice at Stake Campaign. It is one of the only national partner organizations that can mobilize 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 LWVEF, the centralized support offered by the Campaign has

proved to be an effective way of providing research and communications support to local League members in target jurisdictions.

Based on the foregoing, TIF recommends a grant to LWVEF of \$165,000 over one year.

Grant ID: 20033160

Legal Name of Organization: Infinity Project

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

Name of Fiscal Sponsor: University of Minnesota

Purpose of Grant: To support the Infinity Project in its efforts to increase gender diversity of the state and federal bench and ensure the quality of justice in the Eighth Circuit

Grant Description: The Infinity Project (the Project) is a regional coalition of individuals and organizations that seeks to put the issue of judicial diversity on the public agenda in the seven states of the U.S. Court of Appeals for the Eighth Circuit. Established in 2008, the Project is motivated by the belief that the judiciary must be composed of judges who represent the diversity of the population it serves in order to bring a variety of perspectives and experiences to legal decision making. Its goals include seeing more women apply for appointments to the Federal bench, be recommended for openings on the Federal bench, and be nominated and confirmed for appointment to the Federal bench. The Project advances its goals through a combination of organizing, communications, training, technical assistance, and public education. The recommended grant would advance the Transparency and Integrity Fund's goal of ensuring fair, impartial, and diverse courts by supporting innovative and effective efforts to increase judicial diversity.

Previous OSI Support: \$213,000
\$170,000 from Transparency and Integrity (2009)
\$43,000 from Democracy and Power (2008)

Organization Budget: \$200,000

Project Budget: \$200,000

Major Sources of Support: n/a

Amount Requested: \$150,000 over two years

Is this a contingent grant? No

Amount Recommended: \$150,000 from the Transparency and Integrity Fund (Foster an Independent and Diverse Judiciary T1: 21110)

Term: 2 years, beginning November 1, 2011

Matching Requirements: \$50,000 (\$25,000 with at least three new donors above the \$5000 level in each year of the grant)

Description of Organization

The University of Minnesota-Twin Cities, is the flagship campus for the state's public university system. The University is home to the Humphrey Institute of Public Affairs, a degree-granting school of public policy and administration. The Institute's mission reflects the values of its namesake, former Senator and Vice President Hubert Humphrey, by going beyond the classroom to engage its faculty and students in the public arena on issues of importance to the state, region, and nation.

Description of Program for Which Funding Is Sought

The Infinity Project (the Project) is a regional coalition of individuals and organizations that seeks to put the issue of judicial diversity on the public agenda in the states of the U.S. Court of Appeals for the Eighth Circuit (Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Missouri, and Arkansas). Established in 2008, the Project is motivated by the belief that the judiciary must be composed of judges who represent the diversity of the population it serves in order to bring a variety of perspectives and experiences to legal decision making. Its goals include seeing more women (including, in particular, women of color and LGBT women) apply for appointments to the Federal bench, be recommended for openings on the Federal bench, and be nominated and confirmed for appointment to the Federal bench.

At present, there is only one woman on the Circuit Court: Judge Diana Murphy, a 77 year-old Clinton appointee. There is also only one person of color on the court: Judge Lavenski Smith, a 52-year-old Bush appointee. Because Murphy is likely to retire in the next few years, the Circuit may soon be all male. The Infinity Project seeks to increase the diversity of the Eighth Circuit Court of Appeals and the lower federal and state courts in the Eighth Circuit states by combining circuit-wide coordination and support with state-based organizing, outreach to local lawyers and affinity groups, communications, and direct advocacy to make diversity an important consideration for its Senators and for the Presidential administration when vacancies arise. In the next two years, the Project will pursue its goals through a number of interrelated efforts:

Increase public awareness about the importance of gender equity on the bench through refined messages and trained messengers. Much of Infinity's success thus far has come through Infinity members speaking to colleagues and allies in professional and affinity groups (e.g., bar associations, law firms, and the feminist advocacy community) about the lack of diversity on the bench in the Eighth Circuit. However, Project leaders believe they can increase Infinity's impact with clear messages and trained messengers. As a result, the Project will conduct three messaging workshops (two in-state and one circuit-wide) to train members on how to advocate for judicial diversity. The Project will also develop and mentor a roster of messengers in each member state so that, when opportunities arise to speak to the media or large groups, the Project will be ready to call upon effective speakers.

Educate decision makers about barriers to gender equity on the bench, including implicit bias and the lack of clear qualification standards. While the Project believes that educating and mobilizing members to speak to the public about the need for diversity on the bench is essential, it recognizes that, in most cases, a small number of individuals have the ultimate decision making authority to determine who becomes a judge. To assure that all qualified candidates for the bench are fairly considered, the Project will work with selection commissioners, Senate staffers, and others to educate them about implicit bias (using research and training materials developed by the Brennan Center for Justice). The Project hopes to minimize the impact of such bias in the selection process. The Project will also work to ensure that selection panels have clearly established and articulated qualifications, the lack of which has significantly hindered the nomination of women, people of color, and LGBT members to the bench.

