

OPEN SOCIETY U.S. PROGRAMS BOARD MEETING

New York, New York
September 3–4, 2013



OPEN SOCIETY U.S. PROGRAMS BOARD MEETING

New York, New York
September 3–4, 2013



Open Society Foundations U.S. Programs Board Meeting

224 West 57th Street, New York

September 3–4, 2013

Tab 1	 Board Meeting Agenda.....	5
Tab 2	 Note from U.S. Programs Director	9
Tab 3	 May 2013 Board Meeting Minutes.....	17
Tab 4	 Working Lunch: Reflections on the Conservative Movement	23
	• Steven Hayward Biography	24
	• Selected Article.....	26
	• Grover Norquist Biography	35
	• Selected Article.....	36
Tab 5	 Pressing Issues: Criminal Justice.....	41
	• Californians for Safety and Justice Background	42
	• Selected Articles	48
	• Lenore Anderson Biography.....	58
	• Ace Smith Biography	59
Tab 6	 Panel Discussion: The Changing Structure of Political Persuasion in the Digital Age.....	61
	• Discussion Background	62
	• Jennifer Green Biography	65
	• David Karpf Biography	66
Tab 7	 Proposed U.S. Programs 2014 Budget	67
	Budget Documents to be Distributed Separately	
Tab 8	 Pressing Issues and U.S. Programs Reserve Fund.....	102
	• U.S. Programs Reserve Fund Update and Requests	103
	• School Discipline Reform Strategy	107
	• White House Initiative on Black Male Achievement.....	123
	• Comprehensive Immigration Reform.....	137
	• Post-Shelby Voting Rights Strategy	141
	• The Open Places Initiative.....	144
	• Anchor Grants: Multi-Year Funding Approach.....	148
	• Mt. Holly Settlement Proposal	153

Open Society Foundations U.S. Programs Board Meeting

224 West 57th Street, New York

September 3–4, 2013

Tab 9	 Working Lunch Discussion	156
	• Harold Hongju Koh Biography	157
Tab 10	 Open Society Policy Center Update	160
Tab 11	 U.S. Programs Updates.....	164
Tab 12	 U.S. Programs Docket Cover Memos.....	172
	• Director's Overview.....	173
	• Docket Cover Memos	178

BOARD MEETING AGENDA

Open Society Foundations U.S. Programs Board Meeting

224 West 57th Street, New York

September 3-4, 2013

TUESDAY, SEPTEMBER 3

- 12:00 – 12:30 p.m. **Welcome, Review of Agenda and Approval of Minutes | [Tab 1](#)**
- *Steve Coll*, Chair, U.S. Programs Advisory Board
 - *Ken Zimmerman*, Director, U.S. Programs
- 12:30 – 1:45 p.m. **Working Lunch: Reflections on the Conservative Movement | [Tab 4](#)**
- *Steven Hayward*, Professor, Conservative Studies at UC-Boulder
 - *Grover Norquist*, President, Americans for Tax Reform
- Moderator: *Ken Zimmerman*
- 1:45 – 2:00 p.m. Break
- 2:00 – 3:00 p.m. **Pressing Issues: Criminal Justice | [Tab 5](#)**
- *Lenore Anderson*, Executive Director, Californians for Safety and Justice
 - *Ace Smith*, Partner, SCN Strategies
 - *Bryan Stevenson*, Board Member, Executive Director of Equal Justice Initiative
- Moderator: *Leonard Noisette*, Director, U.S. Programs Justice Fund
- 3:00 – 3:15 p.m. Break
- 3:15 – 4:30 p.m. **Panel Discussion:
Changing Structure of Political Persuasion in the Digital Age | [Tab 6](#)**
- *Yochai Benkler*, Board Member and Berkman Professor of Entrepreneurial Legal Studies, Harvard
 - *Jennifer Green*, Executive Director, Analyst Institute
 - *David Karpf*, Assistant Professor, School of Media and Public Affairs at George Washington University
 - *Eli Pariser*, Board Member and Chief Executive of Upworthy
- Moderator: *Steve Coll*
- 4:30 – 5:30 p.m. **Open Society Foundations Transitions**
- *Chris Stone*, President, Open Society Foundations
- Proposed U.S. Programs 2014 Budget | [Tab 7](#)**
- *Ken Zimmerman*
- 5:30 – 6:00 p.m. **Board Executive Session with U.S. Programs Director**
- 8:00 p.m. *Dinner at George Soros' home*

WEDNESDAY, SEPTEMBER 4

11:00 – 11:15 a.m.

Welcome

- *Steve Coll* and *Ken Zimmerman*

11:15 – 12:30 p.m.

Presentation of School Discipline Reform Strategy

- *Kavitha Mediratta*, Program Executive for Children and Youth, Atlantic Philanthropies
- *Ken Zimmerman*

Pressing Issues and Reserve Fund Requests | [Tab 8](#)

- Comprehensive Immigration Reform
 - Pressing Issues:
Deepak Bhargava, Board Member, Executive Director of the Center for Community Change
 - Reserve Fund Request:
Archana Sahgal, Program Officer, U.S. Programs Equality Fund
- Post-Shelby Voting Rights Strategy
 - Pressing Issues:
Sherrilyn Ifill, Board Member, President and Director-Counsel at NAACP LDF
 - Reserve Fund Request:
Laleh Ispahani, Director, U.S. Programs Democracy Fund
- Open Places Initiative
Diana Morris, Director, OSI-Baltimore
- Anchor Grants: Multi-Year Funding Approach
Bill Vandenberg, Director, U.S. Programs Special Initiatives and Partnerships Unit

12:30 – 12:45 p.m.

Break

Open Society Foundations U.S. Programs Board Meeting

224 West 57th Street, New York

September 3-4, 2013

12:45 – 1:45 p.m.

Working Lunch | [Tab 9](#)

- *Harold Hongju Koh*, Sterling Professor of International Law, Yale Law School
- Moderator: *Rosa Brooks*, Board Member, Professor at Georgetown University Law Center

1:45 – 2:15 p.m.

White House Initiative on Black Male Achievement Post-Zimmerman Verdict

- *Chris Stone*, President, Open Society Foundations
- *Shawn Dove*, Campaign Manager, U.S. Programs Campaign for Black Male Achievement

2:15 – 2:30 p.m.

Board Discussion: Review of Board Meeting and Discussion of Future Topics

2:30 – 3:00 p.m.

Board Executive Session without U.S. Programs Director

NEXT BOARD MEETING: DECEMBER 17–18, 2013

NOTE FROM U.S. PROGRAMS DIRECTOR

Note from the Director of U.S. Programs

TO: U.S. Programs Board
FROM: Ken Zimmerman

WITH THE PASSAGE OF my one year anniversary, let me start by expressing my ongoing appreciation and continued excitement at the opportunity to serve at the helm of U.S. Programs.

I am looking forward to the board meeting which focuses on the next phase of U.S. Programs' development and, in particular, builds upon the board's discussion of politics and power begun at the May meeting. While we have dedicated a substantial amount of time for open-ended board discussion, we will also be joined by several notable (and ideologically diverse) guests. These include Harold Koh, who will be discussing surveillance and national security, and Grover Norquist and Steve Hayward, who will discuss the development and status of the conservative movement over lunch on our first day.

The meeting will also involve some important business items, including review of a set of specific issues and requests and the proposed 2014 budget. These range from our responses to the Supreme Court's decision involving the Voting Rights Act and President Obama's speech after the George Zimmerman verdict to the status of our California criminal justice campaign and our Open Places Initiative.

Consistent with past practice, we have designed the board materials so that for each item, we have included a brief cover memo with more detailed information as attachments.

Even as I very much look forward to our board meeting, I realize that one consequence of such an important and future directed conversation is that significant ongoing work by our core grantees and U.S. Programs staff can be given short-shrift. To partially remedy that, I have provided an attachment to this memo containing selected items provided by U.S. Programs' staff that reflect matters that might not otherwise come to

the board's attention. As you will observe, these reflect notable "inside game" efforts such as Bob Greenstein's recent success at enabling states to automatically enroll food stamp recipients on Medicaid, and external developments, such as a federal initiative to provide to over 1,100 local communities and 4,400 public housing authorities, information about race, ethnicity, and economic opportunity to shape the use of federal community development funds. While we provide only select examples, they illustrate ongoing important work that we and our grantees do even as we prepare for what promises to be an equally exciting year to come.

I look forward to seeing all of you on September 3 and 4.

Sincerely,

Ken

Team Updates

FROM THE SPECIAL INITIATIVES AND PARTNERSHIPS TEAM

While media coverage and political conversations about Affordable Care Act (ACA) implementation often paint a glass-half-empty picture, a recent breakthrough catalyzed by U.S. Programs' anchor grantee Center on Budget and Policy Priorities will enable states to enroll millions of low-income people in Medicaid virtually automatically when the ACA's Medicaid expansion takes effect. The Center on Budget designed the innovation and the U.S. Department of Health and Human Services (HHS) embraced it. HHS announced this past May that states will be able to easily identify recipients of the Supplemental Nutrition Assistance Program (SNAP, a.k.a. food stamps) who qualify for Medicaid and then easily enroll them without additional paperwork.

If all states expanded Medicaid, about 7 million uninsured people could be enrolled on the basis of information used to determine their eligibility for SNAP. Since not all states are adopting Medicaid expansion, the number of new enrollees will unfortunately be smaller, but still sizable. The State Fiscal Analysis Initiative coordinated by the Center on Budget and Policy Priorities and the HHS are working to encourage states to adopt the new option and help them implement it effectively. The attention to detail shown by Center on Budget staff and SNAP experts will make Medicaid enrollment seamless for many low-income Americans, lowering the burden on HHS and state officials while reducing the reliance on challenging Medicaid community outreach strategies that often miss many eligible people in the process.

FROM THE NATIONAL SECURITY AND HUMAN RIGHTS TEAM

New York University Law School is preparing to launch a new internet platform on law, rights, and U.S. National Security—the *Just Security* blog—this fall, with the support of an upcoming grant from the National Security and Human Rights Campaign (NSHR). The goal is to bring to policymakers, judges, and journalists practical but rights-respecting

solutions to national security problems and help recast coverage of the topic in the media. This new project has the interest and support of our long-time partner Atlantic Philanthropies, who we expect will offer a matching grant to NYU in December—a nice capstone to our work together on national security issues as Atlantic exits this field. The editors and contributors lined up for the blog are top notch and a strong mix of former government officials, human rights experts with extensive experience on the issues, and influential academics who engage with government to give policy advice. While there is always risk in initiating a new communications vehicle, this blog is intended to broaden the debate and compete with the more conservative and limited focus of other internet platforms, including *Lawfare*, which tends to exercise a monopoly and regressive hold on the national security debate.

We also want to highlight the high-level advocacy that NSHR grantees are engaged in across the field. Confidentially, Elisa Massimino of Human Rights First secured a meeting with CIA director Brennan and the proposed Legal Counsel for the Department of Defense, which we believe to be the opening of a new line of communication with the Obama Administration on key accountability questions. Progress is being made on obtaining the release of some information from the Senate Report on CIA Torture, and advocates are pressing for Brennan to reveal the steps taken to date within the CIA to prevent abuses and impunity going forward. A cohort of grantees, including the ACLU, the Center for Victims of Torture, and Physicians for Human Rights met recently with the new envoy from the State Department to deal with Guantanamo closure, and Massimino testified on July 25, 2013, at a Senate hearing on the subject (the first in five years), alongside two retired generals who are working closely with Human Rights First to shift policy. The Constitution Project's Task Force on Detainee Report is also being used for human rights advocacy on

Guantanamo. In a June 13, 2013, letter to Defense Secretary Chuck Hagel, Senator Diane Feinstein (D-CA) cites the report to support her assessment that force-feeding detainees on hunger strike is unethical and must be prohibited. Sharon Bradford-Franklin, senior policy counsel with our grantee the Constitution Project, has just been tapped to serve as the executive director of the Privacy and Civil Liberties Oversight Board, which finally became active this year and held its first hearing this summer on the surveillance questions raised by NSA massive data collection. In work on a non-elite level, the National Religious Campaign Against Torture, with a base of over 320 religious organizations across the country, has managed to place 75 op-eds on torture and accountability in local, national, and internet-based publications. We are seeing some glimmers of change, in part due to the persistence of our grantees.

FROM THE DEMOCRACY TEAM

The Supreme Court has for too long constrained the ability to limit the influence of money in politics. In July, the Democracy Fund convened key groups in the money in politics field to begin collectively developing a multi-year, multi-pronged campaign to change campaign finance jurisprudence. It draws inspiration from both the NAACP's litigation campaign to overturn *Plessy v. Ferguson* and the NRA's successful campaign to reinterpret the Second Amendment to support an individual's right to bear arms. Entitled the Legal Reframing Project, the campaign's goal is to achieve transformative legal and constitutional change such that the law appropriately strengthens limits on unfettered private money and supports publicly financed elections and other mechanisms to enhance transparency and accountability in electoral systems. An early roadmap for the effort includes: identifying new and viable jurisprudential theories that would support regulation of campaign spending; developing and executing a litigation strategy to adopt

new constitutional standards; engaging in a broad communications strategy to build the case for these new theories; enacting new campaign finance reforms (allowed by new jurisprudential standards) that curb the influence of special interests in elections and policymaking, and defending these new laws using the changed constitutional standards.

Cities across the country increasingly recognize the vital role of the internet in job creation, economic development, public safety, healthcare, and many other critical public functions. Many mayors are providing leadership in the development of fiber and gigabit-level connectivity in order to deliver for residents, businesses, and community institutions. Despite this growing awareness, the barriers to developing this infrastructure can be daunting, and America continues to fall further and further behind its competitors in the deployment of fast and accessible broadband. However, the more than 400 publicly owned broadband networks operating across the country, championed by elected officials and civic leaders from both sides of the aisle, have proven to be engines of economic development and job creation. On September 10, the Open Society Foundations and the Ford Foundation will bring together mayors, elected officials, and other leaders from cities that are developing varying approaches to broadband deployment in order to provide a platform for them to collaborate, share their experiences, and identify opportunities to elevate their stories. It will also include cities that are seeking gigabit or other ultra-high-speed connectivity, but have not yet achieved it. The goal of the conversation is to begin a discussion between visionary city leaders about how cities could potentially collaborate and become leaders in the national broadband conversation.

When the Federal Communications Commission voted last month to end predatory interstate prison phone rates, it was a big win for more than two million families who rely on long distance phone calls to stay

connected to loved ones who are incarcerated. The vote came after more than a decade of advocacy by families of prisoners and is the result of the Campaign for Prison Phone Justice, led by grantee Media Action Grassroots Network, along with Prison Legal News, and Working Narratives. The new rules ensure that families of inmates in state or federal prisons, county jails, and immigration detention facilities—including an estimated 2.7 million children—will have an easier time staying connected, which research demonstrates reduces recidivism rates and increases community safety.

FROM THE EQUALITY TEAM

U.S. Programs is committed to ensuring that federal housing programs create pathways to opportunity for residents of high-poverty, racially segregated communities, and that it engages these communities in critical decisions about how federal housing and urban development dollars are used locally. The new U.S. Department of Housing and Urban Development (HUD) rule implementing the Fair Housing Act's "affirmatively furthering fair housing" (AFFH) requirement represents significant progress toward these goals. AFFH requires all federal housing programs and all state and local governments that receive federal housing funds to take pro-active steps to dismantle residential segregation and promote access to economic opportunity. A week after HUD issued its proposed rule, the Equality Fund organized and co-hosted with the Ford Foundation a policy briefing on the proposed rule that attracted over 200 advocates, state and local policymakers, and community organizations. The briefing helped kick off a field-wide discussion on how to strengthen the proposed rule. We are also supporting research, advocacy, capacity building, and communications strategies that will maximize the AFFH rule's potential as a critical tool to create more just and inclusive cities and regions.

FROM THE JUSTICE TEAM

You may have read that at the August annual meeting of the American Bar Association U.S. Attorney General Eric Holder announced significant steps to correct the costliest and worst aspects of our criminal justice system. His Smart on Crime initiative includes reform of charging and sentencing practices and an explicit call for reconsideration of current drug policy. Although Congress recently approved legislation to help prisoners re-enter society and to reduce the disparity between crack and powder cocaine, previous presidents and Congress have never addressed the root causes of mass incarceration. The policies outlined in the attorney general's speech will recalibrate the federal criminal justice system by correcting obstacles, inefficiencies, and inequities,

and transforming law enforcement strategies so they alleviate, rather than exacerbate, harsh punishment, as well as encourage states to adopt similar policies. With "drug czar" Gil Kerlikowske leaving the Office of National Drug Control Policy to become commissioner of customs and border protection for the Department of Homeland Security, Holder's statement seems especially significant. These developments can signal an openness to new approaches that are effective, while eliminating collateral violations of civil rights and the deepening of economic and social disparities caused by current drug policy. If the shifts described above take place, President Obama and Attorney General Holder will have etched a legacy that will tackle racial disparities, shrink mass incarceration, reduce costs, and bring justice to a flawed system.

MAY 2013 BOARD MEETING MINUTES

May 2013 Board Meeting Minutes

Meeting of the Open Society U.S. Programs Board

May 8–9, 2013

A MEETING OF THE U.S. Programs (“USP”) Board (the “Board”) of the Open Society Institute (“OSI”) was held at the offices of OSI in New York, New York on May 8 and 9, 2013. There were present Board members Yochai Benkler, Deepak Bhargava, Leon Botstein, Rosa Brooks, Geoffrey Canada, Steve Coll, Sherrilyn Ifill, Eli Pariser, Jonathan Soros, Andy Stern, Bryan Stevenson and Christopher Stone. George Soros was not in attendance.

Attending portions of the meeting by invitation were Maria Archuleta, Maria Cattai, Caroline Chambers, Shawn Dove, Rachel Hamalainen, Thomas Hilbink, Erlin Ibreck, Laleh Ispahani, Patricia Jerido, Andy Ko, Raquiba LaBrie, Lisa Magarrell, Lori McGlinchey, Diana Morris, Kay Murray, Lenny Noisette, Drew Rabe, Stephen Rickard, Archana Sahgal, Christopher Scott, Rashid Shabazz, Laura Silber, Andrea Soros Colombel, Herbert Sturz, Jane Sundius, Christopher Thomas, Michael Vachon, Bill Vandenberg, Nancy Youman, and Ken Zimmerman. Guests invited to present were Julia Bator, Reginald Richardson, John Stocks, Josh Thomases and Ron Walker.

Board Chair Steve Coll opened the meeting by welcoming the Board members and other attendees to the meeting and to OSI’s new office space.

A motion to approve the minutes of the December 18 and 19, 2012 meeting of the Board was duly made, seconded and unanimously approved.

Executive Director Ken Zimmerman briefly discussed the status of the Open Society Foundations' ("OSF") transition under President Chris Stone, which began in July 2012. He noted that USP had been engaged for some two years in program restructuring and in the zero-based budgeting that the rest of the programs and entities within OSF are now undertaking. Further, he noted two staff changes at USP, as Equality Fund Director Raquiba LaBrie would leave OSF in June and Acting Deputy Director Erlin Ibreck had transferred to the Africa Regional Office.

Guest Julia Bator, President of the Fund for Public Schools, then moderated a panel discussion on the Expanded Success Initiative ("ESI"), a program partially funded by a portion of USP's \$30 million grant to New York City's Young Men's Initiative. Josh Thomases, Deputy Chancellor of the New York City Department of Education, discussed ESI's progress thus far, including increased high school graduation rates for black and Latino boys and a new focus on college readiness. Reginald Richardson, Principal at Performing Arts and Technology High School in Brooklyn, provided anecdotal insight into ESI's impact, mentioning that 85% of a cohort of ninth grade boys at his school is on track for promotion. Ron Walker, Executive Director of the Coalition of Schools Educating Boys of Color, emphasized the need to focus on strategies that are replicable and sustainable, and the value of culturally responsive education and professional development.

The Board discussed ESI and the panel's presentations, particularly concerns related to the relevance and effectiveness of the statistics presented as they relate to the purpose of the ESI. Mr. Zimmerman remarked that USP had been provided with more data than was presented during the panel. The Board suggested that it be provided with regular updates on ESI in the future.

The Board then discussed other pressing issues presented for open society in the U.S. Mr. Bhargava

described the current status of comprehensive immigration reform efforts, including the different bills introduced in the U.S. Senate and House of Representatives. The Board discussed how, given OSF's years of effort to promote the inclusion of immigrants into U.S. society, the passage of comprehensive immigration reform would require a change in strategy and mission, for example, by supporting education and support efforts for immigrants on the path to legalization.

Ms. Ifill introduced two cases currently before the Supreme Court that may impact USP's work. *Fisher v. University of Texas* concerns affirmative action in university admissions, and could lead to a finding that the University of Texas's affirmative action admission standards are unconstitutional. *Shelby County v. Holder* concerns Section 5 of the Voting Rights Act, under which states and municipalities with a history of voting rights discrimination must seek federal permission to change voting procedures or rules. Ms. Ifill advised that if Section 5 is invalidated by the Court, organizations may not be able to keep up with the many ways affected jurisdictions might try to disenfranchise voters. Others shared Ms. Ifill's concerns, remarking that there is no infrastructure to resist the results of such a decision in many parts of the United States.

Jonathan Soros shared information with the Board about his personal efforts to promote public financing of campaigns for public office in New York State. He expressed some optimism about the reform package's prospects for passage.

Guest John C. Stocks, Executive Director of the National Education Association (the "NEA"), discussed how USP might engage with the union in future endeavors. Mr. Stocks provided a history of the NEA, the largest labor union in the country, and discussed his current efforts in a climate in which the scope of collective bargaining rights is shrinking rapidly throughout the country.

Board members asked Mr. Stocks about the NEA's efforts and stances on several issues in education. When asked why the broader society should care about the demise of organized labor, Mr. Stocks replied that a robust labor movement can help combat income inequality by allowing lower and middle income workers to bargain for better working conditions and pay. Mr. Stocks also shared potential opportunities for collaboration between USP and the NEA on public school reform efforts in several communities across the nation and on confronting discriminatory school discipline policies.

The Board then began a discussion about USP's strategic planning and the status of several items remaining with respect to USP's budget process. Andy Stern, Bill Vandenberg, and Patricia Jerido provided updates on USP's Project on the Future of Work. Chris Stone noted that USP is in a strong position to use the efforts undertaken by others as a critical piece of this endeavor rather than exclusively organizing its own convenings. Lisa Magarrell presented a proposed strategy and set of goals for the National Security and Human Rights Campaign to clarify its commitment and mission, tie strategy to opportunities, and make connections to other parts of OSF, including through a potential "shared framework" on drones and targeted killings. Board members commented favorably on the proposal and did not offer substantive amendments. In approving the proposal, Board members suggested that it would be useful if benchmarks were equally detailed in such documents and that the Campaign continue to seek out diverse voices related to the topics it is addressing.

Raquiba LaBrie and Christopher Scott described the strategy for school discipline reform, noting that USP has led the charge to bring a number of foundations together to bring this issue to the Obama administration. They noted that the Open Society Policy Center ("OSPC") is working on this issue as well. Jane Sundius provided further insight into the

Baltimore office's work on school discipline reform in Maryland and argued that discipline policies and regulations are powerful levers that are movable and make dramatic differences in districts and states. The Board did not have time to fully discuss the proposed strategies and accepted that it would continue the discussion at a subsequent time.

The Board then entered executive session at which it agreed unanimously (with Mr. Stern recused) that Andy Stern's tenure as a member of the Board should be renewed for a three-year term. The Board also discussed devising a process to be conveyed to George Soros by which members of the Board would be nominated and renewed and discussed the pros and cons of having at least one meeting per year outside of New York to make site visits to grantees. The Board then adjourned for the day.

Mr. Coll opened the second day of the meeting.

Mr. Stone described the process and rationale for developing four-year strategies, to be reviewed and evaluated by OSF's Global Board Committee on Strategy, Budget and Performance, which all programs and foundations within OSF are undertaking. He described the elements of each strategy, including the fields proposed for support, the concepts and initiatives based on a unique capacity or opportunity identified, and the shared frameworks in which the programs proposed engagement. He described how the African Food Security shared framework had been engaged in by many parts of the network. The Board discussed this strategy process and elements and the potential effects on USP's procedures, effectiveness, ability to evaluate the success of programmatic work and demands on staff.

The Board then discussed USP's proposed strategy. Mr. Zimmerman gave an overview of the strategy submission. Mr. Stone advised that the Global Board's strategy review would remain deferential to

the judgment of the USP Board, especially given the overlap in membership. He explained that the Global Board's role is to ask questions about the strategies so that George Soros would have a preview of how the organization would be managed without him. The Board approved the proposed strategy. It also deliberated on possible USP shared frameworks with other parts of OSF, including on drone strikes.

Diana Morris provided an update on the Open Places Initiative and noted that the request for proposals had resulted in a number of strong indications of interest from a good variety of places. The next step in the process is a six-month planning phase for eight selected places that will assist the places in preparing their final proposals, three to five of which will be chosen for OSF investment over three years. Mr. Zimmerman invited Board members to participate in the evaluation process.

Raquiba LaBrie then described a proposed grant to the Center for Reproductive Rights to be paid from USP's reserve fund. Mr. Zimmerman advised that the grant would be paid over two years and that USP would contribute \$1.8 million and individual members of the Soros family might also wish to contribute from their personal funds. After discussion, Mr. Stern moved to approve the grant and the motion was seconded and unanimously approved.

Deputy General Counsel Kay Murray then explained the grant-making process for USP grants made by OSI in collaboration with the Foundation to Promote Open Society. She explained that both are private foundations and as such observe IRS restrictions on

their charitable grant-making. She explained how staff members who are legally "enabled" to work for OSPC, a social welfare organization organized under Section 501(c)(4) of the tax code, may propose that certain grants compatible with USP's programmatic strategies be referred to OSPC for its independent review and consideration if the grant is appropriate for a 501(c)(4) organization because it involves lobbying on specific legislation. The Board agreed to continue discussion of this subject at a later meeting.

Mr. Stone then reported on his meeting with President Obama, which focused on implementing the Affordable Care Act ("ACA"). Approximately 2.7 million adults between the ages of 18 and 34 must register through the insurance exchanges in order for the exchanges to be financially feasible. The Board discussed issues of coverage for persons under the ACA and the Medicaid expansion. Mr. Zimmerman observed that over the course of several years, OSF has invested \$7.5 million into the promotion of adequate health care coverage for all.

The Board then entered executive session through the end of the day in which, consistent with regular practice, no staff was present. The meeting was then adjourned.

Dated: August 22, 2013



Kay Murray
Deputy General Counsel

WORKING LUNCH: REFLECTIONS ON THE CONSERVATIVE MOVEMENT

Presenter's Biography

PRESENTER



Steven F. Hayward

Steven F. Hayward is currently the inaugural visiting scholar in conservative thought and policy at the University of Colorado at Boulder, and teaching in the political science department. From 2002 to 2012 he was the F.K Weyerhaeuser Fellow in Law and Economics at the American Enterprise Institute in Washington DC, and senior fellow at the Pacific Research Institute in San Francisco. He has also taught at Ashland University in Ohio, and at Pepperdine University's Graduate School of Public Policy in California.

He holds a Ph.D in American Studies and an M.A. in Government from Claremont Graduate School. He writes frequently on a wide range of current topics, including environmentalism, law, economics, and public policy for publications including *National Review*, *Reason*, *The Weekly Standard*, *The American Spectator*, *The Public Interest*, *The Claremont Review of Books*, and *Policy Review*. His newspaper articles have appeared in *The New York Times*, *Washington Post*, *The Wall Street Journal*, *The San Francisco Chronicle*, *Chicago Tribune*, and dozens of other daily newspapers. He is the author of *Index of Leading Environmental Indicators*, published in 14 editions from 1994–2009, and its successor, the *Almanac of Environmental Trends*.

He is the author of a two-volume narrative history of Ronald Reagan and his effect on American political life, *The Age of Reagan: The Fall of the Old Liberal Order, 1964–1980*, and *The Age of Reagan: The Conservative Counter-Revolution, 1980–1989* (CrownForum books). *National Review* has called the first volume “grand and fascinating history,” comparing it favorably to Macaulay’s *History of England*. The *Times Literary Supplement* said that “the book reads at times like a grand historical drama, a kind of *War and Peace* of the American century, complete with romance and adventure and tragic characters, a thrilling survey of what we might have thought

to be familiar history but which appears here quite transformed.” William Niskanen, chairman of Reagan’s Council of Economic Advisers, called volume 2 “simply *the* best history of the Reagan presidency,” while former Secretary of Education Bill Bennett said “*this* is the book we have been waiting for.” His other books include *Churchill on Leadership*, *Air Quality in America*, *Greatness: Reagan Churchill*, and *the Making of Modern Statesmen*, and *The Politically Incorrect Guide to the Presidents from Wilson to Obama*.

Selected Article

Modernizing Conservatism: A Case for Reform

The Breakthrough Journal

Steven Hayward

Fall 2011

WITH THEIR IMPRESSIVE ELECTION victory of 2010 and the emergence of the Tea Party—the most significant (and disruptive) grassroots political phenomenon since the anti-Vietnam War movement in the 1960s and 1970s—conservatives and especially the self-conscious “conservative movement” might be excused for exhibiting an air of triumphalism. The Democrats’ commanding majority in the House has been dispatched, the Senate and the presidency are increasingly on the ropes, and fears that President Barack Obama’s 2008 election might have represented a fundamental and lasting realignment of the American electorate are rapidly fading from memory. It might seem that the long-standing conservative project to shrink the New Deal welfare state by starving it of tax revenue, reigning in entitlements, and limiting its reach into the lives of American families and businesses—begun in the Reagan years and continued fitfully through the first and second Bush presidencies—might be ready to recommence. And perhaps, this time, with help from the fervor of the Tea Party, conservatives may even finish the job.