Recruit and support women interested in seeking appointment to the bench. Studies and experience have shown that women and people of color do not consider becoming judges for a variety of reasons. To counter that negative self-selection, over the last two years the Project ran an “ask a woman to become a judge” campaign during which it and its allies identified strong candidates and asked them to consider becoming a judge. Starting with this grant, the Project will establish a mentoring program for women interested in joining the judiciary and institute regular trainings (both in person and on the internet) on the selection process and on the pitfalls on the path to the bench.

The Project will pursue all these goals through state-level committees that are coordinated across the circuit by its staff and board members. Currently, strong state committees operate in Minnesota, Iowa, and Arkansas. In the next two years, the Project will try to strengthen committees in Missouri, South Dakota, North Dakota, and Nebraska through strategic planning, “how to become a judge” events, messaging workshops, and Eighth Circuit judicial conference events.

Rationale for Recommendation

The Transparency and Integrity Fund (TIF) recommends a grant of \$150,000 over two years. The grant would advance the Fund’s goal of supporting innovative and effective efforts to increase judicial diversity.

OSF provided start-up funding to the Infinity Project in 2008. In three years, the Project has made great strides in putting this often overlooked issue on the map and challenging the longstanding “old boys” approach to judicial selection. Women’s groups throughout the Eighth Circuit are focusing on the issue. Infinity members are joining judicial nomination commissions (in their private capacity), and Infinity members and allies are being named to judgeships on the state courts and federal district court – putting them in the pipeline for future openings on the Eighth Circuit. Perhaps most notably, the National Conference of Bar Associations gave the Infinity Project its Public Service Award, a prize honoring projects it considers worthy of replication across the country.

The brainchild of local activists, the Infinity Project is unique in the way it engages local citizens in efforts to reshape the judiciary. Thanks to the coalition building skills of the its founding partners, the Project has been successful in working across state lines to engage concerned

citizens from each Eighth Circuit state. By utilizing the skills and knowledge of people at the state level, the Project provides an element that has been missing from discussions about the federal courts. People familiar with nominations issues have said that when Senators see that their constituents (rather than DC-based advocates) are concerned about judicial nominations, they are far more likely to care and to act. The Project's approach holds great promise as a model for diversity efforts in other circuits and for judicial nominations work generally.

The Infinity Project's biggest challenge has been building a diverse (and local) funding base. TIF staff recommend making \$50,000 of the proposed grant contingent upon the Project raising matching funds with at least three new donors each year who each give more than \$5000. TIF staff will work closely with the Infinity Project as it continues to expand, helping it connect with potential allies in cities and states around the country.

Based on the foregoing, TIF recommends a grant of \$150,000 over two years.

Grant ID: 20033154

Legal Name of Organization: National Center for State Courts

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To provide project support to the National Center for State Courts for its work to maintain fair and impartial courts in the states

Grant Description: The National Center for State Courts (NCSC) is a non-partisan, non-profit organization created in 1971 by Chief Justice Warren Burger to improve the administration of justice in the state courts. NCSC has long been an important participant in the Justice at Stake coalition, bringing to that group its deep connection to state court judges and administrators. This grant would provide renewal project support to enable NCSC to: 1) provide research assistance in litigation efforts to defend judicial canons of ethics and recusal rules; 2) organize and support judicial campaign oversight committees; and 3) provide research and technical assistance to state courts and advocates seeking to maintain access to justice during state fiscal crises. The recommended grant would advance the Transparency and Integrity Fund's goal of ensuring fair, impartial, and diverse courts by supporting core judicial independence organizations collaborating in the Justice at Stake campaign.

Previous OSF Support: \$1,967,832
\$477,000 from Transparency and Integrity Fund (2008-2011)
\$350,000 from Progressive Infrastructure (2007)
\$45,000 from U.S. Justice Fund (2006)
\$480,000 from Constitutional and Legal Policy (2004-05)
\$615,832 from Law and Society (2000-02)

Organization Budget: \$33,289,654

Project Budget: \$649,789

Major Sources of Support: *Project*
National Center on State Courts \$229,789

Amount Requested: \$420,000 over two years

Is this a contingent grant? Yes

Amount Recommended: \$400,000 from the Transparency and Integrity Fund (Foster an Independent and Diverse Judiciary T1: 21110)

Term: 2 years, beginning November 1, 2011

Matching Requirements: None

Description of Organization

The National Center for State Courts (NCSC) is an independent, nonprofit organization dedicated to strengthening the capacity of state court systems. NCSC facilitates collaboration among state courts, serving as the national voice of the state judiciaries and providing practical assistance through the development of policies, models and best practices. Based in Williamsburg, Virginia, NCSC also supports the work of the Conference of Chief Justices, a membership organization for the 50 state chief judges. NCSC is a partner in the Justice at Stake Campaign, a coalition of nearly 50 organizations nationwide working to keep state and federal courts fair and impartial.