For those willing to probe a bit deeper, however, it should quickly become apparent that we badly need to take stock of our position. Conservatism, despite these impressive electoral victories, is failing on its own terms. Start with the social indicators, which are the most important to conservatives. America’s fast-growing and largely minority underclass shows limited signs of progress or assimilation

to middle-class American life. And the white middle class—the bed-rock of conservatism’s political strength and social vision—is showing signs of social stagnation and economic regress that should be sounding ominous claxons in conservative meeting halls but, so far, have attracted only the attention of Charles Murray. Stagnant income growth and mobility and a shrinking middle class are considered unhealthy by most conservative understandings of social health, cohesion, and well-being. While conservatives have plenty of macro ideas for increasing economic growth, they have fewer ideas about how to secure a wider distribution of new wealth.

Political and economic indicators bring more grim news. Thirty years after the arrival of the Reagan Revolution, government is bigger than ever. The Reagan years appear to have been little more than a mild speed bump in the progress of ever-larger government. The regulatory state advances relentlessly on every front. The soaring national debt threatens economic oblivion sooner or later. In short, the Reagan era, for all that was accomplished, was not an analogue to the New Deal era. In fact, the much-vaunted Reagan Revolution was not revolutionary and failed to alter the nation’s basic long-term political trajectory.

Meanwhile, the continuing negotiations over the debt ceiling and deficit reduction promise only further heartburn, as Congress is forced to choose either cuts to popular entitlement programs, or deep reductions in national defense spending, and/or tax increases. Given the painful price that conservatives have repeatedly paid for proposing cuts to Medicare and Social Security, it is hard to see how this ends well for conservatives.

By allowing their well-reasoned and often well-founded critiques of government action to metastasize into a categorical rejection of all prospective government action, while continuing to deny the basic political

economy of the welfare state, conservatives increasingly find themselves in an ideological and practical straightjacket. Where conservatives have succeeded in cutting government, they have done so by taking an indiscriminate fire ax to non-defense discretionary spending. Meanwhile, they have had virtually no success at all in cutting middle-class entitlements, which represent the lion’s share of federal spending and continue their unrestrained growth. This kind of conservatism would be unrecognizable to, for example, Calvin Coolidge, a current sentimental conservative favorite who favored minimum wage laws and child labor regulations, or even to Reagan, who favored large-scale government science research beyond just missile defense.[1]

1.

Conservatives have opposed, as a matter of deep principle, the expansion of government, and most especially any tax increases that are seen as enablers of government expansion. This position, coherent and sensible on its own terms, refuses to confront its obvious defect: it has not stopped the growth of government, even on the metric of government spending, let alone regulation.

In the Reagan years, it was widely thought, though seldom articulated, that the policy of holding the line on taxes amidst soaring budget deficits would eventually curb the deficit through a starve-the-beast strategy. In one of his early speeches in February 1981, which he largely wrote himself, Reagan said:

Over the past decades we’ve talked of curtailing government spending so that we can then lower the tax burden. Some-times we’ve even taken a run at doing that. But there were always those who told us that taxes couldn’t be cut until spending was reduced. Well, you know, we can lecture our children about extravagance until we run out of voice and breath.

Or we can cure their extravagance by simply reducing their allowance.[2]

Behind the scenes, Reagan's economic team argued vigorously amongst themselves about the probity of this strategy.

The de facto starve-the-beast strategy was the great cop out of the Reagan years. By assuming that restricting revenues would eventually compel reductions in the size of government, the Reagan administration was able to justify avoiding any serious attempt to reform entitlement programs. Beyond a few very minor trims, every trial balloon of deeper entitlement reform was swiftly routed and withdrawn. It is uncomfortable but necessary for conservatives to acknowledge that Reagan's disinclination to attack entitlements was one reason for his popularity—after an initial flurry, he did not seriously attack the welfare state.

Long-term evidence indicates that the starve-the-beast strategy not only fails, but may make the problem of unrestrained spending growth worse, suggesting that a “serve the check” strategy might be a more effective means of curbing the growth of government spending. The simple explanation for this seeming paradox is that the starve-the-beast strategy currently allows Americans to receive a dollar in government services while only having to pay 60 cents for it.[3] Rigorous analyses from centrist economists Christina and David Romer of UC Berkeley[4], and from libertarian economist (and Reagan White House alumnus) William Niskanen conclude that the starve-the-beast strategy fails. Strikingly, Niskanen's analysis found that lower taxes correlated with higher levels of federal spending. As a result, Niskanen argues that raising taxes may be the most effective way to reduce government spending.[5]

Thus, conservative attachment to a failing strategy has rendered the Right incapable of reducing government

spending. And yet, conservatives resist facing up squarely to this grim reality for a variety of reasons, some of them having to do with their undeniable successes of the last two generations. The first and most significant triumph was the creation of the conservative movement itself, which arose from the far fringes to the center of American political life in little more than a generation. Having control of no significant institutions, especially in the media or in academia, and possessing little depth of intellectual leadership, the conservative movement created its own “counterestablishment” (as Sidney Blumenthal was, I think, the first to observe) with remarkable speed. From the epic defeat of Barry Goldwater in 1964, the movement hardly paused to draw a deep breath, going on to capture and transform the Republican Party into a wholly conservative party, culminating in its greatest victory with the election of Ronald Reagan 16 years later.

Conservatives can point to several substantial policy victories over the last generation that followed from their intellectual ferment and organizational ascendancy. The reduction in income and investment tax rates is of a piece with a broader reinvigoration of market processes, which included the successful, large-scale deregulation of several industries (transportation, energy, communications). Other deregulated markets, however, have shown more mixed results (electricity) along with some outright failures (the savings and loan industry and the financial sector), suggesting that either the theory or practice (or both) of deregulation is incomplete. Despite these cases of incomplete or counterproductive results, the conservative reinvigoration of markets and the discrediting of central planning was a positive correction to liberalism worldwide, giving rise to “third way” centrism, sometimes referred to as neoliberalism, a policy blend guided by market dynamics alongside social insurance philosophy.

In terms of social policy, conservatism can be credited with welfare reform that has substantially reduced dependency, as well with a reduction in crime rates that proceeded largely according to conservative policy prescriptions. Yet these are strangely limited examples. The reform of the New Deal-era welfare entitlement has not been emulated in other entitlement or social insurance programs. The reduction in urban crime has helped center-city economic revitalization in general, but Detroit, Cleveland, and other old industrial cities are still basket cases. The conservative idea of “enterprise zones” in blighted urban areas, an offshoot of supply-side economics, cannot point to any real success stories. Conservative ideas for education reform, especially school choice and charter schools, have made only scant progress against determined opposition that seems unlikely to abate any time soon.

The end of the Cold War is perhaps conservatism’s greatest victory. Although many aspects of this story are contestable, conservatives can at the very least claim a greater clarity and consistency in their anti-Communism. But this very success has contributed to the confusion and dissent among conservatives about the nation’s strategy in a unipolar world facing the challenge of terror and semi-state-based radical Islam. It is not clear how the lessons and strategies of the Cold War era can be applied to this problem, if they are applicable at all.

2.

Even with the necessary qualifiers, these are substantial achievements, but it is a mistake to allow triumphs to breed triumphalism. The conservative movement soldiers on—as any political movement should to some extent—in the belief that it can and will achieve a complete and ultimate triumph over liberalism. This is best observed in Grover Norquist’s slogan that the goal of conservatism should be to

shrink government down small enough to “drown it in the bathtub.” The self-conscious “Progressive movement” believes in the reciprocal version of this goal of ultimate and complete triumph, as expressed by Ruy Teixeira and John Judis’s thesis that demographic trends alone should eventually swamp conservatives and produce a durable liberal majority that will enable a more sweeping redistributionist agenda.[6]

While the activists and political strategists must think and act in terms of victory as a practical matter, conservative and liberal intellectual leaders should not. There are three dominant political facts of our age that conservative thinkers (and also liberals) need to acknowledge. The first is the plain fact that neither ideological camp will ever defeat the other so decisively as to be able to govern without the consent of the other side. This is not merely my political judgment; it is sewn into the nature of America’s basic institutions and political culture.

The second fact is that the divisions between Left and Right are fundamental and unbridgeable. A frequent trope of political rhetoric is that everyone agrees about the ends; we merely disagree about the means. Although this is often true at the level of a discrete policy issue (for example, broadening access to health care), it is wrong at the deeper level of what might be called the “tectonic plates” that shift individual political battles. Reducing Left-Right differences to disagreements over means has a numbing effect on clear thinking; it is an obstacle to grappling with some of the larger problems—such as entitlement spending—that now need the sort of reform that goes far beyond the business-as-usual tinkering around the edges. Left and Right have conflicting modes of moral reasoning that cannot be easily synthesized or bridged.

Which brings us to the third major political fact of our age: the welfare state, or entitlement state, is here to stay. It is a central feature of modernity itself.

We are simply not going back to a system of “rugged individualism” in a minimalist “night watchman” state; there is not even a plurality in favor of this position. A spectrum of conservative and libertarian thinkers acknowledge this, though this perception has not penetrated the activist ranks. Back in 1993, Irving Kristol called for a “conservative welfare state” on the pragmatic grounds that “the welfare state is with us, for better or worse, and that conservatives should try to make it better rather than worse.”[7] National Review’s Ramesh Ponnuru noted in 2006, “there is no imaginable political coalition in America capable of sustaining a majority that takes a reduction of the scope of the federal government as one of its central tasks.”[8] William Voegeli, author of the most trenchant critique of the welfare state (*Never Enough*) since at least Charles Murray, concludes, “No conservative, either in the trenches or the commentariat, has yet devised a strategy for politicians to kick deep dents in the side of the middle-class entitlement programs without forfeiting a presidency or a congressional majority.”[9] And libertarian economist Tyler Cowen faces the reality squarely: “The welfare state is here to stay, whether we like it or not.”[10]

3.

Given these realities, how must conservatism revive itself for the 21st century? For starters, we must admit that starve-the-beast has been a spectacular flop. Reagan argued, both as governor and as president, for constitutional amendments requiring a balanced budget, limiting spending to a fixed proportion of personal income, and imposing a two-thirds vote requirement to raise taxes.[11] These reforms—even if they could be passed through the difficult amendment process—might have some effect, but their record on the state level suggests conservatives will be disappointed. The two-thirds vote requirement for budgets and taxes, along with the balanced budget

requirement, has not kept California’s welfare state from slipping into the abyss. Colorado’s constitutional spending limit was breached and amended by the most conservative governor in the state’s history, Bill Owens, because it proved defective in ways important to conservatives.

Requiring the American people to actually pay for all of the government they receive is, as Niskanen and others have convincingly argued, the most effective way to limit its growth. Right now the anti-tax bias of the Right results in shifting costs onto future generations who do not vote in today’s elections, and enables liberals to defend against spending restraints very cheaply. Instead of starving the beast, conservatives should serve the check.

While increasing taxes will likely feel painful to many conservatives, there are innovative ways to reform the tax code that might be palatable while also increasing revenues. One area of tax policy where there is some room for maneuver would be family tax policy. While many households today—perhaps half or more—do not pay any federal income tax, all working households pay payroll taxes. One conservative idea that liberals ought to like well enough is to expand the current \$1,500 per child tax credit to something closer to \$5,000, which would wipe out a large portion of payroll tax liability and raise household after-tax income considerably. The revenue loss could be made up through broader tax reform that reduces deductions, credits, and tax breaks both for individuals and corporations. A wholesale pro-growth tax reform that incorporates both features might even allow for lower marginal rates along the lines of the 1986 Tax Reform Act. For conservatives this would be a pro-family initiative that would not involve the usual culture war issues. And this targeted tax cut should appeal to liberals as well, who generally disapprove of tax cuts that reward the rich but ought to be willing to support tax reform that would predominantly benefit working families.

Next, conservatism must learn from its success in reforming welfare that acknowledging the reality of social problems is not the same as agreeing with liberals about their solutions. Keeping the welfare state solvent as the baby boomers crash the rope line of eligibility will require tax increases far larger than Americans are likely willing to bear. One might almost say that the welfare state is the next bubble waiting to collapse. There is one obvious compromise policy mechanism for reforming and securing entitlement programs: means testing. Some conservatives, as well as the Paul Ryan plan, have embraced this in principle while others fear the premise embedded in it of recognizing the permanent legitimacy of the welfare state.

Activists in both parties fear splitting their own constituencies. Conservatives fear agreeing to such terms will mean accepting a losing position over the long run. Michael Tanner of the Cato Institute worries:

There is no evidence that if conservatives agree not to try to roll back the welfare state, liberals will agree to restrain its growth. More likely, conservatives will simply become involved in a bidding war, in which they will inevitably look like the less caring party.[12]

Liberals worry that embracing means testing for entitlements will weaken them as totem of a broader universal social contract and, by making them “poor peoples” programs, will lead to an eventual decline in public support and to their ultimate demise.

These seemingly reasonable fears of both camps are overblown. The experience of welfare reform suggests that there has been no “race to the bottom” among the states to eliminate basic assistance programs, though, to be sure, many have been severely constricted in the current fiscal crisis. But the current fiscal crisis on the state level should be seen as a harbinger of the future for the federal government if nothing is done. The force of fiscal gravity is virtually certain to compel

means testing at some future date. For liberals, the means thresholds are likely to be more generous the earlier they are calculated; for conservatives, the tax increases are likely to be lower today than if postponed into the future.

Another area ripe for conservative reappraisal is the environment. Conservatives who sensibly dislike both the centralized regulation of most environmental policy and the untethered apocalypticism of much of the environmental movement have tended to respond with a non sequitur: the environment has mostly become a cause of the Left, therefore environmental problems are either phony or are not worth considering. To be sure, many environmental problems have been overestimated, and the proposed remedies are problematic from several points of view, but conservatives, with only a handful of exceptions, have ceased sustained reflection on how to assess environmental problems seriously, or how to craft non-bureaucratic and non-coercive remedies for many genuine problems that require solutions.

The tortured course that has led to the extreme polarization of environmental issues is beyond the scope of this paper, but suffice it to say that this polarization has been deleterious to both the aims of the environmental movement—which has allowed environmentalism to become so strongly associated with the aims of the Left as to be no longer worth conservatives competing for—and the long-term political viability of American conservatism, which has at this point almost entirely conceded areas of sustained public concern (environmental health, the provision of parks, and the protection of wildlife and scenic landscapes) to its political opponents.

There is a small subculture on the Right, known as “free market environmentalism,” that offers an alternate path toward environmental protection consistent with conservative principles, including respect for property rights, a strong preference for

markets, and our congenital suspicion of government and regulation. The conservative movement would be well served to take those ideas more seriously.

Finally, conservatives must rethink their sweeping rejection of public investments in public goods such as science research and useful infrastructure. Once upon a time, conservatives supported large infrastructure projects, such as dams, water projects, the interstate highway system, and the Apollo project. It is generally forgotten now that President Reagan supported both the international space station and the superconducting supercollider. In fact, over the last 30 years, federal science research spending has tended to grow faster under Republican presidents than Democratic ones.[13] To be sure, there is no small amount of government research and technology spending, including under Republican presidents, that is caught in the maw of rent-seeking behavior and ideological favoritism. Too often a favored pork barrel spending program is called “investment,” degrading the worthy name and long-standing track record of true public investment. But this is hardly reason to dismiss out of hand, as many conservatives do, investments in truly public goods—goods the private sector cannot or will not invest in, fearing the inability to capture their benefits.

Conservatives and liberals ought to be able to join hands on basic projects that modernize the infrastructure for roads, energy, and water. Efforts are needed to explore ways of building environmentally responsible water storage and delivery projects in the parched West that would reduce the political friction and economic cost of current water constraints. New roads and water projects could integrate market mechanisms that reduce waste and promote efficiency. And investments in energy should be made with an eye to making energy cheaper and cleaner, not in subsidizing longstanding liberal technological fetishes like high-speed rail or wind and solar energy.

4.

Of course, a reformation in conservatism demands corresponding reforms within liberalism. Liberals need to acknowledge that the American people will never support the high level of taxation—let alone wholesale redistribution—that would be necessary to support the future welfare state that has been set in motion. “Liberals who want a bigger welfare state and conservatives who want a smaller one have a big thing to fight about, but nothing really to talk about,” noted Voegeli. “If liberals and conservatives decide they can do business with each other it will be because conservatives accept they’ll never sell voters on the huge benefit reductions they ultimately seek, and because liberals decide they’ll never sell the huge tax increases they ultimately need.”[14]

Major policy changes almost always demand the consent—not the agreement, just the consent—of the minority party. While activists on each side invariably complain that their side is quickest to sell out, over the last century liberals and conservatives have routinely consented to the majority party to implement critical policies. There was significant Republican support for Progressive Era reforms, as well as New Deal and Great Society policies. In the case of the 1964 Civil Rights Act, Republicans voted in favor of the bill in a larger proportion of their total numbers in Congress than Democrats.[15] Reagan’s first tax cut bill passed the Senate 89–11, and then the House with about 50 Democratic votes, despite attempts by Democratic leadership to whip their members into line against Reagan.[16] The 1986 Tax Reform Act—the stepchild of Reagan’s first tax cut plan—passed on a truly bipartisan basis.[17]

Achieving policy compromise and the reconstruction of a “vital center” requires an end to the view of practical politics as a zero-sum game, in which compromise is regarded as a defeat by both sides. Many of the Democrats who voted for Reagan’s tax

cut didn't agree with or like it, but they consented to it because they recognized the public consensus behind allowing Reagan a chance to govern. In other words, minority party consent typically represents the general public support behind a majority's course of action. President George W. Bush's prescription drug benefit plan passed on a substantially bipartisan basis. President Obama was simply oblivious to the meaning of the Tea Party, the lack of Republican consent, and other related signs that a majority of Americans did not like his health care bill. The obvious implication of this conception of consent is that Democrats cannot fix health care without the consent of Republicans, and Republicans cannot fix Social Security or other entitlements without the consent of Democrats.

Consent does not require surrender. Liberals and conservatives do not agree about the principle of equality in American life and probably never will. Conservatives emphasize equal opportunity while accepting or even celebrating unequal outcomes. Conservatives see nothing inherently unjust about large disparities in the distribution of income or wealth, and also offer practical reasons why unequal rewards make for a more dynamic, creative, and ultimately wealthier society. Liberals strongly prefer more equal results, with many viewing disparities in income or wealth as random (Richard Gephardt once referred to the structure of America's wealth and income distribution as a "lottery"), and, as a result, favor egalitarian policies and entitlement programs.

Even so, most liberals are not pure redistributionists, and generally support policies that broaden opportunity for individual advancement, while few conservatives are entirely indifferent to the importance of income mobility and social opportunity. Liberal policies to advance individual opportunity tend to emphasize education, along with some job training efforts, to mixed effect. Meanwhile conservatives have tended to favor using the tax code to bring about rising incomes indirectly through

higher rewards for capital investment in work effort. This much derided "trickle-down" approach has some evidence in its favor (for example, research showing the effect high corporate tax rates have on wage levels and wage growth). But even without settling that argument it can be noted that the supply-side string has been fully played out. Honest observers on the Right acknowledge the stagnation of middle-class incomes (though disagreeing on the causes). While liberals and conservatives may disagree on the very notion of equality, they can agree on certain points—for example, that stagnating incomes are problematic—and can achieve policy agreement in certain key areas.

It may be that internal ideological reformation must precede bipartisan political compromise. Ideological extremists in both parties have repeatedly succeeded in scuttling tax and entitlement compromises pursued by moderate reformers in their respective parties, and at the moment, the prospects for any compromises seem remote. It is easy and crowd pleasing to blame the intransigence of the other side, but this absolves both sides of serious self-examination and self-criticism without which political progress becomes impossible for both.

I have written this paper in the hopes that my fellow conservatives will recognize the need for a conservative reformation, and I believe that liberals must follow suit. In their current incarnations, both conservatism and liberalism are failing—not just because of poor strategies like starve-the-beast—but also because neither movement has properly adapted to the changing fabric of modern society. Given this, when there is bipartisan compromise between two outdated ideological camps it is usually unsatisfying to almost everyone. The lesson we should draw is that before the two camps can agree to an agenda truly in the national interest, liberals and conservatives must first reform themselves.

FURTHER READING

“Can Conservatism Rule?” *The Breakthrough*, Winter 2012

- [1] Sobel, Robert. 1998. *Coolidge: An American Enigma*. Washington, D.C.: Regnery Publishing, Inc. (117–118).
- [2] Reagan, Ronald. 1981. “Address to the Nation on the Economy.” *The American Presidency Project, an online database of presidential documents*, eds. John T. Woolley and Peter Gerhard.
- [3] Since the budget deficit is rough \$1 billion out of a \$2.6 trillion budget, tax revenue only covers 62 percent of the total, or (after rounding) 60 cents of every dollar spent.
- [4] Romer, Christina D., and David H. Romer. 2007. “Do Tax Cuts Starve the Beast: The Effect of Tax Changes on Government Spending.” *NBER Working Paper Series*.
- [5] Niskanen, William A. 2006. “Limiting Government: The Failure of “Starve the Beast.” *Cato Journal*. Washington, D.C.: Cato Institute.
- [6] Judis, John B., and Ruy Teixeira. 2004. *The Emerging Democratic Majority*. New York: Simon and Schuster.
- [7] Kristol, Irving. 1993. “A Conservative Welfare State.” *Wall Street Journal*, June 14.
- [8] Ponnuru, Ramesh. 2006. “Conservatives on the Couch.” *National Review*, November 20. (back)
- [9] Voegeli, William. 2010. *Never Enough: America’s Limitless Welfare State*. New York: Encounter Books.
- [10] Cowen, Tyler. 2007. “The Paradox of Libertarianism.” *Cato UNBOUND*. Washington, D.C.: Cato Institute. (back)
- [11] Reagan, Ronald. 1987. “America’s Economic Bill of Rights.” *The American Presidency Project, an online database of presidential documents*, eds. John T. Woolley and Peter Gerhard.
- [12] Tanner, Michael. 2007. Correspondence. *The Claremont Review of Books*. Winter. (4).
- [13] National Science Foundation. 2011. “Federal Funds for R&D.” Virginia: National Science Foundation.
- [14] Voegeli 2010. (256).
- [15] “Major Features of the Civil Rights Act of 1964.” *Congress Link*. Illinois: The Dirksen Congressional Center.
- [16] Battaglia, Jonathan, and Noah Merksamer. 2010. “Key Votes Since 1935 Charting Bipartisanship and Its Demise.” Robert Weiner Associates Public Affairs and Issues Strategies.
- [17] Welna, David. 2011. “Times Have Changed Since Reagan’s 1986 Tax Reform.” NPR. October 17.

Presenter's Biography

P R E S E N T E R



Grover Norquist

Grover Norquist is president of Americans for Tax Reform (ATR), a taxpayer advocacy group he founded in 1985 at President Reagan's request. ATR works to limit the size and cost of government and opposes higher taxes at the federal, state, and local levels and supports tax reform that moves towards taxing consumed income one time at one rate. ATR organizes the Taxpayer Protection Pledge, which asks all candidates for federal and state office to commit themselves in writing to the American people to oppose all tax increases. In the 113th Congress, 219 House members and 39 Senators have taken the pledge. On the state level, 14 governors and 1,035 state legislators have taken the pledge.

Norquist chairs the Washington, D.C.-based "Wednesday Meeting," a weekly gathering of more than 150 elected officials, political activists, and movement leaders. The meeting started in 1993 and takes place in ATR's conference room. There are now 60 similar "center-right" meetings in 48 states.

Norquist also serves on the board of directors of the National Rifle Association of America, the American Conservative Union, the Parental Rights Organization and Center for the National Interest, and serves as a Contributing Editor to the *American Spectator* Magazine. He has authored three books: *Rock the House*; *Leave Us Alone—Getting the Government's Hands Off Our Money, Our Guns, Our Lives*; and (with co-author John Lott) *Debate: Obama's War on Jobs and Growth* and *What We Can Do Now to Regain Our Future*. He is the president of the American Society for Competitiveness.

Norquist holds a Masters of Business Administration and a Bachelor of Arts in Economics, both from Harvard University. He lives in Washington, D.C. with his wife, Samah, and his daughters, Grace and Giselle.

Selected Articles

Protecting Our Privacy in the Digital Age

The Hills Congress Blog

Leslie Harris and Grover Norquist

June, 19 2013

The recent disclosures of government overreaches, including the Internal Revenue Service's targeting of conservative non-profits for special scrutiny, have upset many Americans and have been condemned by politicians from both parties. However, let's not forget another recent revelation about the IRS—one that offers a wake-up call about the power of all government agencies in the age of the Internet.

A month ago, internal documents were released showing that the IRS claimed the power to read email and other private documents stored on the Internet without a warrant. The IRS argued that anyone who used the Internet had no reasonable expectation of privacy against governmental intrusion.

When the IRS policy was brought to light, the agency quickly backed off, saying that henceforth it would obtain a search warrant in all cases when seeking from an Internet service provider the content of email communications stored on behalf of customers.

But what about other federal agencies? Most Americans believe that our Fourth Amendment right “to be secure in [our] persons, houses, papers and effects, against unreasonable search and seizure” already applies to private communications sent or stored electronically, just as it applies to telephone calls or letters sent through the mail.

Unfortunately, there is a law on the books that says government officials have the authority to read our email and other electronic documents without obtaining a search warrant. That outdated legislation is the Electronic Communications Privacy Act (ECPA). ECPA says that the government can use a mere subpoena, issued without any review by a judge, to compel service providers to disclose email older than 180 days and any document regardless of age that is stored in the Internet cloud.

ECPA was written in 1986. At that time, very few people had home computers. There was no such thing as a mobile phone with Internet access. The World Wide Web didn't even exist. Few people used email in 1986, and email service providers stored email for only short periods of time.

Obviously, times have changed. With broadband access on our mobile phones, free unlimited email, and free or low cost storage in "the cloud," individuals and businesses indefinitely store not only email but all manner of sensitive communications and personal information on the Internet.

ECPA, however, remains largely unchanged.

Fortunately, efforts are underway in both houses of Congress to revise ECPA and bring it up-to-date with the realities of the 21st century. In the Senate, the original author of ECPA, Sen. Patrick Leahy (Vt.), a Democrat, has teamed up with Mike Lee (Utah), a conservative Republican, to put forth an ECPA reform bill. In the House of Representatives, several bipartisan bills have been introduced. A broad coalition of liberal and conservative organizations,

technology companies, and privacy advocates is supporting these efforts.

The principle behind ECPA reform is simple: if any government agency wants access to a person's emails or other private material stored online, it should demonstrate to a judge that there is probable cause to believe the person is committing a crime and the judge should issue a search warrant.

The ECPA reform bills preserve existing exceptions in the law that will permit the government to act without a warrant in situations that threaten immediate harm. They do not affect laws requiring reporting of suspected child pornography or the laws that govern national security and investigations of international terrorism.

Technology changes. Our rights do not. Americans are entitled to protection against government intrusion whether we keep our private letters and documents in a desk drawer or in a virtual file cabinet online.

The recent revelations about the IRS exceeding its own rules to harass people because of their political affiliation is a genuine scandal. But the even bigger scandal might be the outdated laws that allow officials of not only the IRS but any agency to read our email without a warrant.

The IRS officials who were making decisions on political grounds need to be held accountable. But we should look beyond the IRS and consider the broader question of government overreach. One concrete way to prevent future abuses at any agency is to update ECPA to make it clear that all government officials must respect the Constitution in this digital age.

war.” The difference from cold war—and his hope for avoiding military conflict—is that this time the two contenders need each other. “The current situation differs from global power struggles of the past,” he writes. “The world’s major power and its leading challenger are economically interdependent to an unprecedented degree.” There was virtually no trade between the U.S. and the USSR. But today America buys fully 25 percent of Chinese exports, and China holds some 8 percent of U.S. national debt. Thus, his reasoning goes, if mutually assured nuclear destruction kept the U.S. and the Soviet Union from resorting to all-out conflict, mutually assured *economic* destruction could keep today’s U.S.-China cool war from getting hot.

WELL, LET’S HOPE SO. But I would be more convinced if Feldman didn’t cite the feckless, yet-unproven European Union as an example of flourishing international cooperation among former adversaries. And even the most optimistic observers, including Feldman himself, admit that wars often start for completely irrational reasons. Add to that Asian flashpoints that China has been probing and provoking—Japan, the Philippines, Taiwan, all of which fall under U.S. defense commitments—and you have an unstable geostrategic situation that can blow up at any time.

As Feldman notes, the U.S. could lose its sole superpower status without a shot being fired if China simply sends a carrier task force into the Taiwan Strait, and if the American president, whoever he is, decides the country is not ready to start war over Taiwan. A telling precedent exists. “The U.S. might be prepared to tolerate the abandonment of its historic ally out of necessity, the way Britain ceded control over Hong Kong,” he suggests. His solution: “Much better to engage China politically and economically and encourage it to share the burdens of superpower status.”

Better indeed, if possible. And while we’re at it, it would help to inform more people around the world—many of whom today get their impressions of life in the U.S. from ubiquitous TV serials like *Desperate Housewives* and movies like *Texas Chainsaw Massacre*—about the real America. It’s easy to mock “public diplomacy,” “soft power,” and “hearts and minds.” But if we’re in a cool war with a smart, nimble opponent, they’d better be part of our arsenal. ✎

the **TAX & SPEND SPECTATOR**



by **GROVER G. NORQUIST**

Samuel Gompers Versus Reagan

IMMIGRATION IS DIFFERENT. For 20 years, Republicans have come together to oppose higher taxes. Paul Ryan’s budget won the votes of all but two Republican members of Congress. Tort reform, deregulation, property rights, school choice, religious liberty, and even free trade unite almost everyone in the GOP.

But immigration divides erstwhile allies. Some of the right’s loudest voices, on talk radio and congressional backbenches, have opposed comprehensive immigration reform of the kind historically championed by Ronald Reagan, Jack Kemp, Milton Friedman, and George W. Bush. Today, conservative opponents of immigration reform stand opposite the Southern Baptist Convention, the National Association of Evangelicals, the Church of Latter-day Saints, the United States Council of Catholic Bishops, and virtually the entire business community—the Chamber of Commerce, farmers, Silicon Valley entrepreneurs—and an Ivory soap percentage (remember those “99 and 44/100 percent pure” ads?) of free market economists. Why? Hostility to immigration has traditionally been a union cause. The first American law limiting immigration was the Chinese Exclusion Act of 1882, championed by labor bosses. Samuel Gompers, the president of the AFL-CIO from 1886 to 1924, strongly supported the Chinese Exclusion Act and urged Congress to similarly restrict Japanese immigration. Professor Vernon Briggs of Cornell University writes that “At every juncture and with no exception, prior to the 1980s, the union movement either directly instigated or strongly supported every legislative initiative enacted by Congress to restrict immigration and to enforce

its provisions.” Union opposition to labor mobility also brought us the Davis-Bacon Act of 1931, which set minimum wage restrictions designed to stop the internal migration of black workers from the South to compete with white construction workers in the North. Steve Sailer, himself a foe of immigration reform, has pointed out that in 1969, United Farm Workers union leader César Chávez led protests against illegal immigration. Senator Walter Mondale joined the march and the UFW picketed the INS offices to demand closure of the border—long before the Minutemen.

Union leaders believed that immigration challenged the monopoly rents they won through barring non-union members from union shops. Later, unions were joined by radical environmentalists who believed that more Americans were bad for Mother Earth, and that zero population growth, ZPG, could not be achieved simply by limiting the number of live births. Birth control would have to be matched with immigration control. Environmentalists, led by John Tanton, created three front groups—Numbers USA, the Federation for American Immigration Reform, and the Center for Immigration Studies—to act as a conservative mask for his environmentalist goals. The union/green coalition bullied ambitious Democrat politicians into opposing immigration reform, though it made sure to give the pols a pass whenever they made meaningless pro-immigrant speeches.

Speaking of ambitious politicians, as the late great Robert Novak reported in 2007 in the *Washington Post*, then-Senator Barack Obama cast the deciding vote to pass (49-48) a poison pill amendment crafted by the labor unions to kill the guest worker provisions in that year’s attempted bipartisan

Grover G. Norquist is president of *Americans for Tax Reform*.

immigration reform bill. Obama killed immigration reform as a senator. And now? As president, he sat for 345 days in 2009 and another 365 days in 2010 with a 74-seat majority in the House and 59 and then 60 Senate votes and refused to organize a vote to pass immigration reform.

To this day, the AFL-CIO continues to fight against any meaningful provisions for high-tech and farm and dairy guest workers as part of any comprehensive immigration reform package. Its allies in Congress have fought those reforms in the present debate.

HOW DO CONSERVATIVES feel at the grassroots level? Polls vary in their wording, and so do results, but in a survey commissioned by pro-reform group FWD.us, more than 70 percent of “conservative Republicans” support, at least in theory, a bill based on the broad outlines of the Senate plan: strengthening border security, creating a guest-worker program, and providing even-

Richard Nadler studied the nine congressional districts along the Mexican border and found that three districts represented by Republicans who had supported comprehensive immigration reform in 2004, but switched to an enforcement only position in the 2006 elections, flipped to the Democrats. (These House Republicans saw a 22 percent drop in support from Hispanic voters. Rep. J.D. Hayworth lost a predominantly white district with a Hispanic population below the national average due to his hard pivot on immigration.) In 2008, 16 House seats changed hands following races in which the candidates had differing positions on immigration. In 15 cases, the candidate pushing for a more restrictive immigration policy lost to the candidate supporting reform. The Arizona legislature passed strong anti-immigrant legislation in 2010, but that bill’s sponsor, State Sen. Russell Pearce, was recalled by his voters. When he attempt-



tual legal status for 11 million illegal immigrants. But one must always look past preferences stated in any given poll and consider the more elusive question of whether an issue is significant enough to change someone’s vote.

Election results over the past decade suggest that the anti-immigration bark is worse than its bite. In 2000 and 2004, George W. Bush was elected as an outspoken supporter of immigration. Pat Buchanan, who took a third of the GOP primary vote against tax-hiking Bush 41, ran as the Reform Party candidate in 2000. Highlighting his anti-immigration proposals, he won half a percent of the general election vote. In 2007, Bush pushed for immigration reform, and the Republican senator most vilified by restrictionists for supporting him was John McCain—who then won the GOP presidential nomination in 2008.

ed a comeback, he was defeated 56 to 44 percent in the GOP primary. Arizona, supposedly the hotbed of anti-immigrant energy, also has two U.S. senators, John McCain and Jeff Flake, who are enthusiastic backers of immigration and immigration reform.

Listening to talk radio can give one a false sense of hearing the *vox populi*. A host can become quite successful and wealthy if even 1 percent of Americans listen to him. One cannot, however, get elected dogcatcher with 1 percent of the vote.

Most criticism of immigration stems from poor, and patently leftist, notions. These critics have failed to learn from American history that immigration is our greatest competitive advantage against other nations. They fall for the old Sierra Club line that people are a liability. But more babies

born in America do not make us poorer. Of course, other anti-immigration arguments exist, some of which might at first sound faintly conservative:

- “Immigrants will hurt America because every immigrant will over his/her lifetime receive three dollars in Medicare for every one dollar he pays in Medicare taxes.” That would be a stronger argument if it were not also true of you and me and every baby born in America. We must reform entitlements by passing something along the lines of Paul Ryan’s budget, or our economy will collapse no matter how many immigrants we have. Putting a stop to immigration without addressing entitlements will only make the collapse come sooner.

- “Immigrants may go on welfare and become a fiscal drain on America.” But the Senate bill prevents the estimated 11 million illegal immigrants who will be granted legal status from receiving any federal benefits for at least a decade. Again, if welfare is not addressed in a decade’s time, we will have a date with Greece regardless of our immigration policy.

- “We are a nation of laws. Enforcement first.” Should we hunt down, arrest, and deport 11 million adults and their children before we even think about reforming our border security and immigration policies? Hmm. Back in the 1970s speed limits were 55 miles per hour, 20 miles per hour lower than should have been, and indeed, than they eventually became. Needless to say, a great deal of illegal driving was going on. Did it make sense to arrest or fine every solitary violator before changing the law and raising the limit?

Our great nation has benefited and will benefit from higher levels of legal immigration. Today we are leaving talent on the table: brilliant young minds who create businesses that compete with us. We have crops rotting in some fields and others left fallow. Smart nations reform flawed laws. If we do this right, if we improve on the Senate’s opening bid, create a more effective and less costly border security system, and increase the scrawny limits proposed on highly skilled and educated immigrants and guest workers in farming, dairy, and construction, we will dominate the planet for the next century. Our would-be competitors have forgotten to have children and lack our 300-year proven ability to grow through immigration. We can. China cannot. Japan cannot. Europe cannot. We will grow as they shrink. Only we can stop us. ✎

PRESSING ISSUES: CRIMINAL JUSTICE

Californians for Safety and Justice Background

Campaign to Reduce Incarceration in California

Leonard Noisette

Director, Justice Fund

THE OPEN SOCIETY FOUNDATIONS joined together with both national and California-based foundations to launch Californians for Safety and Justice (CSJ) to take advantage of an opportunity to substantially reduce incarceration in the state of California. As described in the attached materials, CSJ over the past year has worked to establish its credibility with important constituencies, advanced a series of legislative proposals, and supported localities in their efforts to implement Realignment—the process of criminal justice institutions and officials taking steps to reduce their prison population and shift their practices regarding those sentenced for low-level crimes.

The Realignment process is promising but complicated. California authorities have used it to reduce the state prison population by approximately 25,000 people and have introduced new incentives for local governments to emphasize recidivism reduction rather than incarceration. While the process has reduced state prison populations, it has also led to an increase in the local jail population. Moreover, realignment has prompted questioning of what occurs next in a system where political dynamics make it unlikely that there will be significant positive legislative or executive action before the next gubernatorial election in 2014.

The discussion is intended as an update on what is occurring in California and to introduce one element among CSJ's future strategies. Recent polling suggests that voters are much more prepared to make substantial changes to criminal justice policies and practices

than are their elected officials, as evidenced by the successful effort in the November 2012 election to reform California's Three Strike Laws and the nearly successful effort to repeal the death penalty. Building on lessons learned in these campaigns, CSJ is now considering sponsoring a ballot initiative for 2014.

To evaluate the viability of advancing a ballot initiative strategy to achieve its goals, CSJ recently completed a detailed poll of likely 2014 and 2016 voters on various criminal justice policy reform concepts.

The attached summary by the CSJ campaign provides an update of its recent activities, and more details about the proposed ballot initiative. We will be joined at the board meeting by Lenore Anderson, director of Californians for Safety and Justice, and Ace Smith of SCN Strategies, a seasoned political strategist working with the campaign who also helped lead the Prop 36 campaign and has served as lead political strategist for Attorney General Kamela Harris and Governor Jerry Brown.

Californians for Safety and Justice

Background

CALIFORNIANS FOR SAFETY AND JUSTICE (CSJ) was launched in February 2012 to achieve three goals: reduce state and local incarceration; reallocate savings to education, health, and other social safety net programs; and achieve these changes by building broad-based, mainstream support for justice reform.

CSJ's efforts began during a time of transition in California's approach to corrections. California's bloated and costly prison system has been under scrutiny for decades. In 2011, the U.S. Supreme Court ruled, in *Plata v Brown* that California must reduce overcrowding by 35,000 people. To meet this mandate, Governor Jerry Brown and the Democratic Legislature orchestrated Public Safety Realignment, a law that shifted responsibility for low-level felons from state prisons and parole to county jails and probation. The prison population initially dropped by 25,000, but the amount of reductions has since leveled off. California counties are adjusting to Realignment unevenly. There is new interest in evidence-based practices and alternatives to incarceration among county leaders, yet many of California's 58 counties are planning jail construction to accommodate increased populations. In addition, property crime rates increased from 2011 to 2012, and some local leaders blame Realignment. Meanwhile, ongoing *Plata* challenges and Realignment-related issues frequently garner media attention across the state.

California's leading editorial boards have repeatedly called for sentencing reform to finally fix California's over-incarceration problems. Last year, California voters overwhelmingly voted in support of Proposition 36, a ballot initiative that reformed the state's notorious Three Strikes law. Prop. 36 removed nonviolent, non-serious felonies from eligibility for a third strike's 25-years-to-life sentence. This is the first time that a state ballot measure reduced a sentencing penalty and, notably, did so for a law (Three Strikes) that had been characterized as untouchable. Proposition 36 won in every one of the state's 58 counties.

CSJ'S WORK TO DATE

CSJ has built a team of eight staff, key consultants, and strategic grantee partners. CSJ has focused on: strengthening coordination among the field of criminal justice reform advocates; bringing new voices into the debate on justice policy; developing alliances with influential sectors; engaging in policy advocacy; and providing direct support to counties to expand alternatives to incarceration.

CSJ also has launched a statewide network of victims, Crime Survivors for Safety and Justice, which supports reduced incarceration. The network has 3,678 members and burgeoning chapters in the Bay Area, Los Angeles, and Sacramento. CSJ is also building relationships with leaders in business, labor, and communities of color.

THE BALLOT MEASURE STRATEGY

To evaluate the viability of advancing a ballot initiative strategy to achieve its goals, CSJ recently completed a detailed poll of likely 2014 and 2016 voters on various criminal justice policy reform concepts. CSJ tested 13 different reform options and

also probed voters' opinions on crime, prison reform, and Realignment. The overarching categories of reform tested include:

- Removing or limiting the many mandatory sentence enhancements in the state penal code;
- Eliminating incarceration for low-level crimes;
- Reducing the overall state corrections budget;
- Identifying specific categories of offenders or offenses for resentencing; and/or
- Expanding the use of earned-time credits and other mechanisms to reduce sentences after convictions.

ADDITIONAL INFORMATION

To provide additional context on these issues in California, as well as information on Californians for Safety and Justice for those less familiar, please find below:

- A summary of Californians for Safety and Justice highlights; and
- Recent editorials discussing California's ongoing prison crisis and proposed solutions.

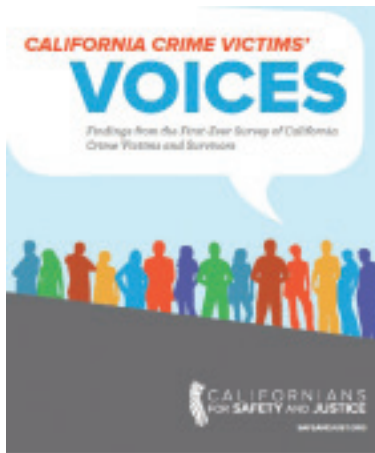
Californians for Safety and Justice

Selected CSJ Highlights



Legislation Signed into Law: Work Furlough for Inmates and Trauma Recovery for Victims

So far, during our first legislative session, two of our pieces of legislation have been signed into law. SB 580 (Leno) provides comprehensive healing and wellness services for hard-to-reach victims of crime, through grants from the state's existing Restitution Fund. AB 752 (Jones-Sawyer) extends eligibility for work furlough programs to people in county jails for low-level felonies to improve reentry and reduce jail populations.



Report: Crime Victims Want Rehabilitation, Not Prisons

Who are crime victims in California? How does crime impact them and their thinking? What are their unmet needs—and experience with victim services? We explore these questions and more in a report that includes the first-ever survey data from California crime victims.



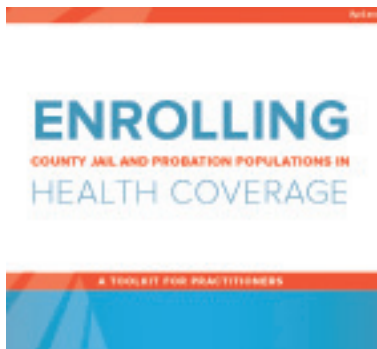
A New Victims' Voice: Crime Survivors for Safety and Justice

Crime Survivors for Safety and Justice gives victims from underrepresented communities a voice in public policy. Often misrepresentations of “what victims want” drive tough-on-crime rhetoric. However, those most likely to be victimized often come from low-income communities and communities of color—the same ones that experience over-incarceration. We’re organizing a new victims’ constituency to elevate these voices.



Forums: Law Enforcement Leaders Discuss Public Safety Future

We're hosting forums across the state with law enforcement and criminal justice leaders to discuss options to improve public safety and reduce costs in local justice systems. Our first convening (November 2012) was in Los Angeles with LAPD Chief Charlie Beck, San Francisco District Attorney George Gascón, and others.



Toolkits and Trainings: Counties Can Reduce Recidivism Through Health Care Treatment

New health insurance and funding options can help counties provide treatment to people cycling in and out of their justice system with mental health and addiction problems. This toolkit explains how counties can leverage these opportunities to reduce costs and crime—a message we are sharing at regional convenings across the state.



Our Message and Members: Building a Movement for Smart Justice

Since inception, we've built our team, launched our statewide criminal justice network (25 advocacy organizations), and developed grantee partnerships (e.g., National Council of La Raza, PICO California, University of California Students Association, Community Coalition of South Los Angeles, etc.). We now have more than 14,000 online members, including 3,719 members for Crime Survivors for Safety and Justice. We've also built partnerships with the Chief Probation Officers of California and shaped dozens of media stories, editorials and op-eds.

Selected Article

EDITORIAL:

State needs to take long-term view on prisons

The Sacramento Bee

August 6, 2013

The expected occurred. The U.S. Supreme Court in a 17-word, terse 6-3 ruling on Friday rejected Gov. Jerry Brown's latest attempt to stall on the 2009 order to get population in 33 state prisons to 137.5 percent of design capacity (about 110,000 inmates) by Dec. 31.

Yet the Brown administration says it will continue to press full appeal of the population reduction order. Having dug a deep hole, the governor keeps digging.

Brown's secretary of corrections, Jeffrey Beard, told The Bee's editorial board on Monday that the state will comply with the population order, but that the plan is "still a work in progress" and focused only on the short-term Dec. 31 deadline—not on achieving long-term, sustainable prison population reductions. That's not a good sign.

The Brown administration apparently thought that the Public Safety Realignment Act of 2011—having people convicted of non-serious, nonviolent and nonsexual crimes serve their time with the counties instead of being sentenced to state prison—alone would get California's 33 overcrowded state prisons from 141,000 inmates to 110,000 in two years.

The governor really did not plan for any further action.

So the court's Friday ruling means a scramble is on to get from today's 119,000 inmates to 110,000 by year's end with short-term

fixes—housing 8,900 California inmates in private out-of-state prisons, leasing 600 jail beds in Alameda County and 1,100 in an empty facility in Los Angeles County, reopening some of the community corrections facilities that peaked at 5,900 inmates in 2008 but were closed in 2011, expanding geriatric parole among the 6,500 inmates who are 60 or older, and expanding earned-time credits for inmates who successfully complete education, vocational training and treatment programs.

These steps should easily get the state below the population cap by Dec. 31.

Beard told the editorial board that the department is not considering changing inmate eligibility to work at fire camps. Yet the Legislative Analyst's Office last year recommended changing the eligibility criteria to consider risk. The prisons have 30,000 low-security inmates. As late as 1968 those convicted of murder were eligible, but now inmates with serious or violent offenses are prohibited, even if they are rated low risk.

The state should not only fill, but should expand the current 4,500 fire camp spots. As late as 1992, the state had nearly 6,000 inmates in 49 camps. We need trained fire crews more than ever. But the real task is

how to make overcrowding reductions last. There the state essentially has two choices.

It could rejigger who goes to prison and how long they stay—as other states such as North Carolina, Virginia and 21 others have done with sentencing commissions. The aim of a sentencing commission would be to remedy the effects of “drive-by bill-of-the-week” legislation in California that has created widely varying penalties for similar crimes. Brown should make this a high priority.

Or the state could launch a new prison-building boom. Let's avoid a repeat of the expensive 21-year, 22-prison building binge that began in 1984. This “if you build it, they will come” attitude, ironically, got us into the overcrowding mess.

For the governor and legislators, the goal in the next five months should be not only to meet the population cap by Dec. 31 but also to craft a plan for sticking to it over the long term.

Court appeals, hoping for delays, amount to avoidance behavior and are not a viable criminal justice or public safety strategy.

Selected Article

EDITORIAL:

California's prison mess—The federal court order to cut the inmate population in state prisons offers an opportunity to revamp criminal justice.

Los Angeles Times

August 9, 2013

Under a 4-year-old order to reduce the state's prison population, Gov. Jerry Brown is preparing, finally, to file a plan with the court outlining how he and the California Department of Corrections and Rehabilitation intend to comply. They have been dragging their feet long enough—and in fact are continuing to do so. They lost their request last week to block the order and are now pressing an appeal to the U.S. Supreme Court to get out from under a Dec. 31 deadline. The longer they wait, the more difficult it will be for communities to safely reabsorb former inmates and for the state's criminal justice system to begin operating in a more efficient and effective fashion.

Despite arguments to the contrary, prison doors will not swing open to allow 10,000 dangerous felons onto the streets. Under Brown's plan, alternative lockups and continuing attrition will likely account for more than half of the needed population reduction. Prison officials are considering transferring some inmates to leased cells in Los Angeles and Alameda counties and to now-closed facilities in Kern County.

There will be people released on parole or community supervision ahead of schedule, including some elderly inmates, well past the age at which they pose a danger. For others, "good-time" credits would be increased, meaning they would get out earlier than planned. Of those,

roughly a third could be expected to return to L.A. County. That's an alarming prospect—until the actual situation, and the alternatives, are examined.

It would be naive to consider the returning felons harmless; but it would be an act of wild self-deception to pretend that an early release order would make their homecoming any more dangerous than it would have been otherwise. The fact is, most of the prisoners in line for possible early release had been scheduled to return to the streets within the coming year anyway. The status quo in California has been, for years, the steady return of felons after two-to five-year terms who pose the same risk they did when they went in. Those returns are the chief product of our broken criminal justice system.

That's the real point here—not that some prisoners will be moving to the post-incarceration portion of their sentences a few months early, but that California has done too little to fix a system under which we deem it normal that prisoners come out at least as dysfunctional as when they went in. Precisely because of crowding and foolish management of the inmate population, California prisons have not only fallen below a minimum constitutional level of medical and mental health care, but also have been notoriously ineffective at purging inmates of their addictions, illnesses, gang ties or antisocial attitudes. One word that appears throughout various reports and federal court orders describes the state's prison system as “criminogenic”—referring to its high propensity to make inmates more likely, not less, to offend again after their release.

Communities have been absorbing returning felons for years, even before October 2011, when the Legislature passed AB 109—the criminal justice realignment law—reassigning some former inmates from state parole supervision to county supervision and some newly convicted felons from state prison to county jail.

Realignment has helped ease much of the prison crowding problem, and because of that, the Department of Corrections and Rehabilitation has once again begun to offer addiction treatment, education and programs that are, in essence, attitude adjustment. Prisoners who are released a few months early will be those who have received time credits for participating in those programs. Either that time has been effective, in which case returning inmates will have a better transition to local programs, or it has not, in which case more time in prison simply means more time in a dysfunctional situation.

In the nearly two years of realignment, so much nonsense has been spouted by sheriffs, other county officials, a handful of state Republican lawmakers and more than a few sloppy news reports about the supposed “early release” of inmates from California prisons under AB 109 that it's a little disorienting to realize that until now, there has not been any such early release; that under realignment, inmates left prison under the same schedule and at the same pace, and returned to the same communities, as previously; that county-run post-release community supervision of returning felons has been no less effective (although perhaps no more effective either) than parole supervision had been; and that we may now, with courts impatient with the state's dawdling and incomplete measures, have to face actual, honest-to-goodness early release.

For many years before a federal three-judge panel ordered California's courts to reduce prison crowding, criminology experts and political leaders had reached broad agreement on steps the state needed to take to reform its criminal justice system to ensure more effective justice, keep communities safer and reduce recidivism. California leaders and lawmakers knew they had to rationalize sentencing and redirect more funding from punishment to reentry, alternative sentencing and rehabilitation. But until AB 109 they didn't do it, because it would have meant moving away

from the fear-based and politically lucrative method of sentencing and incarcerating headline by headline, statute by statute, initiative by initiative.

Only the population reduction order, and the courts' hard line on enforcing it, has moved the state and counties, reluctantly, to set priorities for prison space and consider alternative community-based sentencing. There is little evidence to suggest that state officials will move faster or smarter if the order is softened. Continued resistance merely compresses the period before Dec. 31 in which thousands of prisoners will be released, turning reentry from a steady flow into a flash flood.

It's proper for the state to continue to find alternative places to house them, but officials should also be making plans to see that if inmates are returned to their communities, they are effectively supervised. And the governor and lawmakers should now—not as a bargaining chip with the court but because it is the wisest course for the state—revamp sentencing and create a system in which prison beds are reserved for only those offenders who can't be safely and successfully punished, and corrected, in more effective and cost-efficient ways.

Selected Article

EDITORIAL:

California's Continuing Prison Crisis

The New York Times

August 10, 2013

California has long been held up as the land of innovation and fresh starts, but on criminal justice and incarceration, the Golden State remains stubbornly behind the curve.

Over the past quarter-century, multiple lawsuits have challenged California's state prisons as dangerously overcrowded. In 2011, the United States Supreme Court found that the overcrowding had gotten so bad—close to double the prisons' designed capacity—that inmates' health and safety were unconstitutionally compromised. The court ordered the state to reduce its prison population by tens of thousands of inmates, to 110,000, or to 137.5 percent of capacity.

In January, the number of inmates was down to about 120,000, and Gov. Jerry Brown declared that “the prison emergency is over in California.” He implored the Supreme Court to delay a federal court order to release nearly 10,000 more inmates. On Aug. 2, the court said no. Over the furious dissent of Justice Antonin Scalia, who reiterated his warning two years ago of “the terrible things sure to happen as a consequence of this outrageous order,” six members of the court stood by its earlier ruling. California has to meet its goal by the end of 2013.

The state claims that releasing any more inmates would be a threat to public safety, as if the problem were too little prison space. In fact, California's problem is not excessive crime, but excessive punishment.

This was obvious years before the Supreme Court weighed in. Since the mid-1970s, California's prison population has grown by 750 percent, driven by sentencing laws based largely on fear, ignorance and vengeance. The state's notorious three-strikes law, passed in 1994, is only the most well-known example. Because of it, 9,000 offenders are serving life in prison, including many whose "third strike" was a non-serious, nonviolent offense—in one case, attempting to steal a pair of work gloves.

Californians have made clear that they no longer accept traditional justifications for extreme sentencing. Last November, voters overwhelmingly passed Proposition 36, which restricted the use of the three-strikes law for nonviolent offenses, even for current prisoners. It wasn't just about saving money; exit polls showed that nearly three-quarters of those who supported the proposition said they felt the law was too harsh.

The measure has already resulted in the release of around 900 prisoners whose third strike was neither serious nor violent, and it could lead to the release of up to 2,500 more. A risk assessment by California's corrections department suggests that these three-strikes inmates are among the least likely to re-offend. Preliminary research on those who have been released under Proposition 36 is bearing that out.

In addition, the state has begun to take steps to repair what former Gov. Arnold Schwarzenegger described as a prison system "collapsing under its own weight." A two-year-old package of reforms, enacted into law and known as "realignment," is changing the type of sentences prisoners receive, where they are housed and the sort of post-release supervision they get. While this has led to some important improvements, such as eliminating prison terms for technical parole violations, it does not adequately address many entrenched problems, like disproportionately long sentences, that add to prison overcrowding. (Nor

does it deal with the widespread use of long-term solitary confinement, which has led hundreds of state prisoners to go on hunger strikes in recent months.)

If California wants to avoid another legal battle over its overcrowded prisons, there are two things it can do right away.

First, it should establish a sentencing commission to bring consistency, proportionality and data-based assessments to its laws. Twenty-one states, the District of Columbia and the federal government already have such commissions, and they make a difference. In Virginia and North Carolina, both of which had prison overcrowding, sentencing commissions helped focus scarce resources on housing the most violent offenders, limiting prison growth without jeopardizing public safety.

Criminal justice reform advocates have unsuccessfully pushed for such a commission in California. If the state is to get away from its irrational and complicated sentencing, it needs a commission, and it needs to insulate it as much as possible from the political actors who have contributed so much to the state's current crisis.

Second, the state must do more to help released prisoners get the re-entry and rehabilitation services that already exist across California. Inmates are often released with no warning to friends or family, with no money, no means of transportation and no clothes other than the jumpsuits on their backs. It is no wonder a 2012 report showed that 47 percent of California prisoners returned to prison within a year of their release, a significantly higher rate than the national average.

People coming out of prison need many things, but the critical ones are safe housing, drug treatment and job opportunities. Theoretically, the \$2 billion being spent over the first two years of realignment

was to provide more resources toward such re-entry and rehabilitation programs; in reality, much of that money has gone to county jails, which have seen their own overcrowding only get worse as they have absorbed thousands of inmates from state prisons. So far, counties have allocated an average of just 12 percent of their realignment funds to re-entry programs.

California's prison population is consistently among the largest in the country. While it presents an extreme case, its problems are representative of what is happening in prisons and jails in other states. If California would redirect its energy from battling the federal courts to making the needed long-term reforms, it could once again call itself a leader.

Selected Article

EDITORIAL:

Don't mistake expedients for real corrections reform

The Press-Enterprise

Riverside, California, August 11, 2013

California can comply with a federal court order to shrink the state prison population without widespread inmate releases. But the governor and Legislature should not mistake such short-term expedients for real reforms. Legislators still need to address the underlying conditions that helped create the jammed prisons.

The state no longer has any excuse for failing to obey a federal court order to reduce the number of inmates in state prisons, after the U.S. Supreme Court this month rejected the state's request to postpone a Dec. 31 deadline. A three-judge panel in 2009 ordered the state to trim the prison population, then about 150,000, to 110,000 inmates. At the time, many prisons were crammed to nearly double their intended capacity. The state has eased prison crowding substantially since 2009, but still remains about 9,600 inmates above the court-ordered population cap.

But state officials' dire predictions of releasing thousands of inmates to meet the court's benchmark turned out to be mostly political hype. The state now proposes, for example, to expand the use of contracts that house about 9,600 inmates with private prisons. The state can also assign more inmates to firefighting camps, reopen closed community corrections facilities and increase the use of medical parole for inmates too infirm to pose any real threat. The state could also augment the use of time off credits that shorten sentences for good behavior and for

completing education and rehabilitation programs, among other options.

But no one should think of such steps as anything but a stopgap. Meeting the court's December deadline hardly reverses the decades of legislative irresponsibility that let the prison system fester into crisis. Legislators need to make long-term fixes that can create a more effective corrections system and avoid another prison debacle a few years from now.