Description of Program for Which Funding Is Sought

The National Center for State Courts (NCSC) seeks renewal of its funding to continue assisting state judiciaries, judicial organizations, and other concerned groups to anticipate and respond to laws, policies and other actions that politicize the judiciary or otherwise weaken its role as an independent branch of government. NCSC has outlined three areas it will focus on in the grant period:

Support litigation efforts to defend judicial canons of ethics and recusal rules. Over the past decade, opponents of campaign regulations (particularly attorney James Bopp) have worked toward elimination of judicial canons and recusal rules that limit judicial candidates' ability to solicit and use donations. As set out in its recent five-year strategic plan, the Justice at Stake coalition has established a litigation working group to better coordinate defensive litigation by the Brennan Center, the Campaign Legal Center, Justice at Stake, state attorneys general, and pro bono lawyers. NCSC will bring to this working group its experience and connections in assisting state attorneys general, who are often the primary defenders of judicial ethics rules but inexperienced in this area of law. NCSC will continue its support for state attorneys, maintain an archive of briefs and research on judicial ethics litigation, and monitor the courts to alert the working group as future cases are filed.

Organize and support judicial campaign oversight committees. While other members of the Justice at Stake Campaign focus on reform of state judicial elections laws, NCSC has focused on improving those elections. In establishing judicial campaign oversight committees, NCSC has helped create citizen groups that monitor candidate actions and establish norms of campaign conduct in judicial races. These committees intervene particularly around false claims or attack ads that violate canons of judicial conduct, through candidate training, direct engagement with candidates during elections, and (in response to the worst cases) public statements condemning "unjudicial" behavior (without violating 501(c)(3) electioneering rules). NCSC will continue this

work in 2011 and early 2012, focusing on strengthening or supporting oversight committees in states with judicial elections in 2012.

Support state courts and advocates seeking to maintain access to justice during state fiscal crises. With states facing massive budget shortfalls, court systems budgets are victims of substantial reductions. The impact of these cuts falls on those who most need the courts' protection. NCSC will continue working with state court systems to provide research and guidance in how to weather the budget crisis while protecting access to justice. NCSC will conduct research that helps make the economic case for ensuring access to justice. That research will be used by the American Bar Association, the Committee for Economic Development, and Justice at Stake in outreach to state court officials. NCSC will also assist state courts in finding ways to cut costs without sacrificing the quality or accessibility of justice. NCSC will draw on its longstanding relationships with court administrators to identify and disseminate best practices in this area. Finally, NCSC will work with the National Center for Access to Justice to establish a "justice index:" a ranking and analysis of state court systems that evaluates access to justice in each state based upon a variety of factors (including access to counsel, translation services, etc.).

Rationale for Recommendation

The Transparency and Integrity Fund (TIF) recommends a contingent renewal grant of \$400,000 over two years. The recommended grant would advance TIF's strategic goal of ensuring fair, impartial, and diverse courts by supporting core judicial independence organizations collaborating in the Justice at Stake campaign.

The National Center for State Courts is a unique and important member of the Justice at Stake Campaign coalition. Created to improve the administration of justice in state courts, NCSC is a center of research and education, supporting state judicial systems and partner organizations dedicated to defending the courts from outside attack while also helping courts reform ineffective or inequitable practices. NCSC's work is aimed at state court leaders and court administrators who rely upon its objective research and support in setting court policies and operations. NCSC is the sole organization in the Justice at Stake coalition primarily dedicated to assisting state court judges.

NCSC will deliver services and products that are useful to state court judges and others concerned by the threats to the independence of the courts. Its promotion of and support for judicial campaign oversight committees is an affirmative effort to solve the problem of court politicization – an important stop-gap measure taken while others seek to reform or end judicial elections. Rather than seek loopholes in Supreme Court decisions unlikely to be overturned for at least a generation, NCSC is emphasizing ways to change the culture of judicial elections *now*, using ethical standards to encourage improved candidate behavior.

The project's coordination of state attorneys and solicitors general provides key knowledge and information to those defending against James Bopp's aggressive legal actions. NCSC helps state attorneys less experienced on these matters contend with this adversary, another valuable service only NCSC provides.

Finally, NCSC's work on access to justice is particularly important. NCSC is often the first place state Chief Justices and court administrators turn when trying to understand how best to make budget cuts without sacrificing the essential role of courts in our governmental system. NCSC has already been sharing its research expertise with many state court systems. It has also been connecting state court officials across the country so that the lessons learned in one state can help another state manage budget cuts (and make the case to legislators as to why slashing court budgets is unjust and unwise). Its work on the justice index will further strengthen its ability to persuade courts to protect access to justice by providing data on how one state compares with others.

NCSC's work is led by Dr. David Rottman, an experienced and trusted professional who works closely with the Conference of Chief Justices and Justice at Stake. Rottman and his colleagues have unparalleled access to judges at the state level, judges who heed NCSC's recommendations and benefit from its guidance. The information NCSC collects and disseminates also serves as the foundation of advocacy by many Justice at Stake member organizations.

Based on the foregoing, TIF recommends a grant to NCSC of \$400,000 over two years. We have recommended a contingent grant in order to preserve liquidity in our 2011 budget.