Legislators should start by revamping the state's chaotic and haphazard criminal sentencing laws. The current sentencing system gives wildly varying prison terms to similar crimes for no discernable reason, and puts felons back on the street when their sentence is up regardless of any danger to the public. Revised sentences should also encourage inmates to participate in education, job training, and counseling

programs that can help prevent a return to crime. And the prisons need to make sure such programs are available.

The Legislature also should ensure that the state's main effort so far to reduce the inmate numbers actually works. The state shifted supervision of so-called low-risk felons and parolees to counties in 2011. But that realignment is not a guaranteed solution. The state needs to make sure that counties have the resources—money, manpower and jail space—to make the program a success. Simply pushing the state's prison woes off onto counties is not a responsible course.

But the Legislature cannot just return to its long habit of negligence once the state meets the court order's demands. A temporary fix, without real solutions, would only guarantee continued prison headaches for California.

Presenters' Biographies

PRESENTER



Lenore Anderson

Lenore Anderson, an attorney with extensive experience working to improve criminal justice, has been the executive director of Californians for Safety and Justice since its founding in February 2012.

Previously, Anderson was chief of Policy and chief of the Alternative Programs Division at the San Francisco District Attorney's Office, where she spearheaded various initiatives to reduce over-incarceration and improve public safety. She also crafted local and state legislation to aid victims of domestic violence, protect violent crime witnesses, reduce elementary school truancy and reduce recidivism among people convicted of nonviolent crimes.

Anderson also served as director of Public Safety for the Oakland Mayor, overseeing the mayor's violence-reduction initiatives, and as director of the San Francisco Mayor's Office of Criminal Justice. There she oversaw \$10 million in violence-prevention programs, advised the mayor on all public safety matters, and launched a Community Policing Task Force and Juvenile Justice Task Force.

Prior to government service, Anderson served as the director of the Books Not Bars program at the Ella Baker Center for Human Rights. There she created and launched Families for Books Not Bars, a statewide organizing network for parents of incarcerated youth, and launched a statewide campaign to close California's youth prisons. The campaign contributed to the biggest drop in state youth incarceration in California history. She began her tenure at the Ella Baker Center as a Soros Justice Fellow from 2001 to 2003.

Anderson is also the chair of the Board of Directors for the Center for Youth Wellness, a new initiative to reduce the health impacts of chronic stress and trauma on urban youth. She holds a J.D. from New York University School of Law and a B.A. from the University of California, Berkeley.

PRESENTER



Ace Smith

Ace Smith is a partner at SCN Strategies and a 30-year veteran of state and national politics, having directed winning campaigns from district attorney to president. With deep experience on the West Coast, he specializes in high-stakes political, governmental and public affairs campaigns.

Over the years, Smith has worked with a roster of clients including Virginia Governor Doug Wilder (1989), Chicago Mayor Richard Daley (1989), U.S. Senator Paul Simon (1990), Texas Governor Ann Richards (1990), U.S. Senator Patti Murray (1992), U.S. Senator Dianne Feinstein (1992), U.S. Senator Kent Conrad (1994), Congressman Richard Gephardt (1994–2002), California Governor Gray Davis (1998, 2002), U.S. Senator Barbara Boxer (1992–2010) and Howard Dean (2004).

In 2005, Smith directed Los Angeles Mayor Antonio Villaraigosa's underdog campaign for mayor, marking the first time since the 1930s that a Los Angeles mayor had been defeated after a single term. In 2006, he ran Jerry Brown's campaign for California Attorney General and during the 2008 Democratic Presidential Primary, served as state director for Senator Hillary Clinton's campaigns in California, Texas and North Carolina. In 2010, Smith and his partners were instrumental in the historic election of San Francisco District Attorney Kamala Harris as California Attorney General and San Francisco Mayor Gavin Newsom as California Lieutenant Governor. In 2011 Smith ran San Francisco Mayor Ed Lee's victorious campaign and in 2012 he led the historic Proposition 30 effort for Governor Brown.

Smith also has extensive experience advising corporate clients and winning complex initiative campaigns. The subject of several newspaper profiles, Smith was called "legendary" by the *New York Times* and political campaign manager "heavyweight champion of the year" in the *San Francisco Chronicle*.

PANEL DISCUSSION: THE CHANGING STRUCTURE OF POLITICAL PERSUASION IN THE DIGITAL AGE

The Changing Structure of Political Persuasion in the Digital Age

Discussion Background

Lori McGlinchey

Senior Program Officer, Democracy Fund

THE INTERNET AND DIGITAL technologies—both tools and practices—are transforming political campaigns, consumer marketing, and the way people engage with each other and with democratic institutions. These changes pose both threats and opportunities to open society in the United States.

In a recently published paper, Yochai Benkler and colleagues at Harvard’s Berkman Center for Internet and Society provide a novel, data-driven perspective on the dynamics of the constantly changing networked public sphere. The authors offer an optimistic view of a vibrant, diverse, and decentralized networked public sphere that exhibits broad participation, leverages topical expertise, and focuses public sentiment to shape national public policy. While we must explore the risks inherent in the digital age to privacy, accuracy, and even persuasion and manipulation, it is also important that we understand how new technologies offer opportunity to influence politics, redistribute power, and equip organizations with the tools to win concrete victories for social justice.

Many point to the 2012 election as a demonstration of the power of technology to turbocharge political campaign communications. The Obama for America (OFA) technology team famously used data analysis, micro-targeting, and took advantage of social media practices developed in the commercial sector to mobilize voters. Less well known is that several former OFA tech team members have now joined Enroll America, a nonprofit organization whose mission is to maximize the number of uninsured Americans who enroll in health coverage made

available by the Affordable Care Act. Since the insurance exchanges need enough healthy participants to prevent sick people from swamping the system and sending rates soaring, OFA tech team alums are re-purposing the campaign's micro-targeting and social media outreach methods to identify and convince 2.7 million healthy 18–24 year olds to enroll. Without the current advances in technology tools and practices, there would be no way to identify and convince this many people to enroll in such a short time. If they are successful, it will demonstrate that these tools and techniques have a purpose and impact beyond their application in the political campaign context, and can be used to effectively translate public policy into practice as well.

Data collection and micro-targeting techniques are also transforming how social justice organizations, including many Open Society grantees, approach their work. Political scientist David Karpf's 2012 book *The MoveOn Effect: The Unexpected Transformation of American Political Advocacy* highlights the disruptive role that the Internet has played in the advocacy group system. It provides the first detailed analysis of the new generation of "netroots" organizations—groups like MoveOn.org and DailyKos.com—and examines how these new organizations are reimagining advocacy in a far different way than their predecessors. In a review of Karpf's book in the *New Republic*, Paul Starr describes some of the hallmarks of these new organizations:

"The professionally staffed organizations that dominated progressive advocacy in the late twentieth century are expensive to run, typically focused on a single set of issues, ostensibly nonpartisan, and slow to change. The new organizations operate on absurdly small budgets, often with minimal full-time staff and no physical offices. Instead of being concerned with only one slice of progressive politics, they are "issue generalists," continually shifting priorities

in response to events. At a time of partisan polarization, they respond to heightened partisan concerns and play a role in electoral politics; most have been set up as limited partnerships rather than tax-exempt nonprofits. Steeped in what Karpf calls a "culture of analytics," they test different strategies (for example, different appeals on their e-mail lists) and then quickly adjust their direction to correspond with their members' interests."

At Upworthy, Eli Pariser and colleagues are focused on the question of how advocacy messages can reach large numbers of people in a social media era. Upworthy is pioneering the use of viral marketing and social media sharing to elevate and draw public attention to important social issues and ideas. It optimizes content for social sharing to build traffic for civic content rather than commercial gain. In May 2013 alone, more than 26 million people viewed its content. Their "curators" find socially relevant stories or videos and test dozens of headlines to find the one most likely to catch readers' attention. They then track real-time metrics to see who is clicking, reading, and sharing to further adjust the headline and packaging of the story. Civil society organizations, including Open Society grantees, may benefit from understanding Upworthy's approach to drawing attention to civically relevant information in the public sphere.

While these new models have gained attention and support, and the idea of lighter and leaner understandably appeals, it is also important to consider the impact of these shifts on progressive institutions that play important roles on the social justice landscape outside of the digital sphere.

As a foundation, we must understand how these broad shifts in the use of technology are changing the ways in which social change is made, and how to distinguish between the genuinely transformative and the unsubstantiated hype. We must better understand the capacity of our grantees to effectively

operate in an evolving networked public sphere and appropriately deploy new technologies as a means of achieving their goals. We must also understand how differential access to and fluency with these new tools and practices represents differentials in the power to shape individual issues and the broader landscape on which change occurs.

This discussion, moderated by Steve Coll, will include comments from Yochai Benkler, Eli Pariser, Jennifer Green, and David Karpf.

Presenter's Biography

PRESENTER

Jennifer Green

Jennifer Green is the executive director of the Analyst Institute, which works with progressive organizations to learn what works and what doesn't in public outreach through the use of randomized controlled experiments.

Since Green came onboard at the Analyst Institute three years ago, she has worked to expand the research portfolio by applying experimental methodology to optimize the progressive community's efforts on persuasion, voter education, television, online advertising, voter registration, and civic engagement through hundreds of experiments.

As part of her on-going PhD research at Yale University, she conducted large-scale field experiments in India that sought to increase voting among marginalized groups and build a stronger citizenry by educating rural villagers on policy and the electoral process. Building research into programs to evaluate and optimize efforts has been a lifelong obsession.

Prior to attending graduate school to learn and develop experimental methodology, Green worked at the Carter Center to assist in the design of evaluation protocols for United Nations human rights missions and to safeguard elections in West Africa. She has also served as a fellow in the Science and Technology Directorate of Homeland Security, where she has worked on protocols to evaluate response policies for emergencies and natural disasters.

Presenter's Biography

PRESENTER



David Karpf

David Karpf is an assistant professor in the School of Media and Public Affairs at George Washington University. His work focuses on strategic communication practices of political associations in America, with a particular interest in Internet-related strategies.

Prior to entering academia, Karpf was an environmental organizer with the Sierra Club. He served as national director of the Sierra Student Coalition in 1999, national trainings director from 1998–2000, and national roadless campaign coordinator in 2000. He also served six years on the Sierra Club's Board of Directors (2004–2010). Karpf weaves this practical campaign perspective into much of his research and teaching.

Karpf previously served as an assistant professor in the School of Communication and Information at Rutgers University. He was a resident fellow at the University of Virginia's Miller Center for Public Affairs in 2008–09, a postdoctoral fellow at Brown University's Taubman Center for Public Policy in 2009–2010, and a visiting fellow at Yale University's Information Society Project in 2010–2011.

His work has appeared in the *Journal of Information Technology and Politics*, *Policy & Internet*, and *Information, Communication, and Society*. His first book, *The MoveOn Effect: The Unexpected Transformation of American Political Advocacy* (Oxford University Press, 2012) received the 2013 Best Book Award from the Information Technology & Politics Section of the American Political Science Association.

PROPOSED U.S. PROGRAMS 2014 BUDGET



U.S. Programs

Proposed 2014 Budget

August 30, 2013

Table of Contents

I.	Overview and key elements of the proposed 2014 budget (6 pages)	69
II.	Spreadsheet detailing the proposed 2014 budget, with reference to variance from 2013 (2 pages).....	75
III.	Charts offering various views of the proposed 2014 budget, with comparisons to 2013.....	77
IV.	One-page snapshots and revised strategy summaries for each component	
	Democracy	80
	National Security and Human Rights Campaign	83
	Justice	85
	Campaign for New Drug Policy	87
	Equality	89
	Campaign for Black Male Achievement	91
	Special Initiatives and Partnerships	93
	OSI-Baltimore	96
	Open Places Initiative	100

Memorandum

To: U.S. Programs Board
From: Ken Zimmerman
Date: August 29, 2013
Re: **U.S. Programs 2014 Proposed Budget**

This moment is ripe with profound challenge and possibility. The Voting Rights Act has been gutted, while the President of the United States has recognized how black men and boys remain at the margins of our society. Comprehensive immigration reform is more possible now than at any moment over the last decade, while the administration is intent upon locking down information about its surveillance practices and systematically prosecuting national security whistleblowers. Cities are increasingly taking steps to improve quality of life for families and communities, while economic inequality grows, and political polarization at the federal level blocks serious efforts to promote fiscal equity. There have been real victories in criminal justice reform from tackling stop and frisk in New York City to the recognition of the effects of biased sentencing. Yet, our misguided drug policies continue and our incarceration rate, while declining, remains the highest in the world.

The budget that I present today acknowledges the contradictions of this moment, that we have finite resources, and that we must make choices based on the opportunities available to us. With the endorsement of the U.S. Programs (USP) Board Budget Committee¹ and within the parameters provided by the global board budget committee, the budget provides a programmatic base of \$100 million and a reserve fund of up to \$25 million.

The budget has five central elements.

1. We seek to strengthen partners that are indispensable to the fields in which we work, and to our vision of Open Society

- The budget starts to provide multi-year operating support for our anchor grantees and selected core organizations, while also beginning to integrate other organizations that have relationships with the Open Society Foundations but may not be annual grantees (e.g., Planned Parenthood). (Spending increase from 11 percent of our base budget to more than 16 percent).

2. We continue in core areas of practice to take advantage of opportunities, respond to threats, and build fields to advance systemic reform.

- Given ongoing threats to democratic practice, the budget prioritizes a coordinated response to the recent Voting Rights Act decision (an increase of 20 percent), a longer-term campaign to address money in politics, and a recognition of the likely needs of the field in the upcoming election year. This work relies significantly on our anchor grantees. In addition, 15 percent of our base budget is toward non-anchor partners working on democratic practice.
- Building on recent signs of movement in our long-term effort to shift the national paradigm on criminal justice, we are prioritizing work to reduce mass incarceration on the state level and in the federal system, and to expand efforts to promote police accountability nationally. We have fully incorporated our California campaign to reduce mass incarceration into the budget (initially a \$1 million Reserve Fund allocation) and allocated \$300,000 to expand our police accountability work beyond New York City. We continue to support the field of key organizations that have helped build left-right consensus for reform; seed new leaders and innovative ideas through our Soros Justice Fellowships; and support the engagement of members of directly affected communities in reform efforts. In total, just over 20 percent of our base budget will be spent on justice issues.

¹ This committee is comprised of Steve Coll, Sherrilyn Ifill, Geoff Canada, and Chris Stone.

3. We maintain a deep commitment to overcoming the exclusion of marginalized communities.

- We continue to support immigration reform efforts (4 percent of the base budget) and work to overcome the challenges to black male achievement (over 13 of the base budget including the Young Men's Initiative), recognizing that both may be highly influenced by upcoming events (legislative prospects for the former, and White House prioritization for the latter). We also plan to fully develop our work related to housing and credit, changing the racial narrative, and profiling. In total, roughly 23 percent of our base budget will be spent on these equality initiatives.

4. We invest in local laboratories for social justice to make differences in specific places and help inform our grant making.

- To further open society priorities locally while directly improving the quality of people's lives, the budget provides significant funding—\$4 million—to launch the Open Places Initiative in the three to five chosen sites as well as a modest budget line to allow funding of supplemental initiatives in those places.
- We will continue to support OSI-Baltimore at our current levels (\$4 million), recognizing its strategic value as an urban laboratory; we also intend to examine and support on a more limited basis other models of local policy incubation and issue advocacy, such as that undertaken by the Center for Working Families.

5. We advance board-vetted strategies on targeted issues designed to accomplish meaningful change in 3-5 years.

- The budget roughly maintains support for board-vetted and multi-year strategies, such as those focused on national security and human rights and, pending board approval, school discipline reform. The budget anticipates developing strategies in other areas, including housing and credit and fiscal equity, in the coming year.

Further, the USP budget includes two relatively new features as well as a long-standing one:

Reserve Fund. This budget preserves the effective opportunistic response capacity developed in 2013 at the same level: \$25 million. We use the Reserve Fund when there is a clear and time-sensitive opportunity, a specific goal for the intervention, and organizations with a demonstrated need and the capacity to spend the funds effectively. All continued items funded from the 2013 reserve are incorporated into the 2014 base programmatic budget, and there are no preexisting claims or expectations for the 2014 fund.

Long-Term Idea Generation. To engage with longer-term trends and issues, we continue to set aside a small amount of funds (\$750,000) to help us consider and seed work involving long-term unfolding dynamics such as 2020 redistricting and the Project on the Future of Work.

U.S. Operations. Approximately 16 percent of our budget is currently dedicated to administrative and program development expenditures (e.g., salaries, overhead, travel, consultancies, and gatherings). Careful scrubbing of this category has resulted in only slightly higher expenditures from 2013 despite significant new allocations to the Open Places Initiative.

This budget overall is by necessity transitional and reflects hard choices. As you are aware, USP will undertake a broad strategic refinement in 2014 and will also be fully incorporating the Open Society-wide changes that have significant impacts on capacities needed by USP. Thus, this flexible budget allows USP to continue to evolve in the future, committing funds beyond the immediate year formally only for multi-year anchor and core grantees, and informally only in select areas where there have been pre-existing multi-year commitments (e.g., OPI, to DPA and the Young Men's Initiative), and where there has been a board-vetted strategy.

Moreover, the budget also makes hard choices reflecting the reality of a zero-sum budget in which we have invested further in areas of priority (e.g., anchor and core grantees) and built-out new initiatives (e.g., Open Places). Areas where we have cut significantly from 2013 include:

- Terminating our grants to a coalition of groups working on transparency in New Orleans. We were spending between \$800k and \$1 million per year on this work.
- Reducing by nearly \$1 million our work on challenging the collateral consequences of incarceration, including voter disenfranchisement, housing barriers, prison gerrymandering, and ending our state-based activity on children prosecuted and sentenced in the adult system.
- Eliminating support for neighborhood stabilization and reducing support for access and affordability in housing finance.
- Two campaigns—National Security and Human Rights Campaign (NSHR) and Campaign for a New Drug Policy (CNDP)—are still addressing the consequences of previous budget cuts, while absorbing previously made multi-year grants. NSHR, for example, will reduce funding to areas of work including criminal defense support, national security messaging, support to allies of Muslim communities, and a special project focused on post-9/11 restrictions on humanitarian aid. Budget for leading organizations within the drug policy reform field will decrease by 21 percent. While some of these funds have shifted to other strategies, such as developing non-punitive alternative responses to current policy, overall CNDP’s grant making budget has been reduced by 4 percent.
- The Campaign for Black Male Achievement reduced their investments in field and movement building by 6 percent in order to accommodate a reduced budget.
- Even though we aim over the long-term to return to limited multi-year funding for our anchor grantees and others that are core to our work, we are only able to do so partly because of our accrual budgeting principles.

DETAILED OVERVIEW OF 2014 BUDGET²

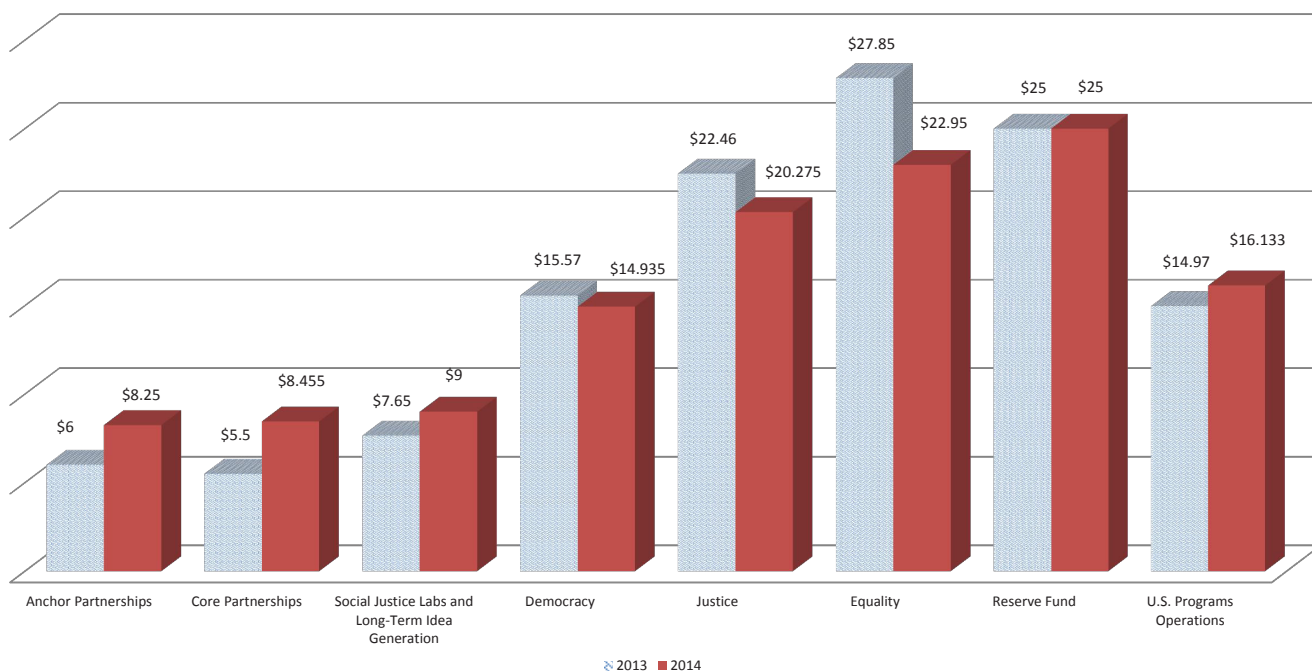
The 2014 budget is organized into three categories:

- 1) Core/new initiatives, including our anchor and core grantees, lines dedicated to long-term idea generation, place-based initiatives, and reserve fund;
- 2) Substantive areas, including our Democracy, Equality, and Justice funds, and the campaigns within each fund: NSHR, Campaign for Black Male Achievement (CBMA), and CNDP, respectively; and,
- 3) U.S. Programs Administration, including our overhead and program development costs.

We maintained the 2013 structure, though it is limited in that it does not reflect our management structure (e.g. anchors and some cores are managed by the Special Initiatives and Partnerships Unit).

² Following this memo in the budget book is our proposed 2014 budget, a more in-depth explanation of our anchor and core investments over time, snapshots of each fund and campaign that provide an overview of their 2014 budget, and the strategy chart for each fund and campaign updated in light of global board committee feedback and final field/foundation-led concept designations.

Changes 2013-2014
\$125 million



Anchors/Cores/New Initiatives: ³

In 2013, 35 percent of the budget went to core and new initiatives. In 2014, we propose increasing that share to 40 percent. This increase reflects the following:

- The overall anchor grantee line has been increased so we can begin providing multi-year funding to these entities (and is supplemented by a separate request for 2013 Reserve Funds being made at this board meeting). The number of anchors funded out of this budget remains at ten, even though we are now including in our list several others such as Planned Parenthood and the Center for Reproductive Rights which previously received funding from U.S. Programs, George Soros, or the Soros family. With our anchor grantees, we are beginning a process in which three anchor grantees a year are moved into two-year grant cycles, and we would like to make that a three-year cycle over time. We are also establishing a new funding line to provide technical assistance to anchors.
- Core grantees: These were defined last year as the most important field-based grantees that fell below the funding level designated for anchor grantees. We continue to prioritize these groups, which include both those that address multiple issues and those that are the most important within a single field. Due to complexities arising from the expiration of multi-year grants and ongoing efforts to effectively categorize these groups, straightforward comparisons between 2013 and 2014 are difficult. We will refine the meaning of “core” grantees and the way in which this designation advances our priorities in the coming year. Please see attachments for further detail.
- For budgeting purposes; this category also includes place-based initiatives which have increased for the reasons discussed above, the Reserve Fund- which remains constant at \$25 million; and, the modest amount for long-term inquiries.

³ Please note that these categories do not directly correlate to our management structure. Core grantees are managed through our Special Initiatives and Partnerships Unit, for example.

Substantive Areas

This portion of the budget refers to efforts broken down by subject matter. To some extent this categorization is incomplete since our anchor and core grantees are obviously highly relevant to our activities in these areas but are budgeted separately. Consistent with our overall strategic direction, we have reduced by nearly \$4 million from 2013 to 2014 the amount allocated to these areas, and this figure actually masks a more significant reallocation since these budget lines include the absorption of certain grantees previously designated as core and items previously funded out of the Reserve Fund.

- **Democracy**: As noted above, the budget anticipates greater needs in an election year, evolving restrictive ballot measures, a response to the Shelby decision, and a longer-term effort designed to remake the legal framework related to campaign finance reform. One small allocation here will involve a potential contribution to foundation-wide shared framework related to election integrity.
- **Justice**: While the bulk of these funds focus on reducing mass incarceration, we anticipate support for efforts to expand upon successes related to stop-and-frisk, death-penalty abolition, treatment of youth in adult systems, and placeholders regarding indigent defense. One ongoing question concerns whether we will continue to fund the Bard Prison Initiative, and we have included a \$500,000 placeholder as we review.
- **Equality**: This budget line includes continued core work related to immigration (noting how critical the passage or failure of comprehensive immigration reform will be), fiscal equity, and school discipline reform. We also anticipate a strategic review to flesh out our housing and credit and fiscal equity activities. Through core grantees and work in other substantive areas (such as with stop and frisk and elsewhere in criminal justice and national security/human rights), we support considerable work related to racial profiling and racial narrative, although we have preserved placeholders for both in anticipation of a new Equality Fund director.

Campaigns

We have retained the category designated as campaigns to allow useful comparisons from 2013. The budget in these areas has shrunk somewhat. Note also that the two largest U.S. Programs expenditures—for the Young Men’s Initiative and the Drug Policy Alliance—represent an independently originated commitment.

- **CBMA**: In light of the White House’s interest in a partnership following the President’s speech related to Trayvon Martin, there is the potential for significant change in CBMA in the coming year. We have proceeded, therefore, with a budget that continues support for the central pillars of its efforts with a minor overall decrease in funding pending further developments. Almost \$6.3 million in funds are allocated toward the Young Men’s Initiative.
- **CDNP**: While the DPA commitment continues to dwarf U.S. Programs’ independent expenditures in this area, which decline slightly, the budget line reflects an ongoing and significant push to use the Affordable Care Act to advance drug policy, criminal justice objectives, as well as more limited investments in other areas.
- **NSHR**: In light of the board-approved strategy in this area, the budget proposal endeavors to recognize the solidity of NSHR’s approach. Even though it appears that the overall budget is reduced, in fact the U.S. Programs core line includes an additional \$1 million for NSHR’s rule of law work, raising the overall resources for this Campaign by about \$500,000 as compared to 2013. In addition, the budget anticipates a contribution to an Open Society-wide shared framework on drones.

U.S. Programs Operations

The changes in this category stem from increases in overhead and personnel related new increases (namely benefits) and the placement of the Director's discretionary fund in this line.

- Program Administration (personnel, overhead): We propose a headcount for 2014 equivalent to 2013, but costs for salaries, benefits, and overhead have gone up \$1 million. These costs are not in our control, and we think the overhead increase is largely due to the move to the new office on 57th Street.
- Program Development: As noted above, we believe that we do not need the full amount we budgeted for in 2013. At the same time, we expect a substantial increase in Open Places' need for consultants and related costs, and therefore, have not decreased this line as much as we otherwise might.
- Director's discretionary line: This stems from the board's authorization of a limited pool of funds under the Director's control (with approval of the Board Chair), and is intended for fast-moving developments and other unanticipated needs that typically do not rise to the level of Reserve Fund requests. While the foundation as a whole is expected to authorize up to 1.5 percent of component budget for such discretionary funds, this line is set at \$500,000 rather than \$1.5 million in light of the existence of the Reserve Fund.

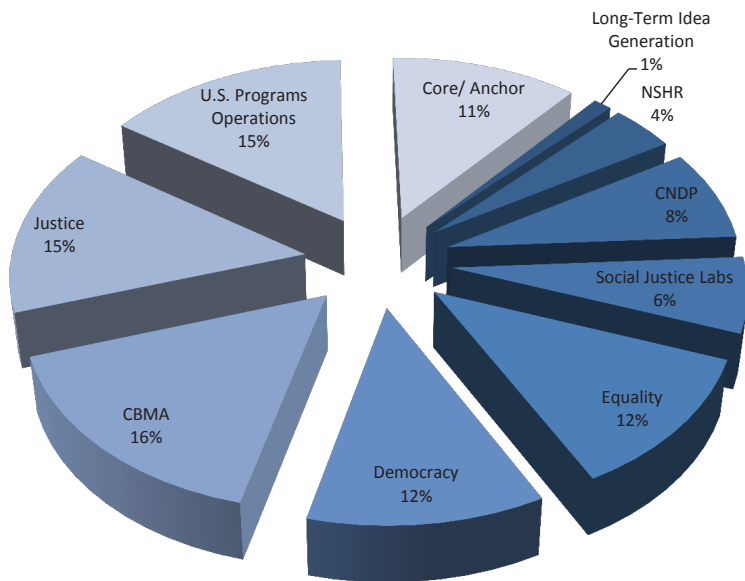
We are proud of this proposed budget, the thinking processes that it provoked, and the way in which the Senior Management Team collaborated to produce the final proposal. We look forward to your comments, questions, and ultimately approval.

Detail of 2014 U.S. Programs Budget							
FOCUS AREAS	Fields/Places	FLCs	2013	% of 2013 Base Budget	2014	% of 2014 Base Budget	Variance
I. Core/New Initiatives							
A. Support for Anchor/Core Grantees							
1. Anchor Partnerships	Civic Reform Infrastructure		\$ 6,000,000		\$ 8,250,000		
2. Core Partnerships	Varied		\$ 5,500,000		\$ 8,455,000		
B. Social Justice Laboratories							
1. Open Places Initiative		Open Places Initiative	\$ 2,500,000		\$ 4,000,000		
2. Baltimore (has separate coding)	Varied	Varied	\$ 4,000,000		\$ 4,000,000		
3. Urban Agenda		Long-Term Idea Generation			\$ 250,000		
C. Reserve Fund			\$ 25,000,000		\$ 25,000,000		
D. Long -Term Idea Generation							
1. Future of Work	Access to Economic Opportunity		\$ 400,000		\$ 250,000		
2. Craft a 21st Century Racial Narrative		Long-Term Idea Generation	\$ 750,000		\$ 250,000		
3. 2020 Dynamics		Long-Term Idea Generation			\$ 250,000		
4. Ideas and Learning		Long-Term Idea Generation					
Core/New Initiatives Total			\$ 44,150,000	19.2%	\$ 50,705,000	25.61%	\$ 6,555,000
II. Substantive Areas							
A. Democracy							
1. Informed and Engaged Public	Political Participation of Citizens, Public Interest Media		\$ 3,500,000		\$ 4,200,000		
2. Responsive and Effective Government	Government Integrity, Judicial System Reform		\$ 2,400,000		\$ 2,450,000		
3. Political Equality	Electoral System Reform	Campaign Finance Jurisprudence	\$ 5,670,000		\$ 4,585,000		
4. National Security and Human Rights							
a. Rule of Law and Human Rights	Security Sector Reform		\$ 2,237,500		\$ 2,000,000		
b. Civil Liberties and Equality	Security Sector Reform		\$ 1,762,500		\$ 1,600,000		
c. Shared Framework: Drones		Drones	\$ -		\$ 100,000		
Democracy Total			\$ 15,570,000	15.57%	\$ 14,935,000	14.94%	\$ (635,000)
B. Justice							
1. Reduce Mass Incarceration							
a. Field Support	Criminal Justice Sector Reform		\$ 8,100,000		\$ 5,850,000		
b. Campaign to Reduce Incarceration In CA		Campaign to Reduce Incarceration in CA			\$ 1,000,000		
2. Challenge Extreme Punishment	Criminal Justice Sector Reform		\$ 3,900,000		\$ 3,425,000		
3. Promote Justice System Accountability							
a. Field Support	Criminal Justice Sector Reform		\$ 2,650,000		\$ 1,300,000		
b. NYC Police Accountability Campaign		NYC Police Accountability Campaign			\$ 1,000,000		
4. Campaign for a New Drug Policy (CNDP)							
a. National Drug Policy Reform Leadership	Drug Policy Reform		\$ 1,080,000		\$ 850,000		
b. Comprehensive Health Care Infrastructure for Drug Users	Drug Policy Reform		\$ 1,280,000		\$ 1,300,000		
c. Community Alternatives to Punitive Drug Policies	Drug Policy Reform		\$ 450,000		\$ 550,000		
5. Drug Policy Alliance 10-Year Grant	Drug Policy Reform		\$ 5,000,000		\$ 5,000,000		
Justice Total			\$ 22,460,000	22.46%	\$ 20,275,000	20.28%	\$ (2,185,000)

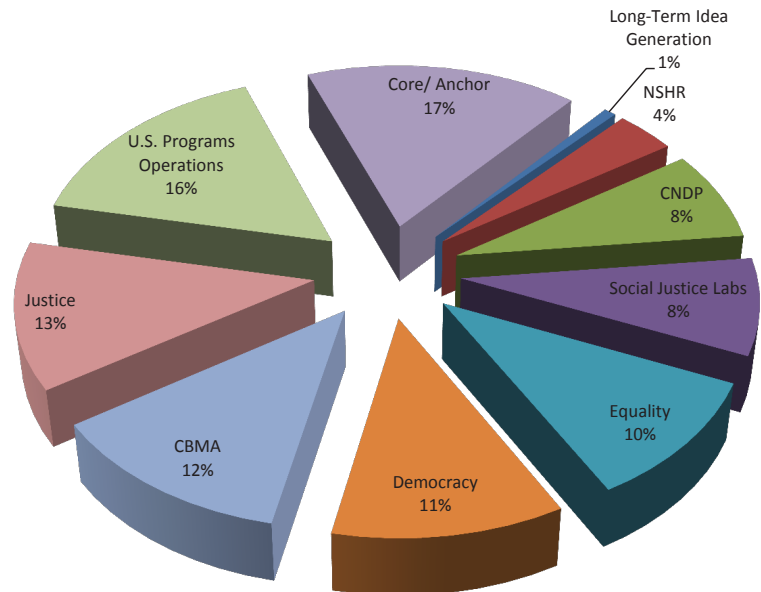
C. Equality							
1. Immigration Reform	Migrant and Immigrant Rights		\$ 4,000,000		\$ 3,900,000		
2. School Discipline		School Discipline Reform	\$ 750,000		\$ 1,500,000		
3. Racial Profiling	Combating Xenophobia and Racism		\$ 1,500,000		\$ 500,000		
4. Fair Financial & Economic Systems							
a. Housing & Credit	Access to Economic Opportunity		\$ 3,000,000		\$ 2,500,000		
b. Fiscal Equity	Access to Economic Opportunity		\$ 2,500,000		\$ 2,100,000		
5. Campaign for Black Male Achievement/YMI (CBMA)							
a. Educational Equity		Campaign for Black Male Achievement and School Discipline Reform	\$ 3,500,000		\$ 2,110,000		
b. Strengthening Family Structures		Campaign for Black Male Achievement	\$ 900,000		\$ 750,000		
c. Strengthening Field of Black Male Achievement		Campaign for Black Male Achievement	\$ 2,100,000		\$ 3,325,000		
6. Young Men's Initiative		Campaign for Black Male Achievement	\$ 9,600,000		\$ 6,266,721		
Equality Total			\$ 27,850,000	27.85%	\$ 22,951,721	22.65%	\$ (4,898,279)
III. U.S. Programs Operations							
A. Program Administration*			\$ 8,042,970		\$ 9,100,000		
B. Program Development			\$ 6,927,030		\$ 6,533,279		
C. Executive Director's Discretionary Fund					\$ 500,000		
USP Operations Total			\$ 14,970,000	14.97%	\$ 16,133,279	16.1%	\$ 1,163,279
GRAND TOTAL			\$ 125,000,000		\$ 125,000,000		\$ -

Distribution to Key Priorities 2013-2014
\$100 million Base Program Budget

2013



2014



A Closer Look at Anchor and Core Partnerships

I. Anchor partners are typically U.S. Programs' largest, longest serving, and most programmatically aligned multi-issue grantees. Each receives at least \$500,000 in general support funds a year, several receive \$1 million annually, and some receive additional funding to address emerging challenges. In the past, anchor partnerships were managed in a decentralized way, an approach that led to deep, issue-based connections between OSF and the grantee but often limited our ability to effectively assess these large grantees' operations and impact. Today, they are managed by the Special Initiatives and Partnerships unit.

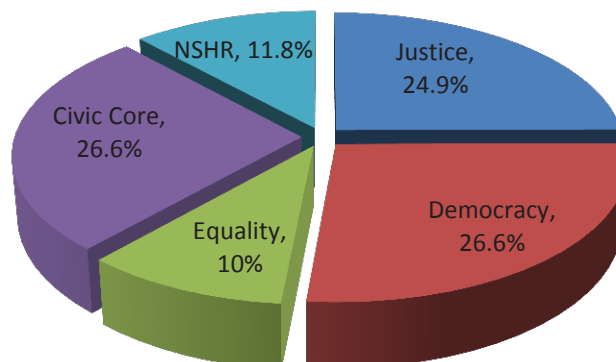
Anchor Partnerships	Annual Support	Funds and Campaigns Reliant Upon this Anchor
American Civil Liberties Union	\$1,000,000	Democracy, Equality, Justice, NSHR, OSI-Baltimore
Advancement Project	\$500,000	Democracy, Equality, OPI, OSI-Baltimore
American Constitution Society for Law and Policy	\$750,000	Democracy
Brennan Center	\$1,000,000	Democracy, Justice, NSHR
Center for American Progress	\$1,000,000	Democracy, Equality
Center for Community Change	\$1,000,000	Equality, OPI, OSI-Baltimore
Center on Budget and Policy Priorities	\$1,000,000	Justice, OPI, OSI-Baltimore
Drug Policy Alliance*	\$5,000,000	CNDP, Justice, OSI-Baltimore
Leadership Conference on Civil and Human Rights	\$750,000	Democracy, Equality
National Association for the Advancement of Colored People	\$500,000	Equality, Justice

*Drug Policy Alliance is overseen by the Campaign for a New Drug Policy.

II. Core partners do not rise to the level of support of Anchor partnerships but reflect similar dynamics: some core partners address multiple issues of concern to U.S. Programs, while others address the most important issues within a single field. Over the coming year, we will refine the definition of core partners to deepen the linkages to our priorities. We will also continue the transition to multi-year general support of each of our core partners. Core partners are managed by the units listed below and support levels are detailed on the next page.

2014 Core Partners Budget by Area

	2014 Budget for Cores
Justice	\$2,105,000
Democracy	\$2,250,000
Equality	\$850,000
Civic Core	\$2,250,000
National Security & Human Rights	\$1,000,000
TOTAL	\$8,455,000



U.S. Programs Support to Core Partners Showing Annual Level of Support and Multi-Year Grants

Amounts indicate year grant is made. Shading indicates grant term.

Equality Fund Core Grantees

	2011	2012	2013	2014	2015
Center for Social Inclusion; ends 6/30/14	earlier grant	\$100,000	\$100,000	\$100,000	
La Raza g.s. from EF - ends 9/30/13	\$225,000		\$250,000	\$250,000	
MALDEF - ends 4/30/14	earlier grant	\$300,000		\$300,000	
NAACP LDF; ends 5/31/14	earlier grant	\$350,000			
Opportunity Agenda g.s. - ends 8/31/14	earlier grant	\$200,000		\$200,000	
Total	\$225,000	\$950,000	\$350,000	\$850,000	

Justice Fund Core Grantees

	2011	2012	2013	2014	2015
Equal Justice Initiative	earlier grant	\$950,000		\$900,000 (\$475,000 from core)	
Campaign for Youth Justice	\$300,000	2011 grant covered 2012	\$300,000	\$250,000	
Southern Center for Human Rights	\$780,000		\$400,000	\$380,000	
Juvenile Law Center	\$450,000	\$300,000	2012 grant covered 2013	\$300,000	
Council of State Governments	earlier grant	earlier grant	\$250,000		
The Sentencing Project	earlier grant	\$700,000		\$700,000	
Total	\$1,530,000	\$1,950,000	\$950,000	\$2,105,000	

Democracy Fund Core Grantees

	2011	2012	2013	2014	2015
National Public Radio	earlier grant	\$100,000		no longer Core as of 2014; now Democracy	
Center for Investigative Reporting	earlier grant		\$500,000	no longer Core as of 2014; now Democracy	
New America Foundation	earlier grant		\$500,000	no longer Core as of 2014; now Democracy	
Lawyers Committee for Civil Rights Under Law	earlier grant		\$400,000	\$400,000	
Demos	earlier grant		\$200,000	\$650,000	
Justice at Stake	earlier grant		\$500,000	no longer Core as of 2014; now Democracy	
Government Accountability Project	earlier grant	\$500,000		\$350,000	
Project on Government Oversight	earlier grant			\$450,000	
Center for Public Integrity	earlier grant			\$400,000	
Total		\$600,000	\$2,100,000	\$2,250,000	

Special Initiatives and Partnerships Unit Core Grantees

	2011	2012	2013	2014	2015
Ballot Initiative Strategies Center Foundation	earlier grant		\$100,000	\$100,000	
Faith in Public Life	earlier grant			\$250,000	
Young Elected Officials Network	earlier grant		\$400,000	\$400,000	
Economic Policy Institute	earlier grant		\$200,000	\$200,000	
League of Young Voters Education Fund	earlier grant		\$250,000	\$250,000	
National Association of Latino Elected & Appointed Officials	earlier grant		\$200,000	\$200,000	
State Voices	earlier grant		\$450,000	\$450,000	
PICO National Network	earlier grant			\$400,000	
Color of Change	earlier grant		\$300,000		
Total			\$1,900,000	\$2,250,000	

National Security and Human Rights Core Grantees

	2011	2012	2013	2014	2015
National Security Archive Fund	earlier grant		\$200,000	\$200,000	
Human Rights First	earlier grant	-		\$800,000	
Total		\$0	\$200,000	\$1,000,000	

2014 Budget Snapshot

Democracy

TOTAL BUDGET: \$11,235,000¹

RELIANCE ON ANCHORS:

Brennan Center
Advancement Project
American Constitution Society
American Civil Liberties Union
Center for American Progress
Leadership Conference of Civil and Human Rights

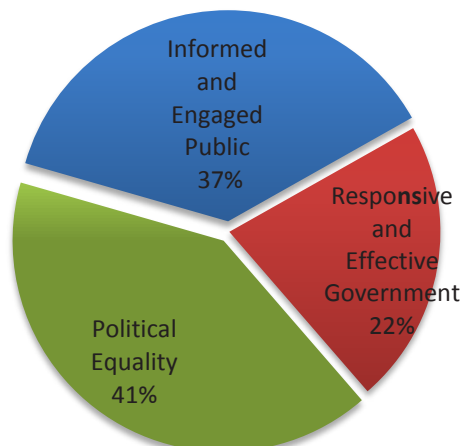
PRIMARY FIELDS:

Political participation of citizens
Public interest media
Government integrity
Judicial system reform
Electoral system reform

FOUNDATION-LED CONCEPTS:

Campaign finance jurisprudence

Democracy Fund Budget by Strategy*



*Grant making budget exclusive of additional support provided by anchors.

SUMMARY	Reflecting refinements of long-standing U.S. Program commitments, the Democracy Fund has refocused its attention on threats to contemporary American democracy: the rising influence of money in politics, the threats to voting rights amid other challenges to effective and equitable election systems, the role of digital communications and public interest journalism on democratic practice, and the growing ideological divide.
BUDGET BY STRATEGY	\$11,235,000 to achieve: <ul style="list-style-type: none"> - Informed and Engaged Public: \$4,200,000 - Responsive and Effective Government: \$2,450,000 - Political Equality: \$4,585,000
ANCHORS/CORES	Democracy Fund's work relies upon anchor grantees Brennan Center, American Constitution Society, Advancement Project, the American Civil Liberties Union, the Center for American Progress, and the Leadership Conference of Civil and Human Rights, though they are not budgeted for. The following Core grantees work on issues of concern to our Fund and other USP units, and together will receive \$2.25 million in 2014: Demos, Lawyers' Committee for Civil Rights under Law, Government Accountability Project, Project on Government Oversight and Center for Public Integrity.

¹ This figure is exclusive of the budget for the National Security and Human Rights Campaign, which is housed within the fund but has an independent, though coordinated and related, strategy.

The Democracy Fund: Reflecting refinements of long-standing U.S. Program commitments to furthering vibrant democratic practice in the United States, the Democracy Fund has refocused its attention on certain threats to contemporary American democracy: the manner in which technology both enhances and potentially compromises access to public information and has transformed media and civic information; the rising influence of money in politics; the threats to voting rights amid other challenges to effective and equitable election systems; and the growing ideological divide that has engulfed the courts as well as the other branches of government. The Democracy Fund engages in grant-making both with our anchor partners and in distinct sub-fields, and also works directly to influence policy at the federal and local level with OSI-DC and in other forms. The Democracy Fund houses USP's national security and human rights work, which similarly promotes transparency, the rule of law, and the effective and accountable application of governmental power.

	A. Informed and Engaged Public	B. Responsive and Effective Government	C. Political Equality
Purpose	<ul style="list-style-type: none"> Achieve universal access to an open Internet. Governance of digital environment advances free expression, privacy, shared economic opportunity, and civic participation. Advance innovation and new models in journalism and broader media to provide accessible, sustainable news and civic information. 	<ul style="list-style-type: none"> Improve federal and local transparency policy and practice, including through engaged and informed communities. Restore role of courts in promoting rule of law and defending constitutional rights. 	<ul style="list-style-type: none"> Reduce the power of money to distort democratic debate and participation Ensure impartial and diverse state courts Ensure full and equitable participation in public decision making, including the electoral process.
Faith to Fields/Places	<ol style="list-style-type: none"> Support and expand field of organizations working on range of media, information, and technology policy issues, including better engagement of civil society groups with equity orientation and support for nascent work on affirmative privacy norms and protections for the digital environment, with more emphasis on coordination with NSHR in light of recent revelations about NSA surveillance. Also In light of NSA surveillance, we are exploring enhanced work on whistleblower protections and protection of journalist sources and the practice of journalism, especially national security reporting. Key Partners: Ford Foundation, Media Democracy Fund. Key Grantees: Free Press, New America Foundation's Open Technology Institute, Public Knowledge, Ctr for Media Justice, Knight Foundation and Committee to Protect Journalists Expand, scale and protect public broadband development as alternative internet access mechanism with broad public participation potential in light of growing municipal interest and as means to curb excesses of private influence over Internet access exercised by handful of companies with enormous political and economic power. Key Partners: Omidyar Network, Ford Foundation <i>Identify sustainable, scalable models for investigative reporting, and to measure social and economic impact of investigative journalism.</i> Key Grantees: NPR, Ctr for Investigative Reporting, Investigative News Network, MIT Ctr for Civic Media. 	<ol style="list-style-type: none"> Ensure strength and coordination of federal and local transparency field by increasing strategic communications capacity and enhancing advocacy on national security-related transparency while winding down our support for municipal transparency work in New Orleans. Key Partners: Bauman Foundation; Open Gov. Partnership. Key Grantees: Project on Gov. Oversight, Center for Effective Gov., Gov. Accountability Project, New Orleans Coalition on Open Governance Develop sustainable state-level capacity of civil society groups to advocate for state judicial reforms and judicial diversity in coordination with national organizations. Key Grantees: Justice at Stake, Lambda Legal; Key partners: Piper Fund, Wellspring Advisors 	<ol style="list-style-type: none"> Foster greater collaboration of national and state groups; ensure field's response to Shelby is strategic and coordinated; and facilitate field's use of streamlined strategic communications to keep narrative robust; focus field on affirmative voting reforms. Key Partners: Ford, Carnegie, Omidyar Network, Hewlett Foundation. Key Grantees: Brennan Center, Advancement Project, Demos, Lawyers' Committee, NAACP Legal Defense & Education Fund Through idea generation, communications and advocacy, augment support for federal courts that enforce rights and defend democratic processes; effectively link national organizations working on this with state and local-level networks funded by OSF. Key Grantees: American Constitution Society, Constitutional Accountability Center; Center for American Progress, Infinity Project. <i>Key partner:</i> HJW Foundation

	A. Informed and Engaged Public	B. Responsive and Effective Government	C. Political Equality
Foundation-Led Concepts			<p>3. Given how Supreme Court doctrine has constrained the ability to limit the influence of money in politics, develop a multi-year campaign through collective enterprise of leading legal and political entities to build alternative approach that allows for limits on unfettered private money, supports publicly financed elections requires meaningful transparency and accountability in electoral systems.</p> <p>Key Partners: <i>Fund for the Republic</i> Key Grantees: <i>Brennan Center, Campaign Legal Center, Demos.</i></p>
Shared Frameworks	<p>3. “Big Data” and the Future of Open Society: USP is working with the Information Program and others to explore the potential value of a shared framework that stems from the common recognition that: 1) digital platforms, services and devices mediate human relationships including that of citizens to government, and that they are shaped, owned and operated by private companies; and 2) the rise of “big data” means that civic discourse can be invisibly manipulated through the massive harvesting of digital public data and increasingly sophisticated algorithmic tools.</p>		<p>4. Elections: We are exploring with an OSF-wide cohort the potential value of a multi-country undertaking to set forth and attempt to influence core principles in sound election practice, including influence of national and international norms.</p>
Risks/Challenges	<ul style="list-style-type: none"> Telecoms have the technical means and the financial incentives to interfere with information flow, and are a formidable and aggressive lobbying force. Nineteen states have passed laws restricting municipalities from creating publicly funded broadband networks; additional legislation is in the pipeline. Limited local funding for watchdog journalism; low-income communities risk becoming news deserts. 	<ul style="list-style-type: none"> Lack of constituency nationally for government transparency. Resistance to openness on national security-related matters. Capacity gaps of organizations tackling transparency at municipal level and persistent racial tensions. Difficulty of conveying significance of the role courts play to issue-based organizations and to the broader public 	<ul style="list-style-type: none"> Addressing excessive money in politics is a multi-front, long-term effort with well-financed elements resistant to change Failure to win state judicial selection battles could stall or reverse momentum Development of nationwide, coordinated, multi-front strategy, and identification of adequate resources, to respond to Shelby decision; partisan battles to limit voting continue, with 82 restrictive bills already introduced in 31 states in 2013 (and 9 have passed in 8 states), spurred in part because of widespread but unsupported belief in voter fraud. <p>Democracy Fund (2 of 2)</p>

National Security & Human Rights

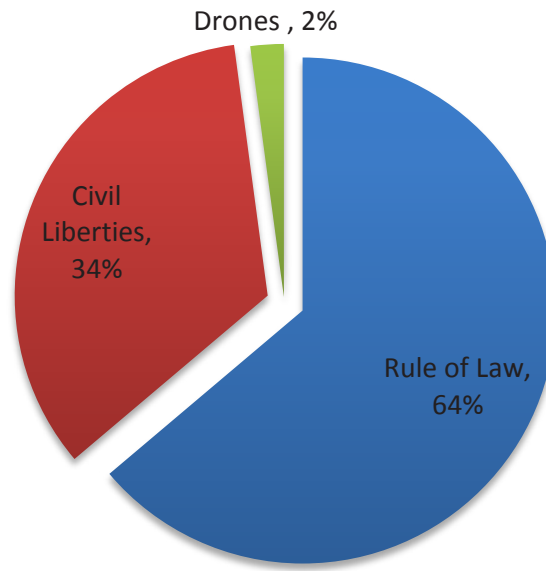
TOTAL BUDGET:
\$ 3,700,000

RELIANCE ON ANCHORS:
ACLU, Brennan Center for Justice

PRIMARY FIELDS:
Security Sector Reform

FOUNDATION-LED CONCEPTS:
Drones

NSHR Campaign by Strategy*



*Grant making budget exclusive of additional support provided by anchors.

SUMMARY	In accordance with its board-approved strategy, NSHR is focused on: 1) improving adherence to the rule of law by acknowledging past unlawful treatment of detainees, promoting accountability, reining in lethal drones, and ending the use of indefinite detention; and 2) strengthening civil liberties and equality by building and connecting the field working to combat xenophobia and defend against national security-driven racial, religious, and national origin profiling; and ensuring that mass surveillance is guided by reasonable suspicion and protects open society. A new project on drones is being developed in concert with other parts of OSF.
BUDGET BY STRATEGY	\$3,700,000 to achieve: <ul style="list-style-type: none"> - Rule of Law and Respect for Human Rights in Counterterrorism: \$2,000,000 - Civil Liberties and Equality in Counterterrorism: \$1,600,000 - Drones Project: \$100,000 (start-up, complemented by rule of law grants)
ANCHORS/CORES	NSHR relies upon anchor grantees ACLU and the Brennan Center that are not budgeted as part of the campaign. \$1,000,000 goes to the following Core grantees, that are not budgeted as part of the campaign: National Security Archive Fund, and Human Rights First
PRIMARY SHIFTS FROM 2013	Rule of Law's increase reflects a two-year grant to Human Rights First, working at the core of our strategy to shift the war paradigm during 2014's Afghanistan drawdown. Over 2013-14 we are reducing work in the medical community, criminal defense, and national security messaging to launch new projects (<i>Just Security</i> blog and an ex-government officials working group). Most civil liberties grants in 2014 will respond to NSA mass surveillance. We funded projects for Muslim, Arab and South Asian groups in 2013. Support to religious allies and a project on unjust "material support" rules will close.

National Security and Human Rights Campaign: OSF launched this effort in advance of 2008 presidential elections that presented an opening to disrupt the prior years' dramatic shift away from the rule of law and respect for human rights in the name of U.S. national security. Conceived in partnership with Atlantic Philanthropies, the Campaign supported a field newly coming together at the intersection of work in national security, human rights and civil liberties, international law, digital privacy, and transparency and accountability. The 2014-17 strategy takes advantage of a new political moment with heightened opportunities. Our mission is to promote respect for human rights, civil liberties, and the rule of law in U.S. counterterrorism efforts. Our principal tool is grantmaking, but we also commission research, foster policy and strategy development through convenings, and work closely with OSI-DC and other parts of the Foundations to achieve our goals.

	A. Promote Rule of Law and Human Rights	B. Strengthen Civil Rights and Equality
Purpose	<ul style="list-style-type: none"> Attain official acknowledgment of past rights violations in connection with counterterrorism measures and prevent repetition through reforms Improve adherence to international (and constitutional) legal standards with respect to counterterrorism policies Ensure counterterrorism policies and standards for their application are transparent and subject to effective oversight 	<ul style="list-style-type: none"> Reduce unjust profiling of Muslims, Arabs, Middle Easterners, and South Asians by law enforcement and decrease national-security driven xenophobia against these communities Protect civil liberties against overbroad surveillance, massive collection and use of data
Faithful to Fields/Places	<ol style="list-style-type: none"> Support human rights, accountability, and civil liberties organizations' specialized capacity on national security and counterterrorism litigation, advocacy, research, dialogue, and policy development. Support the national security/counterterrorism field and related messaging to incorporate human rights and rule of law analysis, inform advocacy, and promote smart national security policy Support efforts to organize nationally and at the grassroots to reject torture, overcome a war framework, and promote rule of law in U.S. counterterrorism efforts <p>Key Partners: OSI-DC, Justice Initiative, Atlantic Philanthropies (to 2015), Oak Foundation, academics, and former government officials</p> <p>Key Grantees: American Civil Liberties Union and Brennan Center for Justice (USP anchor grantees); National Security Archive and Human Rights First (USP core grantees); Center for Constitutional Rights, Center for Victims of Torture, The Constitution Project, Center for National Security Studies, National Security Network, National Religious Campaign Against Torture; Human Rights Watch (grantee of Human Rights Initiative);</p>	<ol style="list-style-type: none"> Strengthen defense of civil liberties, communications, and the proactive capacity of Arab, Middle Eastern, Muslim, and South Asian American organizations; strengthen connections to longstanding civil rights organizations Support the capacity of religious sector allies to confront anti-Muslim bias Rein in overbroad surveillance through advocacy, litigation, and technical assistance, with support for policy development, PATRIOT Act and Foreign Intelligence Surveillance Act reforms, and global efforts to limit collection and use of data without a basis in suspicion. <p>Key Partners: Equality Fund, Atlantic Philanthropies, Oak Foundation</p> <p>Key Grantees: Brennan Center for Justice and ACLU (anchors); Proteus Fund, AAJC/Asian Law Caucus, National Network of Arab American Communities, Sikh Coalition, Muslim Advocates, Rights Working Group, Electronic Frontier Foundation, Center for Democracy and Technology, The Constitution Project</p>
Foundation-Led Concepts	<ol style="list-style-type: none"> Develop a shared framework on drones to regulate lethal attacks by the U.S. and other countries. <p>Key Partners: Human Rights First, American Civil Liberties Union, Center for National Security Studies, former government officials and academics, OSI-DC, Justice Initiative, others to be developed</p> <p>Potential Key Grantees: to be developed but could include Columbia Human Rights Institute;</p>	
Risks/Challenges	<ul style="list-style-type: none"> Partner Atlantic Philanthropies exits this field in 2015, leaving OSF as the primary U.S. funder in this area Public support on these issues is limited, so advocates have had difficulty expanding their constituency Complexity of law and facts divides advocates; political polarization on the issues and fore-closed litigation limit solutions largely to the Executive branch 	<ul style="list-style-type: none"> Partner Atlantic Philanthropies exits in 2015 Ramped up border enforcement is likely to have a disproportionate impact on Arab, Middle Eastern, Muslim, and South Asian individuals in or entering the U.S. Relatively young sub-field with strong grassroots constituencies but still somewhat disconnected from long-standing civil rights groups

*Note that for budgeting purposes, work on shared framework projects still in development is represented here as foundation-led concepts.

Justice

TOTAL BUDGET: \$12,575,000¹

RELIANCE ON ANCHORS:

NAACP, Brennan Center, Leadership Conference on Civil and Human Rights, Center on Budget and Policy Priorities, ACLU, Drug Policy Alliance

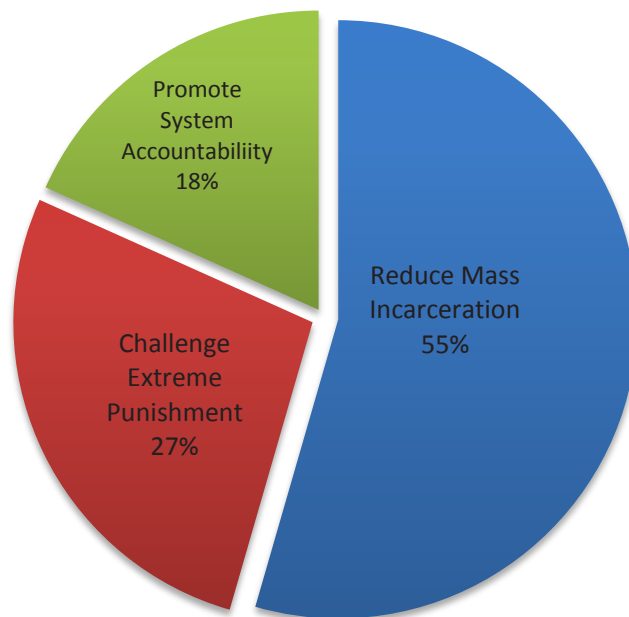
PRIMARY FIELDS:

Criminal Justice Sector Reform:
Reduce Mass Incarceration
Challenge Extreme Punishment
Promote System Accountability

FOUNDATION-LED CONCEPTS:

Campaign to reduce incarceration in California
NYC Police Accountability Campaign

Justice Fund Budget by Strategy*



*Grant making budget exclusive of additional support provided by anchors.

SUMMARY	The Justice Fund pursues OSF's longstanding commitment to addressing the excesses of America's criminal justice system: its overuse of incarceration, its extensive use of extreme punishment and the racial and class disparities found throughout the criminal justice continuum.
BUDGET BY STRATEGY	<p>\$12,575,000 to achieve:</p> <ul style="list-style-type: none"> - Reduce Mass Incarceration: \$6,850,000 - Challenge Extreme Punishment: \$3,425,000 - Promote Justice System Accountability: \$2,300,000
ANCHORS/CORES	Justice Fund's work relies upon anchor grantees NAACP, Brennan Center, Leadership Conference on Civil and Human Rights, Center on Budget and Policy Priorities, ACLU, Drug Policy Alliance though they are not budgeted for. \$2,105,000 in support goes to the following Core grantees: The Sentencing Project, Southern Center for Human Rights, Equal Justice Initiative of Alabama, Juvenile Law Center and the Campaign for Youth Justice.
PRIMARY SHIFTS FROM 2013	Justice Fund has absorbed into its budget \$1,000,000 provided via the Reserve Fund in 2013 for continued support of the California incarceration reduction campaign. The budget for work on challenging collateral consequences (e.g. housing barriers, access to education for current and formerly incarcerated individuals) is reduced by \$1,750,000. Funding to advance indigent defense reform in 2014 is \$650,000 less than in 2013, a result of tie-off grants as we explore new strategies. The budget includes \$300,000 in new funding to explore additional work in policing that builds on NYC efforts.

¹ This figure is exclusive of the budget for the Campaign for A New Drug Policy, which is housed within the fund but has a separate budget snapshot.

The Justice Fund: For more than 15 years, U.S. Programs has sought to address the excesses of America's criminal justice system: its overuse of incarceration, its extensive use of extreme punishment and the racial and class disparities found throughout the criminal justice continuum. In large part through our support, the criminal justice reform field now encompasses a diverse array of players, working nationally, at the state level, and locally to foster systemic reform through research and policy analysis, grassroots and grass tops advocacy, and direct legal assistance and impact litigation. In addition to support for these organizations, the Justice Fund strengthens the field through the strategic use of fellowships to implement innovative projects, seed and sustain leadership, and pursue new ideas and approaches. The Campaign for a New Drug Policy, housed within the Fund, seeks to promote a health-based approach to drug use and drug markets to reduce the use of punitive practices that contribute to excessive justice system involvement.

	A. Reduce Mass Incarceration	B. Challenge Extreme Punishment	C. Promote Justice System Accountability
Purpose	<ul style="list-style-type: none"> Reduce Prison and Jail Populations (by 50% in 10 years). Eliminate collateral consequences of convictions. 	<ul style="list-style-type: none"> Abolish the death penalty. End harsh treatment of youth in the justice system. 	<ul style="list-style-type: none"> Promote effective police accountability practices. Improve public defense services (portfolio under review).
Faithful to Fields/Places	<ol style="list-style-type: none"> Support field of national organizations working on range of criminal justice reform issues, identify gaps in capacity and strategic relationships, better integrate resources of Anchor grantees Key Grantees: <i>Sentencing Project, Council of State Governments, American Civil Liberties Union, Brennan Center, Texas Criminal Justice Coalition, National Employment Law Project</i> Build on current limited capacity of state-based organizations in target jurisdictions to engage in multifaceted policy advocacy and reform activities Key Partners: <i>Ford Foundation, Public Welfare Foundation, OSI-DC</i> Key Grantees: <i>Texas Criminal Justice Coalition; Justice Strategies</i> With field leaders and the Ford Foundation, develop, support and launch coordinated national campaign to reduce incarceration (under exploration). 	<ol style="list-style-type: none"> Sustain litigation, research and advocacy capacity of key death penalty organization working nationally and in high use states to reduce use of capital punishment and support repeal efforts. Key Partners: <i>Atlantic Philanthropies, Proteus Fund</i> Key Grantees: <i>Southern Center for Human Rights, Equal Justice Initiative of Alabama, National Association for the Advancement of Colored People, National Coalition to Abolish the Death Penalty Equal Justice USA</i> Support capacity of national organizations to provide technical assistance to field, and strengthen communications and organizing capacity of state and local grassroots advocates challenging prosecution and sentencing of children as adults. Key Partners: <i>Ford Foundation, Public Welfare Foundation</i> Key Grantees: <i>Campaign for Youth Justice, Juvenile Law Center, Equal Justice Initiative</i> Strengthen communication between and coordination disparate state based litigation and policy advocacy efforts challenging sexual offender registration of children. Key Grantees: <i>American Civil Liberties Union, Juvenile Law Center</i> Engage experts in developing alternative systems of accountability for youth in conflict with the law (in development). 	<ol style="list-style-type: none"> Explore development of new strategic approaches within the public defense field to promote system improvement (under exploration). Key Partners: <i>Ford Foundation</i> Key Grantees: <i>National Association of Criminal Defense Lawyers, American Civil Liberties Union, National Legal Aid and Defender Association, Brennan Center, Southern Center for Human Rights</i> Expand field support for police accountability work (contemplated).
Foundation-Led Concepts	<ol style="list-style-type: none"> Maintain campaign to reduce incarceration in California launched by OSF in 2012 with funder partners to take advantage of opportunity presented by fiscal and political opportunity and to fill an identified gap in the advocacy field. Key Partners: <i>Ford Foundation, Rosenberg Foundation, California Endowment, California Probation Officers Assn., San Francisco DA.</i> 		<ol style="list-style-type: none"> Maintain support for New York City campaign to end discriminatory policing launched by OSF in partnership with Atlantic Philanthropies to coordinate previously fragmented reform activities and support stronger engagement of community-based advocacy groups Key Partners: <i>Atlantic Philanthropies, NY City Council Progressive Caucus, National Action Network, Justice Initiative, Youth Initiative</i> Key Grantees: <i>Communities United for Police Reform; Center for Constitutional Rights,</i>
Risks/Challenges	<ul style="list-style-type: none"> Increasing resistance to prison population reduction efforts as growth of correctional costs is contained. Continued public support for excessive sentences for serious and violent crimes. 	<ul style="list-style-type: none"> Loss of lead death penalty funder with the closing of Atlantic Philanthropies in 2016, growing tension among field leaders. Harsh legislative response in a number of states to court rulings invalidating life without parole sentences imposed on children. 	<ul style="list-style-type: none"> Strong resistance from and public support of NYPD; implementation challenges related to recent Federal Court ruling and City Council legislations. State cutbacks to funding for public defense.

Drug Policy

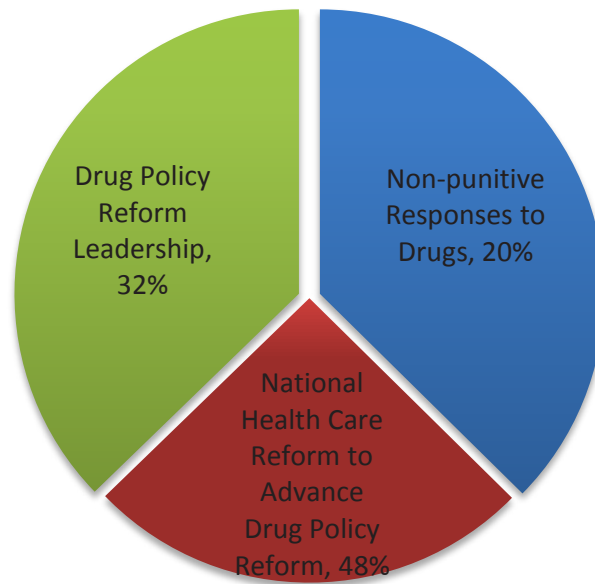
TOTAL BUDGET: \$2,700,000
(excluding \$5 Million anchor grant to the Drug Policy Alliance administered by CNDP)

RELIANCE ON ANCHORS:
Drug Policy Alliance

PRIMARY FIELDS:
Drug Policy Reform

FOUNDATION-LED CONCEPTS:
Implementation of National Health Care Reform to Establish a New Drug Policy

Campaign for a New Drug Policy Budget by Strategy*



*Grant making budget exclusive of additional support provided by anchors.

SUMMARY	Implementation of national health care reform and engagement with the health care establishment to develop drug policy that prioritizes health over punishment continues to create opportunities that justify maintaining support at essentially the same level as 2013. CNDP will make a small increase in its support for programs that are implementing non-punitive alternatives to current policy, given the increasing momentum of this work and opportunities at the state and local level. This, together with reduction of the Campaign's overall grantmaking budget for 2014, will require a more substantial decrease in support for leading organizations pursuing drug policy advocacy.
BUDGET BY STRATEGY	\$2,700,000 to achieve: <ul style="list-style-type: none"> - Essential support of leading drug policy reform advocacy: \$850,000 - Support for functional alternatives to punitive drug policy: \$550,000 - National health care reform that advances drug policy reform: \$1,300,000
ANCHORS/CORES	CNDP's work relies upon anchor grantee the Drug Policy Alliance, which receives \$5 million annually through a separate budget line administered by CNDP.
PRIMARY SHIFTS FROM 2013	Budget for leading organizations (other than DPA) within the drug policy reform field will decrease by 21% (down \$230,000 from 2013 to \$850,000), some of this budget will be shifted to fill the gap in support for programs that provide non-punitive alternative responses to current policy (up \$100,000 over 2013 to \$550,000) and a moderate increase support for focused implementation of national health care reform/Affordable Care Act to advance drug policy reform (up \$20,000). Overall, CNDP's non-DPA grantmaking budget has been reduced by 4% (down \$110,000) for 2014.

The Campaign for a New Drug Policy (CNDP) is a continuation of OSF's two-decade commitment to ending punitive drug policies and collateral harms that disproportionately affect racial minorities and poor people. CNDP was initiated by U.S. Programs in November of 2010 to advanced drug policy that is evidenced-based and effective, prioritizes individual and community health, preserves civil rights and addresses human and community needs. In addition to strategically focused grantmaking, CNDP applies its on-staff legal, medical, public health and drug policy advocacy expertise to engage directly as issue experts and advocates for reform. An ongoing challenge for CNDP will be the effort to promote a stable and effective field with adequate diversity of viewpoint and strategic vision, while fulfilling its role as the conduit for major OSF funding to the Drug Policy Alliance.

Transforming the Dominant Paradigm of American Drug Policy	
Purpose	<ul style="list-style-type: none"> The Campaign for a New Drug Policy supports efforts to end America's "War on Drugs" and to establish a new approach that (a) directly addresses the causes of drug related harm, (b) promotes health and social stability, and (c) ensures public safety and equal justice. The Campaign strives to fill gaps in advocacy to eliminate persistent barriers to reform and promote the work of the most necessary and effective actors in the drug policy reform and drug user health communities.
Faithful to Fields/Places	<ol style="list-style-type: none"> Support Leadership in the Field: Support effective advocacy that advances public understanding of the costs of current drug policies and strengthens the field through the inclusion of leaders representing directly affected and involved communities, including racial minorities, law enforcement, active drug users and those in recovery, young people and other key stakeholders. Key Partners: Riverstyx and Libra foundations, individual funders, OSF programs. Key Grantees: Drug Policy Alliance (DPA), Law Enforcement Against Prohibition (LEAP), Harm Reduction Coalition (HRC), Students for Sensible Drug Policy (SSDP), and others. Support Non punitive Responses to Drug Related Harm – Support development and proliferation of programs – initially at the local community level – that effectively respond to public concerns about the safety, order and health risks posed by drug use and drug markets. This work will establish, normalize and create a constituency for non punitive policy alternatives to the War on Drugs by developing "products" that meet public demand and provide relevant and appropriate solutions that are accountable to the communities in which they are adopted. Key Partners: Ford, Riverstyx and Libra foundations; local law enforcement; treatment and harm reduction providers; business community; national drug policy reform advocacy groups. Key Grantees: Racial Disparity Project, Treatment Alternatives for Safe Communities, Community Renewal Society, and other locally based organizations.
Foundation-Led Concepts	<ol style="list-style-type: none"> Implementation of National Health Care Reform to Establish a New Drug Policy – Advance the development of an integrated and comprehensive infrastructure for a health centered drug policy through focused implementation of the Affordable Care Act and exploitation of emerging trends in health care to address both the needs of individual drug users and of affected communities. Key Partners: Public Welfare Foundation, private insurers, government, community foundations, medical professional associations, federally qualified health centers. Key Grantees: Key state level advocates, Community Catalyst, American Congress of Obstetricians and Gynecologists, Legal Action Center, Faces and Voices of Recovery, National Advocates for Pregnant Women (NAPW) and others.
Shared Frameworks	<ol style="list-style-type: none"> Preliminary exploration of shared frameworks with thematic and geographic programs involving (a) American NGO's active engagement in international drug policymaking forums (e.g., 2016 United Nations General Assembly Special Session); (b) prevention of U.S. intervention in foreign drug policymaking; (c) support nations considering non punitive and health-centered alternatives; and (d) OSF cross-program cooperation regarding American domestic reform to limit U.S. promotion of global drug war.
Risks/Challenges	<ul style="list-style-type: none"> Inadequate charitable funding and escalation of counterproductive competition among potential grantees for limited foundation resources. Federal modification and/or state-level rejection of key provisions of the Affordable Care Act and lack of broadly accepted health-based definition of quality comprehensive care for people who use substances. Opposition by influential interests benefited by the status quo (e.g., the private prison industry and organized law enforcement).

Equality

TOTAL BUDGET: \$8,650,000¹

RELIANCE ON ANCHORS:

ACLU, Advancement Project,
Center for American Progress,
Center for Community Change,
Center on Budget and Policy Priorities,
Leadership Council on Civil and Human Rights,
NAACP

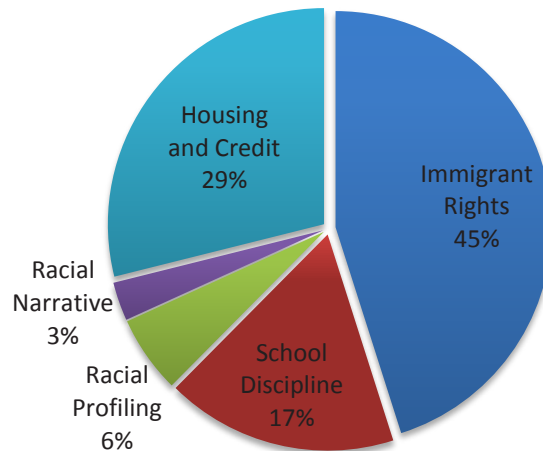
PRIMARY FIELDS:

Migrant and Immigrant Rights
Combating Xenophobia and Racism
Expanding Access to Economic Opportunity

FOUNDATION-LED CONCEPTS

School Discipline Reform
21st Century Racial Narrative

Equality Fund Budget By Strategy*



*Grant making budget exclusive of additional support provided by anchors.

SUMMARY	Reflecting refinements of long-standing U.S. Programs commitments, the Equality Fund has refocused its attention on barriers to access and opportunity faced by marginalized people in the U.S. motivated by factors including enduring racial, ethnic and economic inequality and challenges presented by demographic shifts.
BUDGET BY STRATEGY	<p>\$8,650,000 to achieve:</p> <ul style="list-style-type: none"> - Immigrant rights and inclusion: \$3,900,000 - Fair and equal access to affordable housing + financial services: \$2,500,000 - Reform of school discipline policies: \$1,500,000 - Coordinated advocacy to combat racial profiling: \$500,000 - Racial narrative affirming the need to remedy racial inequality: \$250,000
ANCHORS/CORES	The Equality Fund relies upon anchor grantees that are not budgeted as part of the fund: ACLU, Advancement Project, Center for American Progress, Center for Community Change, CBPP, NAACP, Leadership Council on Civil and Human Rights, Center on Budget and Policy Priorities, LDF. \$850,000 goes to Core grantees which are not part of the fund's budget: MALDEF, Center for Social Inclusion, National Council of La Raza and Opportunity Agenda.
PRIMARY SHIFTS FROM 2013	The budget for school discipline grants will double, reflecting renewed commitment to an aggressive and coordinated multi-USP-unit strategy. Support for neighborhood stabilization has been eliminated, and support for access and affordability in housing finance reform has been reduced. The budgets for racial profiling and racial narrative have decreased because they are in a developmental phase. Funding of Equality-oriented core organizations is more than doubling to accommodate grants due for renewal in 2014 and to begin a transition toward multi-year support for all core organizations over the next few years.

¹ This figure is exclusive of the budget for the Campaign for Black Male Achievement, which is housed within the fund but has an independent strategy and separate staff.

Equality Fund: The Equality Fund addresses a range of barriers to access and opportunity faced by marginalized people in the U.S. Its work is motivated by three main factors: the persistent effects of the United States' history of racial inequality; the direct challenges to inclusion and economic opportunity in light of demographic shifts; and growing economic inequality, the brunt of which is borne by people of color. To confront and remedy these factors, the Fund supports policy interventions, strategic initiatives, and programs to expand political and social inclusion and promote economic and educational opportunity for marginalized groups. The Equality Fund includes the Campaign for Black Male Achievement (CBMA), which seeks to counter the economic, political and social exclusion of black men and boys from the American mainstream, and there is funding for a complimentary focus on fiscal equity housed in the Special Initiatives and Partnerships unit.

	A. Expand Political and Social Inclusion	B. Promote Economic and Educational Opportunity
Purpose	<ul style="list-style-type: none"> Further the inclusion of new and undocumented immigrants into U.S. society and attack efforts at exclusion. Strengthen existing or secure new federal, state and local bans on racial profiling. Support the development of a 21st century narrative that affirms the continuing need to remedy racial inequality. 	<ul style="list-style-type: none"> Promote fair and equal access to affordable housing and responsible financial services. Ensure marginalized youth have an equal opportunity to learn and reduce disparities in school discipline policies.
Faith to Fields/Places	<ol style="list-style-type: none"> Build on lessons learned from past efforts to secure comprehensive immigration reform, support and expand the capacity of national and state immigration advocacy organizations to implement and sustain sophisticated campaign advocacy to secure broad reform, challenge harsh immigration enforcement policies, and mobilize funders and advocates to begin planning for implementation of legalization policies. Key Partners: <i>Atlantic, Ford, Carnegie, Unbound Philanthropy, Four Freedoms Fund.</i> Key Grantees: <i>ACLU, America's Voice, Campaign for an Accountable, Moral and Balanced Immigration Overhaul, Center for Community Change (CCC), CLINIC, Grantmakers Concerned with Immigrants and Refugees, Immigrant Legal Resource Center, Migration Policy Institute, National Immigration Forum, National Immigration Law Center (NILC), PICO, United We DREAM, Detention Watch Network.</i> Promote development of linkages across multiple fields and constituencies engaged in anti-profiling advocacy (i.e., racial justice, criminal justice, immigrant rights and national security) to facilitate exchange of best practices and foster collaboration. Key Partner: <i>Ford.</i> Key Grantees: <i>ACLU, Consortium for Police Leadership in Equity, Leadership Conference, NAACP, NAACP LDF, Opportunity Agenda, Proteus Fund Security & Rights Collaborative, National Network of Arab American Communities, Rights Working Group.</i> 	<ol style="list-style-type: none"> Ensure that federal housing programs create pathways to opportunity for residents of high-poverty, racially segregated communities, and that these communities are engaged in critical decisions about how federal housing and urban development funds are used. Key Partners: <i>Open Places Initiative, HUD, Treasury, Ford, Neighborhood Funders Group, NYU</i> Key Grantees: <i>Opportunity Agenda, PolicyLink, Poverty & Race Research Action Council</i> Rebuild the housing finance system in a manner that ensures access to affordable credit for underserved borrowers and promotes fair and responsible lending practices. Key Partners: <i>Consumer Finance Protection Bureau, HUD, Ford, Casey.</i> Key Grantees: <i>Center for American Progress, Center for Responsible Lending, National Consumer Law Center, National Council of La Raza, Urban Institute</i>
Foundation-Led Concepts	<ol style="list-style-type: none"> In light of shifting demographics and growing economic inequality, reconsider prevailing racial narrative and identify policy areas that are ripe to test new strategies for communicating about race. Possible Grantees: <i>Applied Research Center, Center for Social Inclusion, Opportunity Agenda.</i> 	<ol style="list-style-type: none"> Ensure strength and coordination of field of educational reform, juvenile justice, and civil rights advocacy groups devoted to reforming school discipline policies by creating exemplars of positive discipline reform and disparity reduction; increasing awareness of effective alternatives among key stakeholders; building pressure for local and state-level policy reform through smart and effective advocacy from parents, students and civil rights organizations; strengthen federal policy to increase monitoring of disciplinary practices. Key Partners: <i>OSI-Baltimore, OSI-DC, Campaign for Black Male Achievement, Atlantic, Just and Fair Schools Fund, The California Endowment.</i> Key Grantees: <i>Advancement Project, NAACP LDF, Juvenile Law Center.</i>
Risks/Challenges	<ul style="list-style-type: none"> 2013 immigration legislative battle fails or delivers tepid reforms. "Enforcement first" policies continue to sway debate. If immigration reform passes, how the law is implemented will determine how many immigrants will succeed in jumping all the hurdles on the pathway to legal status. If the new law includes any triggers around border security, employment verification, and/ or visa backlogs, as expected, advocates will need to remain vigilant about whether and when the federal government meets its obligations under these triggers so immigrants in provisional status can attain permanent resident status. If CIR fails to pass, there will be more pressure and momentum for the President to grant immediate relief to the 11 million without status – either through a "DACA-plus" program or expansive implementation of prosecutorial discretion. Impact of narrative work is hard to measure. 	<ul style="list-style-type: none"> Sequestration has already dramatically reduced support for housing mobility programs and threatens hundreds of thousands of public housing units. Supreme Court may eviscerate the disparate impact standard under the Fair Housing Act. Increased federal enforcement of fair housing and lending laws likely to face significant backlash from conservative media, lending industry and local governments. Current proposals to reform housing finance system require massive retreat of government from mortgage markets, and would likely cut off access to affordable homeownership for underserved populations. High-profile shootings fuel support for more police in schools. Atlantic scheduled to exit school discipline field in late 2014/early 2015. Congressional funding will likely be inadequate to ensure schools' compliance with federal data collection and civil rights standards.

CBMA

TOTAL BUDGET:

\$15,116,132

RELIANCE ON ANCHORS:

N/A

PRIMARY FIELDS:

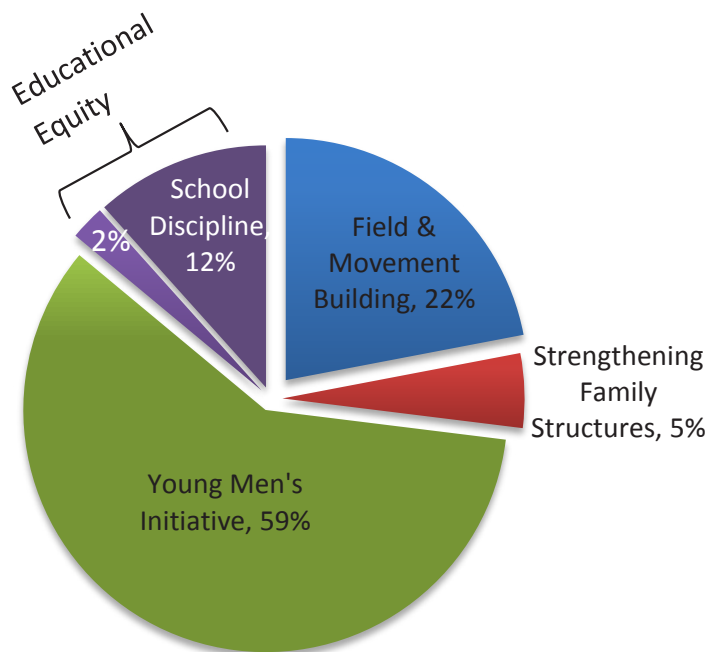
N/A

FOUNDATION-LED**CONCEPTS:**

Campaign for Black Male
Achievement

School Discipline Reform

CBMA Budget by Strategy



SUMMARY	The Campaign for Black Male Achievement works to address the economic, political, social, and educational exclusion of black men and boys from the American mainstream focusing attention on field and movement building, educational equity, and strengthening family structures. A crucial component of CBMA's strategy includes management of the Young Men's Initiative, a public-private partnership with Bloomberg Philanthropies and New York City. ¹
BUDGET BY STRATEGY	<p>\$6,185,000 to achieve:</p> <ul style="list-style-type: none"> - Field & Movement Building: \$3,325,000 - Educational Equity: \$2,110,000 - School Discipline Reform: 1,760,000² - Strengthening Family Structures: \$750,000 <p>\$8,931,132 for the Young Men's Initiative:</p> <ul style="list-style-type: none"> - Expanded Success Initiative: \$ 7,200,000 - CUNY Fatherhood Academy: \$201,799 - Mentoring for REAL: \$533,333.34 - Community Education Pathways to Success: \$996,000
ANCHORS/CORES	N/A
PRIMARY SHIFTS FROM 2013	CBMA investments in field and movement building decreased 6% due to a reduced budget. The budget for educational equity decreased 12% with dollars being reallocated to support the coordinated USP wide school discipline reform strategy. CBMA's investments in New Orleans, Milwaukee, Chicago, and Jackson will end as CBMA focuses its work in New York, Baltimore, Philadelphia, and Oakland.

¹ YMI programs connect black and Latino young men in NYC to education, employment, and mentoring opportunities; improve their health; and reduce their involvement with the criminal justice system.

² CBMA school discipline reform strategy- which falls under Educational Equity - encompasses 12% of the overall budget and focuses on supporting new models for educating black boys, keeping them in school, & improving their educational outcomes.

The Campaign for Black Male Achievement (CBMA) was launched in 2008 to address the economic, political, and social exclusion of black men and boys from the American mainstream. CBMA seeks to craft an assets-based narrative about black men and boys that emphasizes the need for systemic policy changes to lift the barriers that prevent them from realizing their full potential. It supports both direct services and policy advocacy, and is housed within the Equality Fund.

Purpose	<ul style="list-style-type: none"> • Ensure black boys have the opportunity to excel academically, to prepare for college, and to learn skills essential to earning a living wage. • Strengthen low-income families through responsible fatherhood initiatives. • Strengthen the nascent black male achievement field by investing in leadership development, donor organizing, and communications strategies that shift public perceptions of black males.
Foundation-Led Concepts	<ol style="list-style-type: none"> 1. Campaign for Black Male Achievement <ul style="list-style-type: none"> • Because many of the policies that perpetuate black male exclusion are state and local policies, CBMA will strengthen the capacity of local actors in its target cities of New York, Baltimore, Philadelphia and Oakland to address the range of barriers black males face as boys and men, with a focus on CBMA's core concerns related to educational equity and responsible fatherhood. Key Partners: <i>OSI-Baltimore, Bloomberg Philanthropies, Heinz Endowments, White House Office of Faith-based and Community Partnerships, US Office of Child Support.</i> Key Grantees: <i>NYC Young Men's Initiative/Expanded Success Initiative, Center for Urban Families, Oakland unified School District, Philadelphia Student Union, Higher Achievement.</i> • Recognizing the failure of past philanthropic efforts to provide enduring support for the field of black male achievement, CBMA has exercised leadership in mobilizing donors and field partners to establish new anchor institutions and resource hubs to ensure that the black male achievement field is sustained beyond OSF's investment. Key Partners: Robert Wood Johnson, Knight, The California Endowment, Heinz Endowment, Casey Family Programs, Carnegie Corporation, Mitchell Kapor. Key Grantees: Leadership & Sustainability Institute, Black Male Achievement Fellowships, BMAFunders.org, Echoing Green, PolicyLink, Root Cause, Foundation Center, Association of Black Foundation Executives. • Because negative perceptions of black males lead to flawed policy development in multiple contexts, including criminal justice, education, and fatherhood, CBMA has placed a priority on reshaping public perceptions of black males by investing in communications and other strategies that seek to mainstream the idea that black males' success is critical to the success of all Americans. Key Partners: Knight Foundation, Heinz Endowment. Key Grantees: American Values Institute, Opportunity Agenda, Color of Change. 2. School Discipline Reform <ul style="list-style-type: none"> • The rate at which black males are being pushed out or are dropping out of school is unacceptably high. To redirect the educational trajectory for black boys in the U.S., CBMA will support and expand the field of organizations dedicated to seeding new models for educating black boys, keeping them in school, and improving their educational outcomes. Key Partners: <i>Atlantic, Bloomberg Philanthropies, The California Endowment, OSI-DC.</i> Key Grantees: <i>NYC Young Men's Initiative, Coalition of Schools Educating Boys of Color, Schott Foundation, Just and Fair Schools Fund, Campaign for Grade Level Reading, Oakland Unified School District, Eagle Academy Foundation, Mentoring USA.</i>
Risks/Challenges	<ul style="list-style-type: none"> • Black males have been particularly hard-hit by economic downturn. Prospective donors have also seen reserves decline during the recession and have less money to devote to work that may be perceived as narrowly focused on a particular constituency. • 2014 departure of Atlantic Philanthropies as a funding partner. • In recent years, many schools have succeeded in reducing reliance on suspensions and expulsions to address student behavior, but race and gender disparities persist.

2014 Budget Snapshot Special Initiatives and Partnerships

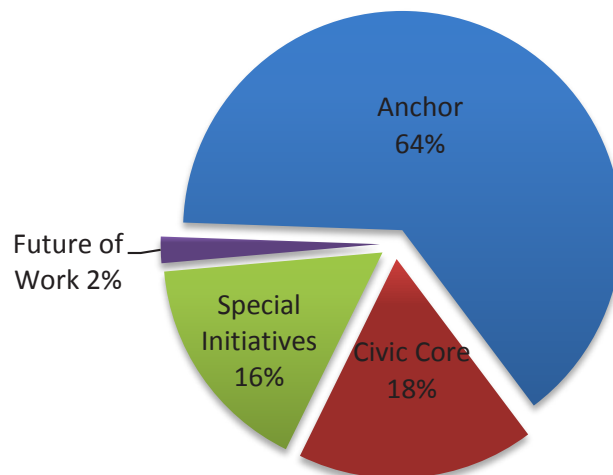
TOTAL BUDGET:
\$12,850,000

RELIANCE ON ANCHORS:
SIP manages USP anchors

PRIMARY FIELDS:
-Civic reform infrastructure
-Access to economic
opportunity

**FOUNDATION-LED
CONCEPTS:**
None

Special Initiatives and Partnerships Budget



SUMMARY	The Special Initiatives and Partnerships unit manages: (1) anchor partner grantmaking to deepen USP's strategic partnerships with its highest impact multi-issue grantees; (2) civic core grantmaking for a cohort of grantees that expand public participation from new American majority constituencies; (3) special initiatives related to continuing federal and state fiscal challenges, initial research into 2020 strategies/redistricting, and emerging opportunities that may be identified by board and staff; and, (4) Project on the Future of Work is a board/staff exploration to examine the economic, political, and cultural implications of future employment and technology trends and their subsequent impacts on open society.
BUDGET BY STRATEGY	\$12,850,000 which includes: <ul style="list-style-type: none"> - Anchor Partnerships: \$8,250,000 - Civic Core: \$2,250,000 - Special Initiative on Fiscal Equity: \$2,100,000 - Future of Work: \$250,000
ANCHORS/CORES	The Special Initiatives team manages 9 of the 10 US Program's anchor grantees. ¹ \$2,250,000 will be awarded to the following civic core grantees: League of Young Voters, Ballot Initiative Strategy Center, PICO National Network, Economic Policy Institute, Faith in Public Life, National Association of Latino Elected Officials, State Voices, and Young Elected Officials (civic core Color of Change will be renewed in 2014).
PRIMARY SHIFTS FROM 2013	Special Initiatives and Partnerships' overall budget will increase by \$2,050,000 (16%) in 2014. SIP proposes to transition to multi-year grants for several anchor partners and provide small technical assistance grants for select anchors. Modest decreases are proposed for both the Fiscal Equity and the Future of Work budgets. The 1-year special initiative on gun violence prevention will close in 2013.

¹ Anchor grantee Drug Policy Alliance is managed by USP's Campaign for a New Drug Policy

Special Initiatives and Partnerships: Following a strategic review and structural reorganization, U.S. Programs established its new Special Initiatives and Partnerships unit to: (1) manage “anchor partner” grantmaking to deepen USP’s strategic partnerships with its largest and often highest impact multi-issue grantees; (2) manage USP “civic core” grantmaking for a small cohort of multi-issue grantees that expand public participation from “new American majority” constituencies, including communities of color and young people; (3) develop and manage special initiatives related to emerging opportunities or challenges that may not fit within existing programmatic siloes. In 2014, this will include the continuing federal and state fiscal challenges as well as initial research into 2020 strategies, including redistricting; and (4) staffing the Project on the Future of Work, the board and staff learning exploration on future employment projections, potential impacts on the nation and, in particular, the most marginalized constituencies, and the intersections of economics, sociology, and culture as they relate to employment in America.

	A. Anchor Partnerships: Key multi-issue institutions that advance our mission	B. Special Initiatives: Emerging advocacy opportunities or challenges	C. Project on the Future of Work : Long-term idea generation	D. Civic Core: Building the power of America’s new majority
Purpose	<ul style="list-style-type: none"> Increase the likelihood of strengthening open society in the U.S. by deepening USP’s partnership and exchange of ideas with its largest, longest tenured, and typically most programmatically aligned multi-issue grantees. 	<ul style="list-style-type: none"> Lead work on cross-cutting and rapid response emerging priorities, including gun violence prevention (2013) and federal and state fiscal challenges (2013-14). Scout and build strategic partnerships with influential strategic allies, e.g. business, faith, or labor leaders. Identify and develop for exploration future areas of work on critical open society issues. In 2014, this could include initial research into the development of a coordinated USP approach to 2020 strategies, including redistricting. 	<ul style="list-style-type: none"> Technological changes are fundamentally reshaping the labor market, likely to leave too few quality jobs for too many workers over the next quarter century. This has particularly dire consequences for the most marginalized communities. Following initial mapping of relevant efforts being conducted by others, through 2014 USP will conduct a future-oriented research collaboration with leading thinkers and key grantees to explore potential scenarios and implications for open society in the decades to come. This is intended as a model for conscious efforts to use the OSF platform to develop and shape new ideas and learning. Key Partners: <i>Institute for New Economic Thinking, Roosevelt Institute, Center for American Progress, National Domestic Workers Alliance, Rockefeller Foundation, AFL-CIO.</i> 	<ul style="list-style-type: none"> Take advantage of demographic shifts and create new political openings via enhanced leadership development, grassroots, and advocacy capacity within communities of color and youth constituencies.
Faith to Fields/Places	<ol style="list-style-type: none"> Expand knowledge of anchor partner organizational capacity and impact. Provide general operating and targeted capacity building support to enable greater engagement of anchor partners on open society priorities. Key Partners: <i>Democracy Alliance, OSF-DC, Ford and Sandler foundations.</i> Key Grantees: <i>ACLU, Advancement Project, American Constitution Society, Brennan Center for Justice, Center for American Progress, Center for Community Change, Center on Budget and Policy Priorities, Drug Policy Alliance, Leadership Conference on Civil and Human Rights, NAACP.</i> 	<ol style="list-style-type: none"> Provide targeted support to fiscal equity advocates in order to raise revenue and confront austerity policies that adversely impact low-income Americans. Includes policy analysis, strategic communications and narrative work, and field advocacy, including connecting national policy experts with state and local advocates. Begin initial planning and field and funder mapping of efforts related to 2020, including redistricting. Key Partners: <i>Center on Budget and Policy Priorities, Economic Policy Institute, Bauman and Ford foundation.</i> Key Grantees: <i>Americans for Tax Fairness, Center for American Progress, Center on Budget, Main Street Alliance, PICO.</i> 		<ol style="list-style-type: none"> Make targeted general support and project investments in a small cohort of institutions that build large scale civic capacity within communities of color and youth constituencies. Key partners: <i>Democracy Alliance, Latino Civic Engagement Fund, Black Civic Engagement Initiative, Youth Engagement Fund</i> Key grantees: <i>Ballot Initiative Strategy Center, Color of Change, Economic Policy Initiative, Faith in Public Life, League of Young Voters, National Association of Latino Elected and Appointed Officials, PICO Interfaith Network, State Voices, and Young Elected Leaders Network</i>

	Anchor Partnerships: Key multi-issue institutions that advance our mission	Special Initiatives: Emerging advocacy opportunities or challenges	Project on the Future of Work : Long-term idea generation	Civic Core: Building the power of America's new majority
Foundation-led Concepts				
Risks/Challenges	<ul style="list-style-type: none"> • Criteria: Need to identify clear criteria for anchor partner selection in the future: is it a temporal, cyclical, or long-term designation? • Evaluation: Must develop a fair & informative means to evaluate anchors. • Capacity: What else can OSF provide to encourage more anchor partner engagement on our highest priority issues where there has been more limited commitment, including confronting over-incarceration? 	<ul style="list-style-type: none"> • Prioritization: Need to clarify USP processes to elevate emerging issues for prioritization without spreading our resources too thinly. • Re: Fiscal equity advocacy: (1) Organizations taking on fiscal equity advocacy have generally strong “inside the Beltway” policy analysis capacity but limited field capacity in key regions or within important constituencies; and (2) Congressional leadership from both parties is more entrenched than ever on fiscal policies, leading to limited optimism for increased revenue. Best case scenario may be protecting the most marginalized as budget cuts persist at federal and state levels. 	<ul style="list-style-type: none"> • Role clarity: It will be important to clearly distinguish OSF’s internal learning process from other, complementary academic, advocacy, business, labor, and philanthropic efforts. • Calling the question: Following extensive board and staff learning throughout 2014, how will OSF determine if there is a need for our continued engagement, whether through ongoing learning, external partnerships, or new grant-making strategies? • Open Places: How can we best integrate places chosen and local and/or state perspectives into this exploration? 	<ul style="list-style-type: none"> • Criteria: Need to identify clear criteria for civic core selection in the future: what are our highest priority constituencies, what are the most essential strategies to complement existing USP grantmaking, and which organizations are most effective? • Evaluation: Must develop a fair & informative means to evaluate civic cores.

OSI-Baltimore

TOTAL OSF CONTRIBUTION:

\$4,000,000

TOTAL GRANTS BUDGET:

\$4,970,000

RELIANCE ON ANCHORS:

Advancement Project
ACLU
Drug Policy Alliance
Center on Budget and Policy
Priorities
Center for Community
Change

PRIMARY FIELDS:

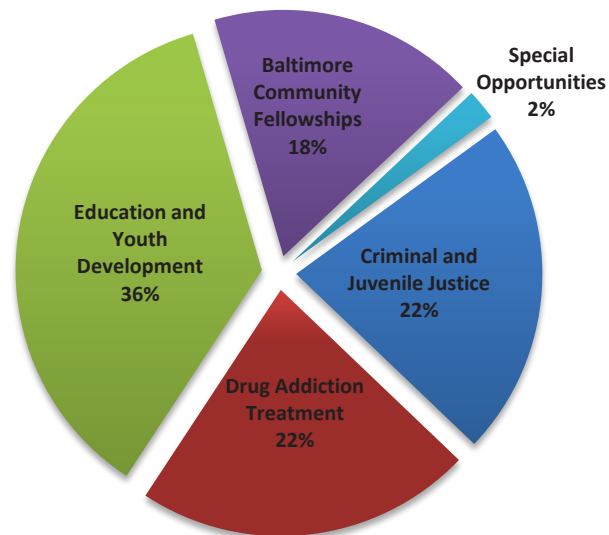
Equal access to quality
primary and secondary
education
Criminal justice sector
reform
Challenging the health
establishment to advance
human rights
Drug policy reform
Developing social
entrepreneurs to catalyze
change in underserved
communities

FOUNDATION-LED

CONCEPTS:

School Discipline Reform
Reduce incarceration in
Maryland through revising
parole policies/practices
End the automatic
prosecution and detention
of youth as adults in
Maryland
ACA implementation to
advance drug policy reform,
Close the Treatment Gap
and Expand Medicaid
coverage for the
incarcerated
Open Society Fellowships

OSI-Baltimore Grants Budget by Program*



* A majority of the \$4,000,000 from OSF will support Baltimore's grant making; the balance of these OSF funds will support program development expenses. OSI-Baltimore will obtain funds from other entities to support its grantmaking 2014 budget.

SUMMARY	Working in a typical urban center, OSI-Baltimore focuses on three inter-related areas—education, drug addiction, and criminal/juvenile justice—where state and local policies and practices perpetuate discrimination and block opportunity. Baltimore provides USP with an in-depth understanding of problems, the interplay of local-state-federal dynamics, interventions that work, and the challenges of getting solutions institutionalized and to scale. A fellowships program demonstrates the power of individual change agents, working in tandem with the community, and encourages experimentation.
BUDGET BY PROGRAM	\$4,970,000 to support: <ul style="list-style-type: none"> - Education and Youth Development: \$1,800,000 - Criminal and Juvenile Justice: \$1,100,000 - Drug Addiction Treatment: \$1,100,000 - Baltimore Community Fellowships and Initiatives: \$870,000 - Special Opportunities: \$100,000
ANCHORS/ CORES	OSI-Baltimore's work relies upon anchor grantees Advancement Project, ACLU, Drug Policy Alliance, Center on Budget and Policy Priorities, and Center for Community Change although it does not contribute to their general support grants.
PRIMARY SHIFTS FROM 2013	Primary Shifts from 2013: <i>Education:</i> Expanded focus on reforming school discipline throughout Maryland (in addition to Baltimore); <i>Criminal and Juvenile Justice:</i> Increased focus on reforming arrests and pre-trial detention policies, especially affecting youth; <i>Drug Addiction Treatment:</i> Increased focus on implementation of Affordable Care Act, including coverage of people leaving prison, and on critical services that will not be reimbursable; <i>Community Fellowships:</i> Increased effort to intensify the networks among the 140 alumni fellows

Open Society Institute-Baltimore: as a field office of US Programs, is a geographically focused, multi-faceted effort to reform policies that are perpetuating discrimination and preventing residents from participating fully in the civic, economic and social life of the region. In addition to administering the Community Fellowships Program to bring new ideas and energy to Baltimore’s underserved communities, it currently focuses on three inter-related areas: Education/Youth Development; Drug Addiction Treatment; and Criminal/Juvenile Justice. The four programs work closely together, sharing information and expertise. While a significant portion of the work relates to state policy, the office looks to the Baltimore community to identify needs, demonstrate effective approaches and measure impact, given the city’s demographics and importance to the state. As a typical big city with high poverty and inequity, successful approaches in Baltimore are noted by other cities. The state is positioned as a progressive leader nationally, despite a conservative undercurrent, and relates to the office more as a partner than adversary. Working as a social justice laboratory, the office (staff and a highly engaged advisory board) have a steady presence and an activist, inclusive approach. Only half of staff time is spent on grantmaking. From the outset, the office has worked closely with key public agencies in order to bring promising initiatives to scale and to reform key policies and practices. In addition to technical assistance to government (including serving on various public committees), it conducts advocacy (including through multi-platform communications, office-based for a, a public Talking About Race series, and a Leadership Council), awards grants (including demonstration projects to refine practice and show cost-effective impact as well as advocacy, litigation, research, and mobilization), and makes Program Related Investments. Special events designed to cultivate prospective donors—to raise at least \$2.2 million annually—aid in advancing the office’s mission and goals.

<p><u>Education and Youth Development</u></p> <p>Goals:</p> <ol style="list-style-type: none"> 1. End inequitable policies and practices that marginalize and keep too many Baltimore and Maryland children out of school. 2. Ensure that Baltimore’s public schools and youth programs engage and prepare students for success in adulthood. <p>Strategies:</p> <ul style="list-style-type: none"> • Reform attendance & discipline policies/practices that keep students out of school and cause disparate education outcomes (OSF-initiated). • Increase the quality and number of learning opportunities outside of school to ensure all City students are prepared for adulthood. • Create new high schools models that give City students the flexibility and support needed for employment and further education (OSF-initiated). <p>Benchmarks:</p> <ul style="list-style-type: none"> • Baltimore’s suspension rate falls to 7% and racial disparities by 50%. • Maryland adopts new regulations holding local districts accountable for high and disparate discipline outcomes and at least three Maryland school districts adopt new discipline codes that result in significant reductions in suspensions and disparities. • City funding for out-of-school time programs doubles to \$10 million. • Baltimore opens two new “high-value” high schools. <p>Risks and Challenges:</p> <ul style="list-style-type: none"> • Cuts in public funding. • Leadership change at City Schools and other agencies and partners. <p>Representative Grantees: Advancement Project, Baltimore Education Research</p>	<p><u>OSI-Baltimore Community Fellowships</u></p> <p>Goals:</p> <ol style="list-style-type: none"> 1. Identify new talent to become dynamic, resourceful and committed social entrepreneurs to become Baltimore Community Fellows. 2. Build a network of individuals skilled at and committed to using tools and resources to catalyze change in Baltimore’s underserved communities. <p>Strategies:</p> <ul style="list-style-type: none"> • Undertake an extensive outreach campaign and thoughtful selection process to recruit 10 – 12 individuals to receive a fellowship. • Support cross-program collaboration with all OSI-Baltimore programs, field experts & alumni fellows. • Support current and alumni fellows with technical assistance resources. <p>Benchmarks (Over three years):</p> <ul style="list-style-type: none"> • At least 80% of fellows will continue the work beyond the 18 months. • Fellows will establish boards to help guide their work. • Fellows will develop essential resources to support the work beyond the 18 months. • Risks and Challenges: • Individual entrepreneurs may have difficulty converting to an organizational structure. • 18 months may not be long enough to achieve results, reducing the ability to raise other funds. • Demands of individual projects may undercut Fellow’s ability to benefit fully from peer support and other resources. <p>Strategic Allies: OSI-Baltimore Community Fellowship Alumni, community</p>
---	---

<p>Consortium, Family League, Fund for Educational Excellence, Community Conferencing, Safe and Sound, ACLU, GLSEN, and Baltimore Urban Debate League</p> <p>Strategic Allies: Baltimore City Public Schools, Departments of Health and Social Services, Maryland State Department of Education, Johns Hopkins University, and Morgan State University</p> <p>Funding Partners: Atlantic and Bloomberg Philanthropies; Annie E. Casey Foundation, Abell Foundation, and most other Baltimore education funders</p> <p>OSF Partnerships: OSI-Baltimore Juvenile Justice, Community Fellowships, and Communications; CBMA; and Equity Program</p>	<p>associations, NGOs in Fellows’ fields of interest, and public agencies such as the Department of Social Services and the Baltimore City Public School System</p> <p>Funding Partners: The Clayton Baker Trust and The Lois and Irving Blum Foundations. Alumni Fellows receive funding from the Baltimore Community Foundation, The Abell Foundation, the Weinberg Foundation, Parks & People Foundation, and host organizations (if available)</p> <p>OSF Partnerships: OSI-Baltimore Programs, Campaign for Black Male Achievement, Individual Grants Working Group, and Soros Justice Fellowships</p>
<p><u>Criminal and Juvenile Justice</u></p> <p>Goals:</p> <ol style="list-style-type: none"> 1. Reduce Baltimore City’s pre-trial detention population and Maryland’s prison population. 2. Advance sound policies and practices, including adequate public funding, for the successful re-entry of people with criminal and juvenile records. <p>Strategies:</p> <ul style="list-style-type: none"> • Reform pre-trial, parole and probation practices that are unfair, discriminatory or excessively punitive (OSF-initiated). • Reduce youth arrests by promoting fair school discipline policies and programs and improving youth/police relations. • End the automatic prosecution of youth as adults and their detention in adult jails (OSF-initiated). • Advocate for policies that offer equal access to employment, housing and other services to people with criminal and juvenile records. • Support demonstration projects that provide re-entry/reintegration services to adults and youth. <p>Benchmarks (Over three years):</p> <ul style="list-style-type: none"> • A 15% reduction in the daily population at the Baltimore City adult jail and juvenile detention center and a 15% reduction in the prison population. • A 10% decrease in, or elimination of, racial disparities in pre-trial detention, parole and /or probation practices. • A 70% reduction in the number of youth who are charged as adults and held pre-trial at the Baltimore City Detention Center. • Policy reforms that expand reentry program slots and provide equal access to jobs to people with criminal and juvenile records. <p>Risks and Challenges:</p> <ul style="list-style-type: none"> • Sustaining policy reform successes during administration transitions. • Limited funding sources for criminal justice advocacy work. <p>Representative Grantees: Advocates for Children and Youth; JFA Institute; Maryland</p>	<p><u>Drug Addiction Treatment</u></p> <p>Goals:</p> <ol style="list-style-type: none"> 1. Close the addiction treatment gap for low-income patients by taking advantage of the opportunities of health care reform. 2. Support the availability of addiction services not covered by health care reform. 3. Decrease the harms of drug use, lower the threshold to treatment, and reduce stigma. <p>Strategies:</p> <ul style="list-style-type: none"> • Support the sound implementation of Medicaid expansion, the essential health benefits, and parity legislation. • Advocate for the successful implementation of the State Health Insurance Exchange to meet the needs of patients with addictions. • Advocate for the preservation of block grant funds. • Increase the number, diversity and impact of advocates. • Advocate for programs to discontinue the practice of discharging patients (OSF-initiated). • Advocate for the expanded availability of buprenorphine (OSF-initiated). <p>Benchmarks (over three years):</p> <ul style="list-style-type: none"> • Increase in the number of patients with Medicaid who are admitted into treatment for addiction by 50%. • Increase in the average length of stay in addiction treatment by 300%. • Increase the number of naloxone doses dispensed by 100%. <p>Risks and Challenges:</p> <ul style="list-style-type: none"> • Flexible block grant dollars could be decreased to pay for the expansion of addiction services for patients with Medicaid. • Programs will resist changes to the current practice of discharging patients. <p>Representative Grantees: Maryland Addictions Directors Council, National Council on Alcoholism and Drug Dependency-Maryland Chapter</p> <p>Strategic Allies: Alcohol and Drug Abuse Administration, Baltimore Substance Abuse Services, and Maryland Poison Control Center</p>

<p>Restorative Justice; Ingoma Foundation; Justice Policy Institute; Job Opportunities Task Force; Community Law in Action; and Public Justice Center</p> <p>Strategic Allies: Baltimore City Public Schools; Department of Public Safety and Correctional Services; Baltimore Police Department; Department of Juvenile Services; and Office of the Public Defender</p> <p>Funding Partners: Abell, Annie E. Casey, and Public Welfare foundations.</p> <p>OSF Partnerships: OSI-Baltimore programs; USP Justice and Equity programs and CBMA, and Open Society Policy Center</p>	<p>Funding Partners: Alcohol and Drug Abuse Administration, Abell Foundation, and Baltimore Substance Abuse Services</p> <p>OSF Partnerships: OSI-Baltimore Programs, International Harm Reduction Development Program, and Campaign for a New Drug Policy</p>
---	--

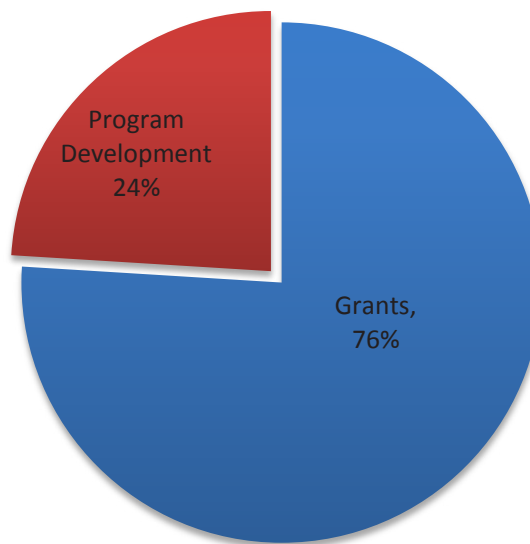
Open Places

TOTAL GRANT AND PROGRAM DEVELOPMENT BUDGET:¹
\$5,265,000

RELIANCE ON ANCHORS:
Advancement Project
Center for Community Change
Center on Budget and Policy Priorities

FOUNDATION-LED CONCEPTS:
Open Places Initiative

Open Places Initiative Budget



SUMMARY	<p>The Open Places Initiative builds on OSF's long-standing commitment to furthering social change by developing sophisticated civic capacity informed by local knowledge and leadership. OPI will award 4-5 grants to 4-5 sites across the United states in 2014. The grants and programmatic support will achieve three goals: '</p> <ol style="list-style-type: none"> 1. Advance equity, justice, democratic practice in specific cities/regions across the United States on substantive issues; 2. Increase sustainable civic capacity in selected cites/regions to achieve, and take to an appropriate scale, systemic change; and 3. Inform & strengthen place-based partnerships and strategies for OSF and the philanthropic field.
BUDGET GRANT AND PROGRAM BUDGET	<p>\$5,265,000 to support:</p> <ul style="list-style-type: none"> - Grants to four to five sites: \$4,000,000 - Program development budget for the high level of staff and programmatic support required for building a strong place-based initiative: \$1, 265,000
ANCHORS/CORES	Depending on sites' selection of issues, various anchors will be relevant.
PRIMARY SHIFTS FROM 2013	<p>OPI will award implementation grants to three to five of the eight sites to which USP awarded planning grants of \$100,000 in 2013. In 2014, the program development budget will support in-depth planning by the selected sites, strengthening of their implementation capacity, and peer learning. The budget envisions intensive staff involvement at the local level to: identify/address technical assistance needs; build relationships across business, government, philanthropic and non-profit sectors; put an assessment process in place; and, establish a learning community for sites and for USP.</p>

¹ These snapshots do not typically include program development funds; it is included here as OPI draws significantly from program development funds to provide support to sites.

The Open Places Initiative: recognizes, and seeks to maximize, the role of local decision-making, policy and practice in advancing significant systemic change. The Open Society Foundations was motivated by several intersecting and fundamental shifts now occurring at the local level that will increasingly affect how low-income and minority communities are able to access equity, justice and democratic practice. These trends include: the dramatic shifts in federal and state funding that will intensify the responsibilities placed on local governments to make hard choices with fewer resources; large-scale demographic changes that are upending traditional political dynamics and offering opportunities for new alliances; the expansion of innovation in program delivery and policy setting by local governments that frequently turns on the presence or absence of effective community engagement and capacity; and the increased challenges faced by the non-profit sector as it experiences decreased funding and increased demand. Eight sites have received a planning grant; in late 2013, USP will award implementation grants of up to \$1million/year for three years to 3-5 sites, which it may extend for an additional seven years.

	A. Advance Equity, Justice and Democratic Practice	B. Increase Sustainable Civic Capacity	C. Inform & Strengthen Place-Based Partnerships and Strategies
Purpose	<ul style="list-style-type: none"> Enable diverse local sites to advance open society values through priority issues, strategies and structures that they identify. Equip site teams with the resources to engage in long-term, multi-issue advocacy efforts 	<ul style="list-style-type: none"> Have site teams grow beyond existing capacity ceilings to expand reach and efficacy, strengthening the local social justice ecosystem Develop an institutional home in each site that is flexible, sustainable, and impactful 	<ul style="list-style-type: none"> Strengthen the capacity of OSF and other funders to maximize impact through better understanding of place-based philanthropy and strategic, aligned funding Enhanced coordination and sharing of best practices internally and between national and local players, including public and private funders
Faith to Fields/Places			
Foundation-Led Concepts	<ol style="list-style-type: none"> Support a collaborative of local advocacy NGOs working in specific geographic boundaries on a range of issues to advance open society Identify goals & strategies and enhance partnerships & capacity to influence social change locally, with the potential to scale <p>Key Partners: Local, state & regional funders, govt & and collaboratives, Ford Foundation, Annie E. Casey, Kellogg Foundation, Neighborhood Funders' Group</p> <p>Representative Grantees: local/state advocacy groups, national NGOs with a local presence (State Voices, Center on Budget and Policy Priorities, CCC)</p>	<ol style="list-style-type: none"> Provide TA to build sites' sustained capacity and growth to address multiple issues over the long-term, including organizational capacity Establish social justice laboratories to determine best practices in devolution and changing local conditions and needs Develop relationships so local and national funders become strategically aligned supporters <p>Key Partners: State & local leaders, funders, NGOs, government officials, labor, business & academia</p> <p>Representative Grantees: Local site team partners representing a variety of issues and constituencies</p>	<ol style="list-style-type: none"> Create place-centered investments to seed local change/innovation, scale efforts for maximum impact Support development of local grassroots efforts, leadership cultivation for multi-sector, multi-issue work Provide resources (funding, TA, partnerships) to increase capacity for advocacy on issues critical to sites Disseminate learning OSF- and philanthropy-wide Alternative responses to devolution, call for innovation <p>Key Partners: The California Endowment, Ford, Annie E. Casey, Kellogg, Neighborhood Funders' Group</p> <p>Representative Grantees: National grantees that have or could benefit from local partnerships and local grantees</p>
Risks/Challenges	<ul style="list-style-type: none"> Site teams may lack the co-operation and sophistication to carry out planned goals Resistance to policy change from conservatives and decision-makers Goals/agendas among organizational may conflict and derail Initiative goals 	<ul style="list-style-type: none"> Sites will not be able to sustain themselves beyond OSF's investment Tensions within sites could distract from goals Leadership could stagnate, lacking in innovation Orgs inadequately develop multi-sector partnerships (no change to the ecosystem) 	<ul style="list-style-type: none"> Sites may not make sufficient measurable progress to attract others to place-based approaches to philanthropy Peer funder objectives may not align (limited resources) Local/regional and national non-profits may not place priority on improved coordination among themselves Inability to adequately measure and capture success

PRESSING ISSUES AND U.S. PROGRAMS RESERVE FUND

U.S. Programs Reserve Fund Update and Requests

TO: U.S. Programs Board
FROM: Ken Zimmerman
DATE: August 21, 2013

AS REFLECTED IN THE ATTACHED CHART and supporting memos from U.S. Programs staff, we are requesting board authority to proceed with four requests requiring Reserve Fund authorization and two related requests to reallocate existing programmatic funds. In addition, I wanted to notify you of my first expenditures from the director's discretionary fund.

By way of background, we have expended \$12.8 million of the \$25 million set aside as the U.S. Programs Reserve Fund. \$7.5 million of this amount comes from what we view as the anticipated use of the Reserve Fund: unexpected opportunities in which we have identified we could make a demonstrable difference. The remaining amounts comprise: (1) a preexisting commitment in the amount of \$1.8 million for the Center for Reproductive Rights, and (2) \$3 million in one-time and exceptional authorizations the board made at the beginning of 2013 to support matters related to U.S. Programs transition.

We now seek authorization to draw up to \$6,750,000 from the Reserve Fund as well as to reprogram an additional \$1.75 million from programmatic funds originally budgeted for different purposes. More specifically, we request the following:

- Comprehensive Immigration Reform (\$1 million OSPC referral): We request that the U.S. Programs Board refer requests in the amount of \$1 million to OSPC as a further investment related to passage of comprehensive immigration reform. As detailed in the attached memo from Archana Sahgal, there remain legitimate prospects for the passage of a comprehensive bill, with the current terrain in the House of Representatives deeply contested, but there

are indications of significant progress amidst House Republicans. This amount would primarily go to the Alliance for Citizenship, the coalition that we helped found, and the Bibles, Business, and Badges that musters evangelical, business, and law enforcement support and has been highly influential in engaging conservative lawmakers.

- *Post-Shelby* Voting Rights Strategy (up to \$250,000 from Reserve Fund plus authority to reprogram up to \$1 million of previously budgeted funds): In the aftermath of the U.S. Supreme Court's decision invalidating critical parts of the Voting Rights Act in the *Shelby* case, we are working with a broad spectrum of foundations, leading civil rights groups, and other actors to develop and fund a three-part strategy. As detailed in the attached memo from Laleh Ispahani, it would involve a serious effort to remedy the Supreme Court decision through legislation (which we would refer to OSPC), an expanded litigation capacity to address a set of state and local level changes related to voting practices that will restrict the franchise, and an on-the-ground organizing effort in those places likely to be most affected. While we had originally anticipated asking for \$2 million, we have reduced the amount we seek to invest as of now to \$1.25 million in light of other developments. We seek authorization for up to \$250,000 from the Reserve fund, and for permission to use \$1 million in funds that are part of the Equality Fund budget that we do not expect to expend this year due to the leadership transition in that fund.
- Open Places Initiative (up to \$4 million): In order to have funding to make multi-year grants to the three to five sites to be selected under the Open Places Initiative, we are requesting \$4 million from the 2013 Reserve Fund to supplement a proposed \$4 million allocation from the 2014 budget. This is necessary because the Open Society Foundations requires that the

total amount of multi-year grants must be fully committed in the year in which the grants are awarded. As detailed in the attached memo from Diana Morris (which also updates the board on the status of the initiative), this is an estimated amount since we do not yet know the number of sites we will select.

- Anchor Grants (\$1.5 million from the Reserve Fund and \$750,000 in reprogrammed funds): Because we seek to fund our anchor grants on a multi-year basis but were only able to provide one-year funding in the 2013 transitional budget, we have developed a plan to shift three to four anchor grantees a year onto a two-year funding cycle. As reflected in the attached memo from Bill Vandenberg, this requires a one-time infusion of funds to stabilize the funding peaks and valleys that would otherwise occur, and will allow us to have a relatively steady budget line of \$8 million a year for the current anchors going forward. To do so, we request \$1.5 million from the Reserve Fund for this purpose, and to repurpose \$750,000 from the fiscal equity line that we have not fully expended.

In addition, I want to alert the board to my first two uses of the discretionary fund the board authorized at the last board meeting. As you will recall, the board authorized me to expend up to \$500,000 with Steve Coll's review. I have used \$150,000 to facilitate the settlement of a case that¹ would otherwise be heard by the Supreme Court, and most likely have resulted in the demise of the disparate impact standard under the federal Fair Housing Act. As set forth in the two-page summary of the matter, this funding complements over \$1.3 million obtained by the civil

¹ We are also using \$150,000 of funds from the budget for Housing and Credit under the Equality Fund for our total contribution of \$300,000.

rights community and other foundations to allow a non-profit community development fund to acquire property in Mt. Holly, New Jersey, and facilitate the resettlement or upgrade of 27 families there. The settlement will preserve a critical piece of the legal arsenal used by the Department of Justice and others against lenders and other entities engaged in troubling housing practices, particularly those involved in practices that contributed to the sub-prime lending crisis. The second use of the director's discretionary fund is a final commitment of \$150,000 from U.S. Programs to support OSI-DC's local community grants program. OSI-DC awards these grants to community groups that are selected by the OSI-DC staff as a gesture of support to the city where much of the OSI-DC staff lives and where the Open

Society Foundations has a substantial office. While historically this has been funded by U.S. Programs, the Washington, D.C. office will take over funding of this program starting in 2014.

Finally, I want to alert the board to two possible additional Reserve Fund requests that may be forthcoming. The first involves a response to the Snowden disclosures and possible engagement in antisurveillance policy and other activities, and the second concerns the response to the George Zimmerman verdict and our ongoing White House engagement. We are engaged with key players in both regards and will notify the board if and/or when we believe there is a proposed course of action that necessitates a request to the Reserve Fund.

U.S. Programs Reserve Fund 2013 (\$25 Million)

	Referred to OSPC	C3 Funding	Total
I. AUTHORIZED AND EXPENDED/IN PROGRESS			
Comprehensive Immigration Reform			
Alliance for Citizenship (January–March)	\$1,500,000		
Alliance for Citizenship (April–September)	\$1,850,000		
United We Dream	\$450,000		
NIF Action Fund (Businesses, Bibles, and Badges)	\$200,000		
PICO Action Fund (Religious Campaign for Citizenship)	\$225,000		
CAMBIO Campaign	\$525,000		
<i>As yet unallocated</i>	\$250,000		
Total Comprehensive Immigration Reform			\$5,000,000
Gun Violence Prevention			
Gun Truth Project (New Venture Fund)	\$275,000		
Center for American Progress	\$100,000	\$50,000	
Americans for Responsible Solutions	\$100,000		
Mayors Against Illegal Guns	\$300,000		
Fund for a Safer Future (New Venture Fund)		\$150,000	
<i>As yet unallocated</i>	\$25,000		
Total Gun Violence Prevention			\$1,000,000
Voting Rights Advocacy Campaign			
Leadership Conference on Civil & Human Rights		\$500,000	
Total Voting Rights Advocacy			\$500,000
Other Grants			
California Criminal Justice Reform Campaign		\$1,000,000	
NAACP Legal Defense Fund		\$1,000,000	
Center for Reproductive Rights		\$1,800,000	
Exit Grants		\$2,000,000	
Mt. Holly case settlement		\$150,000	
OSI-DC Community Grants		\$150,000	
<i>Director's discretionary fund: As yet unallocated¹</i>		\$200,000	
Total Other Grants			\$6,300,000
Total Authorized and Expended/ In Progress			\$12,800,000
II. PROPOSED /RECOMMENDED FOR SEPTEMBER BOARD MEETING DISCUSSION			
Comprehensive Immigration Reform—3rd tranche	\$1,000,000		
Open Places Initiative		\$4,000,000	
U.S. Programs Anchor Grantees		\$1,500,000	
Voting Rights post-Shelby decision		\$250,000	
Total Recommended Grants			\$6,750,000
TOTAL OF ALL GRANTS			\$19,550,000
Remaining 2013 Reserve Fund			\$5,450,000

¹ Note: This amount is the balance remaining in the director's discretionary fund, operating pursuant to the process authorized by the board.

School Discipline Reform Strategy

Background

TO: U.S. Programs Board
FROM: Ken Zimmerman
DATE: August 23, 2013

THE ATTACHED MEMO REFLECTS a refined strategy on school discipline for the board's consideration. Consistent with U.S. Programs' (USP) ongoing effort to bring the board detailed proposals regarding specific substantive areas we propose to pursue, it explains the current state of affairs and sets forth a multi-faceted approach and rationale.

As you will recall, USP recognized early on that the combination of high stakes academic testing and zero-tolerance school discipline policies would dramatically increase the number of minority youth excluded from classrooms and significantly reduce their chances for educational attainment. USP's efforts over the past several years, especially in conjunction with our funding partners at Atlantic Philanthropies, have brought us to a promising but critical juncture. We have seeded success in several local jurisdictions (including Baltimore), engaged a broad array of unlikely allies—ranging from judges to national teachers' unions—sponsored credible and widely regarded research, and obtained substantive engagement from the federal government.

We believe continued commitment over the next four years can meaningfully transform these practices at scale. As detailed in the attached memo, the proposed strategy sets out a multi-faceted approach that prioritizes comprehensive reform in six states (Colorado, Illinois, Maryland, New York, Pennsylvania, and Texas) and more limited but significant progress in an additional nine. Comprehensive reform in these six states is designed to lead to a 25 percent reduction in suspensions, expulsions, and arrests over five years. Progress in the remaining nine states will affect another 17 million students, expanding our impact to two-thirds of all public school students in the United States.

As you will recall, we began discussion of this strategy at our May board meeting. We did not have time to thoroughly discuss the proposal at that point, and there were several comments about ways the approach presented then could be strengthened. The attached proposal does so. It explicitly explains the elements of the strategy and the geographic priorities to be undertaken. Consistent with our effort to begin with

strategy and refine the budget consequences upon approval, the proposal does not contain an explicit budget request. We will produce a proposed budget upon review of all of our funding in this area and in alignment with our primary philanthropic partner, Atlantic Philanthropies.¹

I look forward to your comments and discussion.

¹ Our core partner in this work, Atlantic Philanthropies, has invested or committed to invest \$49 million between 2010 and 2014, with an annual expected final round of grants for school discipline in 2014 of \$8.5 million.

School Discipline Reform Strategy

TO: Ken Zimmerman, Andrea Batista Schlesinger
FROM: Kavitha Mediratta and the School Discipline Team¹
CC: Shawn Dove, Diana Morris
DATE: August 16, 2013

ACCESS TO QUALITY EDUCATION is critical to an open society, and thus has long been a goal of U.S. Programs. Over the past two decades it has become increasingly clear that the widespread adoption of zero tolerance disciplinary policies in U.S. public schools has negatively affected the country's most vulnerable students: children of color and children with disabilities. U.S. Programs (USP) was among the first philanthropies in the nation to recognize the threat posed by zero tolerance school discipline, and worked successfully to draw in and collaborate with other foundations to build national awareness of the harms of suspensions, expulsions, and arrests in schools.

We now find ourselves at a promising but critical point, as a growing number of local school districts are revising their policies and federal commitment to this issue is developing. The strategy we present today leverages our strengths in local and state-interventions into an inside/outside plan for achieving national reform. With a multi-year commitment that will allow USP to continue to play a leadership role in partnership with other national foundations and advocates, we believe we can reverse the rising trend of suspensions, expulsions, and arrests in schools and reduce racial disparities in disciplinary actions. By doing so, we will improve the educational prospects of millions of U.S. public school students and equip them to participate fully in an open and democratic society.

¹ Kavitha Mediratta, a senior program officer at Atlantic Philanthropies who has overseen their school discipline work, took a lead role in developing this memo pursuant to an agreement between Atlantic and USP which contemplates a joint strategy going forward. The USP staff who contributed significantly to the effort include Kate Rabb, Chris Scott, Rashid Shabazz, and Jane Sundius.

BACKGROUND AND SUMMARY OF APPROACH

Rates of suspensions, expulsions, and arrests in U.S. public schools have more than doubled since the mid-1970s and are highest at the intersection of race, disability, and gender. For example, nationally, one in three African American middle school boys with disabilities was suspended one or more times during the 2009-10 school year. Considerable evidence shows that a punitive approach to school discipline and safety is ineffective in preventing violence or reducing student misbehavior. Instead, it fuels a pipeline of vulnerable children out of school and into the juvenile and criminal justice systems, undermining their educational futures and long-term success.

There is another way forward, however, that enhances school climate and educational achievement without pushing vulnerable children out of school. Our experiences supporting the work of reform-minded school districts and states demonstrates that shifting away from zero tolerance discipline toward positive behavioral approaches increases student achievement and reduces school dropout and juvenile justice involvement. An important example is Maryland, where OSI-Baltimore's success in reducing out-of-school suspensions through discipline code reform, school-wide conflict resolution programs, mentoring and other strategies led to a 50 percent increase in high school completion rates in Baltimore City, prompting state-level policy change. Our strategy seeks to leverage the success of jurisdictions like this to drive a nation-wide shift in policy and practice.

Our funding strategy has a dual-purpose: to immediately improve lives while influencing national policy. We believe that intervention to reduce suspensions, expulsions, and arrests in 15 states, in concert with federal policy guidance and funding for positive interventions, will be effective in triggering a wave of reform to zero tolerance discipline policies across the country. The interplay of local, state,

and federal activity is important, given the scale of the United States and the decentralized nature of education policymaking. School discipline reforms in a critical mass of school districts and states are critical to stimulating the federal action needed to catalyze national reform.

To that end, we have prioritized our funding to-date on supporting advocacy for local school district reforms by grassroots parent and student groups, civil rights organizations, and judicial leaders in the states of California, Colorado, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New York, North Carolina, Pennsylvania, and Texas, as well as at the national level. While we will continue to fund local and national work, we will focus most intensely on six states where reform is gaining some traction in order to achieve state-level policy change and advance statewide implementation. Comprehensive reform in six states (e.g., Colorado, Illinois, Maryland, New York, Pennsylvania, and Texas) will impact 13 million public school students.² Significant reform progress in the remaining nine states will reach another 17 million students, expanding our impact to two-thirds of all public school students in the United States.

² Reform also is gaining traction in California, where several prominent school districts have taken steps to reduce suspension and state leaders have passed legislation to improve data collection and monitoring, and encourage positive disciplinary interventions such as Positive Behavior Intervention Supports (PBIS) and restorative practices. Given the significant statewide investment in reform by The California Endowment (estimated at \$4 million a year through 2016), California will not be a priority for future USP investments.

HISTORY AND POLITICAL CONTEXT FOR REFORM

Zero tolerance school discipline policies grew from 1994 federal legislation that required mandatory expulsion for students who brought firearms and explosives into school. This legislation, combined with a spate of highly publicized and tragic school shootings (including at Colorado’s Columbine High School in 1999), encouraged the development of state and local policies requiring stiff penalties for student misbehavior and allowing police intervention in school discipline. Suspensions, expulsions, and arrests subsequently grew steadily in U.S. public schools and are now commonly issued for typical adolescent misbehaviors such as tardiness, dress code violations, and talking back to teachers.

Support for zero tolerance policies stems largely from the belief that tough discipline is necessary to remove disruptive children from the classroom so that others can learn. Many principals, teachers, and school board members believe that suspension is their only option to deal with violent or chronically misbehaving students in under-resourced and chaotic schools, and fear liability if they fail to remove a student who later hurts someone. Zero tolerance policies also are sanctioned by deeply-rooted societal beliefs in the inherent deficiencies of children of color, and by a “broken windows” theory of policing that emphasizes severe responses to minor offenses in order to prevent more serious crimes.

Opposition to zero tolerance policies has grown over the last decade with support from key funders, civil rights advocates, government officials, and organized student groups. Early challenges to these policies came from students and parents of color who were directly affected by the over-use of zero tolerance discipline and growing rates of incarceration in their communities, as well as from legal advocates concerned about the disparate impact of these policies on vulnerable students. Over time, a diverse array of

lawmakers, researchers, educators, and justice system leaders have become more aware of the costs of a punitive zero tolerance approach to student educational success. As a result, several prominent school districts, including Baltimore, Chicago, Denver, and Los Angeles, have adopted positive alternatives to zero tolerance discipline to improve the climate for learning in schools and teach students how to resolve conflicts.

The inside-outside nature of this growing opposition has been critical to advancing reform. Jurisdictions that successfully reduced suspensions and revised discipline codes have been characterized by: knowledge of affordable alternatives for assuring school safety and student achievement among leaders; widespread awareness of the harmful effects of high rates of punitive discipline among key constituencies; sustained pressure for change from local constituents; and, in some cases, civil rights investigations by the federal government.

GRANT-MAKING STRATEGY

USP’s funding strategy depends on a coordinated “inside-outside” approach, drawing on the strengths of USP’s resources, including access to OSI-DC, to:

- Create exemplars of positive discipline reform and disparity reduction;
- Increase awareness of effective alternatives among key stakeholders, especially state and local policymakers, teachers’ unions, judges, and the general public;
- Build pressure for local and state-level policy reform through smart and effective advocacy from parents, students, and civil rights organizations; and
- Strengthen federal policy to increase monitoring of disciplinary practices and provide funds for implementation of positive alternatives.

Creating exemplars of positive discipline reform and disparity reduction

Despite growing national awareness of the over-use of zero tolerance discipline on children of color, reducing racial disproportionality in disciplinary actions has proved an elusive undertaking. Even in districts that have succeeded in bringing down overall suspension and expulsion rates, disparities often persist.

Emerging practice in the field from CBMA-supported projects in Oakland, California, and New York City indicate that the first steps to address disparities are to revise disciplinary codes to prevent suspension for minor or highly subjective offenses that tend to drive higher rates for children of color, and to monitor school-level data to identify patterns of punishment in schools. Projects going forward will seek to better equip district and school administrators to intervene in cases of disparate treatment by teachers, law enforcement officers, and other staff by providing practical guidance on evidence-based disparity reduction interventions and creating opportunities for system leaders to learn about these approaches. Examples of such grants include:

- *Model development* by the Hayward Burns Institute to adapt risk assessment protocols used in juvenile justice systems to help principals, teachers, and law enforcement officers to track and reduce disproportionate disciplinary referrals of children of color in schools;
- *Training modules* on implicit bias by the Charles Hamilton Houston Institute that can be integrated into teacher and school police preparation programs to improve their skills to engage more effectively with diverse students;
- *Evaluations* of these and other emerging interventions for discipline disparity reduction and dissemination of research evidence to school districts in the form of a Practice Guide.

Increasing awareness of effective alternatives among key stakeholders

In 2013, several prominent national organizations launched projects to address school discipline reform, including the American Federation of Teachers, the American Association of School Administrators, and the National Association of State Boards of Education. Going forward, we will use the growing national attention to school discipline to reach more urban school superintendents and to engage the professional associations that work directly with big city mayors, school board members, and law enforcement leaders in order to bring more of these stakeholders to the table. Grants to these organizations will support national communications to inform members about effective alternatives and provide technical assistance to develop local reform projects in our target states, particularly Maryland and Colorado, as effective implementation of new state policy will be key to motivating other states to adopt reform.

We also will seek to draw new influential voices into the school discipline issue. These grants will focus on supporting prominent national organizations, such as the Council of Great City Schools, the National Alliance for Public Charter Schools, the National Association of School Boards, and the U.S. Conference of Mayors, to serve as conveners and leaders of reform. Examples of such grants include:

- *Superintendents' Learning Network*, launched in collaboration with the Council of Great City Schools, to enhance leaders' awareness of alternative policies and practices;
- *Model policy and technical assistance* by the Council of State Governments and the National Association of School Boards to help state lawmakers and local school board members reduce zero tolerance discipline and address discipline disproportionality;

- *Convenings and best practice guidance* from the National Alliance for Public Charter Schools to build awareness of problems with zero tolerance and buy-in to reform among charter schools;
- *Communications projects* to develop reform messages that are tailored to the specific concerns of policymakers and practitioners within the education and justice systems, and track and analyze media coverage of zero tolerance reform in key states and nationally to assess whether reform messages are gaining support.

Building pressure for local and state-level discipline code reform

Without pressure from parents, students, and civil rights advocates, the present momentum for reform could not have been built so quickly. While education policymakers and professional organizations are beginning to come to the table (e.g., the American Federation of Teachers) continued pressure is needed to invest these stakeholders in really making change. Grants will support two leading actors in the field:

- *Just and Fair Schools Fund* (Public Interest Projects), the regranting and fundraising mechanism for local advocacy for zero tolerance reform. Regrants fund parent, youth, and community organizations in 15 states across the United States, and provide the engine of our national change strategy; and
- *Legal Strategies Collaborative*, a cohort of 15 legal organizations that conduct legal advocacy and strategic litigation to drive local and state policy change. The Collaborative is administered by the NAACP Legal Defense and Educational Fund, which re-grants to and convenes member groups to discuss advocacy and litigation strategy regarding school discipline reform.

Although we will continue to support these grantees to reform district-level discipline codes, our focus will expand to support lobbying, communications, and technical assistance for state legislative and regulatory change through national entities such as the Dignity in Schools Campaign, which coordinates the efforts of students, parents, civil rights organizations, and sympathetic stakeholders within the education and justice systems (e.g., teachers, principals, superintendents, and judges). Grantmaking will focus on states where influential districts have passed reforms that can be leveraged to persuade state leaders of the benefits of better policy (e.g., Illinois, New York, Pennsylvania and Texas), as well as on the states of Maryland and Colorado, where consistent monitoring from state-leaders is essential for effective implementation of new state policy.

Strengthening federal policy

We have made substantial progress in shifting federal priorities, but ongoing engagement with federal leaders is needed to ensure monitoring of trends in exclusionary discipline, enforcement of civil rights protections, and to direct resources for implementation of positive discipline alternatives. Reauthorization of the federal Elementary and Secondary Education Act (ESEA) is not likely to occur until the next administration, and sustained pressure over the next three years will be critical to make sure that school discipline provisions are included when negotiations begin.

Renewal grants will support longstanding national advocacy grantees, such as the Advancement Project and the NAACP Legal Defense and Educational Fund, to conduct educational and lobbying activities with federal leaders. In addition, future grants also will support national efforts, like the Dignity in Schools Campaign, to align and strengthen local-state-national reform messaging. Continued behind-the-scenes

engagement by OSI–DC with congressional leaders and staff, as well as with the Departments of Education and Justice, will be important to amplify the efforts of our grantees by using our influence as a funder to legitimize and reinforce their messages.

Lastly, the political attention to the shootings in Newtown, Connecticut, creates an unprecedented policy window to limit law enforcement involvement in school discipline. As lawmakers take up proposals to increase the funding for police officers in schools, we have an opportunity to set limiting parameters on how those funds flow to localities and to improve data collection and tracking on police involvement in schools. Grants to our national advocacy grantees therefore also will focus on developing policy guidance that requires local districts to establish clear roles for school-based police and to ensure appropriate training and monitoring.

WHY WE KNOW WE CAN MAKE A DIFFERENCE

Between 2010 and 2012, USP invested approximately \$14 million to promote school discipline reform, encompassing both project-specific grants and core support to leading anchor organizations. An additional \$44 million was invested during this period by donor partners, including The Atlantic Philanthropies, The California Endowment, Schott Foundation, NoVo Foundation, Robert Wood Johnson Foundation, and Wellspring Advisors.

A review of the field shows significant progress in the four strands of our grantmaking strategy.³ (See Appendix A for a summary chart of progress to date in creating exemplars and awareness of alternative practices, changing district and state-level policy,

and strengthening federal policy.) The states of California, Colorado, and Maryland recently passed comprehensive reforms to school discipline codes to curb unnecessary suspensions and expulsions. At the federal level, school discipline has become a priority for the Obama Administration, which has expanded school discipline data collection and initiated dozens of investigations of discipline disparities. In the coming months, the administration will release policy guidance warning every school district in the country against the over-use and/or discriminatory use of suspension and expulsion and is planning a series of high-level events, including a White House Summit, to promote school discipline reform.

USP's investments and accomplishments toward this progress include:

- *Exemplars of local and state policy.* OSI–Baltimore's reform efforts in Baltimore City schools created the first model nationally of how positive discipline can drive higher attendance and educational achievement. This model, and subsequent state policy change in Maryland, is guiding reforms in other states. (The National Association of State Boards of Education has launched an effort to help six states to replicate the work in Maryland.)
- *Emerging strategies for addressing racial disparities.* Campaign for Black Male Achievement (CBMA) grants to the African American Males Initiative in Oakland, California, and the Young Men's Initiative in New York City have pushed educators to address the racially disproportionate use of discipline as part of their strategy to improve educational outcomes for children of color. Reform interventions in these jurisdictions (including better data collection and analysis, discipline code revisions, and targeted supports for children with academic and/or behavioral needs) provide building blocks for a comprehensive disparity reduction model.

3 Open Society Foundations grants are not earmarked to support lobbying on legislation.

- *High level champions for school discipline reform.* USP-sponsored research by the Council of State Governments provided the first comprehensive analysis of the scope of zero tolerance discipline in schools and its negative effects on educational and juvenile justice outcomes. Staggering rates of suspensions revealed by the study galvanized the Obama Administration's efforts to reduce the use of zero tolerance discipline in schools. Behind-the-scenes engagement by OSI-DC has led to multiple opportunities for our grantees to advocate for school discipline reform with high level department officials, and to more creative efforts on the part of federal agencies to respond to field needs.
- *Greater awareness of the over-use of suspensions.* USP grantee activities significantly raised the prominence of school discipline in the public eye as well as among educators. More than 670 articles and television and radio broadcasts on school discipline were identified in 2012. Coverage continued to grow in 2013, including front page stories in the *New York Times* and *Education Week*, the nation's leading newsmagazine for education policymakers and practitioners.⁴

These accomplishments indicate good progress toward our reform objectives and underscore the effectiveness of our strategy.

CONCLUSION: HOW WE WILL GO ABOUT THIS WORK

To date, USP's work to reform school discipline policies has taken place across five units: CBMA, the Equality Fund, OSI-Baltimore, OSI-DC, and OSPC. While this decentralized approach reflected that the issue arose organically in a number of Open Society components, we are at a stage where we anticipate a more coordinated and centralized approach to ensure that we achieve the results identified above. Going forward, we expect that senior staff from the Equality Fund will provide leadership in this initiative and leverage the continuing efforts in Baltimore, by OSI-DC, and CBMA. This tight coordination in goals, objectives, and tactical approach will ensure future alignment of our grantmaking, convenings, and communications activities to maximize the opportunity we have to change national policy and practice.

⁴ The Hatcher Group (2013) *Reforming Harsh School Discipline Policies: An Analysis of Media Messages*
Eckholm, E. "With Police in Schools, More Children in Court" (April 13, 2013), *The New York Times*, p.A1, Shah, N. (July 10, 2013), "Camp Enlists Students to Protest Zero Tolerance," *Education Week*, p. 1.

Appendix A

SUMMARY OF PROGRESS TO DATE (08/16/13)

Reform Indicator	Status in 2010 (Baseline)	Progress as of 2013	Remains to Be Done	2017 Benchmark
Policy reforms are embedded in a critical mass of states to: a) Limit suspension/expulsion; b) Encourage positive alternatives/disparity reduction c) Reduce law enforcement involvement in schools	No state-level reforms.	3 states (CA, CO, MD) have passed legislation or state regulations addressing 2 of 3 policy reform objectives.	<ul style="list-style-type: none"> • Need 6 states to pass law enforcement reforms; • Need 3 state to pass all three reforms. 	6 states have achieved all 3 policy goals (code; practice; law enforcement reforms); data show 25% reduction in suspension rates; and all districts have plans in place to reduce disparities in 5 years.
	No state-level reforms.	3 states (MA, NC and VA) have passed legislation addressing 1 of 3 objectives and are moving toward comprehensive reforms.	<ul style="list-style-type: none"> • Need 3 states to pass 2 additional reforms; • Need 6 states to pass 3 reforms. 	9 states have achieved 2 of 3 goals; are beginning a downward trend of disciplinary actions; and developing disparity reduction plans.
	Significant code and practice reforms initiated in Denver, Los Angeles, Baltimore, Birmingham and Clayton County, GA.	6 states have significant policy reforms underway in prominent school districts (e.g., Buffalo, Broward County, Chicago, Miami, NYC, New Orleans, Oakland, Palm Beach, Philadelphia, and Syracuse) indicating growing awareness of harms.	Need 9 additional prominent districts to undertake reforms.	Suspension and disparity reduction reforms are underway in 15 prominent school districts (Note: reform in state's largest school district is generally a precursor of state reforms).

Appendix A

SUMMARY OF PROGRESS TO DATE (08/16/13) *(continued)*

Reform Indicator	Status in 2010 (Baseline)	Progress as of 2013	Remains to Be Done	2017 Benchmark
Federal mandates and funding are in place to encourage reform uptake by other states.	No federal data collection since 2006.	<ul style="list-style-type: none"> Data collection issued for all school districts above 3,000 students; arrest data added; ED states intention to make collection universal 	Annual collection covering all districts needed.	Annual and universal federal data collection on school discipline (suspensions, expulsions and arrests).
	ED & DOJ convene national conferences on discipline practices.	Joint policy guidance from ED & DOJ is prepared.	Still awaiting release of legal guidance.	Issuance of legal policy guidance on zero tolerance to school districts.
	No mention of school discipline in any federal grant or accountability programs.	Recipients of federal education discretionary grants required to address school discipline disparities.	<ul style="list-style-type: none"> Need discipline rates included in school performance metrics; Need progress on disparities as explicit outcome measure. 	Inclusion of school discipline in federal school accountability metrics.
	Office of Safe & Drug Free Schools funding program on school climate improvement in 2010–11.	<ul style="list-style-type: none"> Bills addressing components of school discipline reform in the pipeline in Congress; ED funding programs for positive discipline in FY2013 (\$1 million) and planned for FY2014 (\$50 million). 	No Congressional appropriations for discipline alternatives exist as yet.	Congressional appropriations for school discipline alternatives exist
	Little federally supported research on discipline exists.	Institute for Educational Sciences issues RFP specifically requesting discipline research.	Accomplished.	Federal research funding priority for discipline exists.

Reform Indicator	Status in 2010 (Baseline)	Progress as of 2013	Remains to Be Done	2017 Benchmark
Exemplars and stakeholder awareness to promote adoption of reforms.	No website portal for practitioners exists.	AIR website funded in conjunction with DOJ and ED.	Accomplished.	Practitioner-oriented website in place.
	Limited federal funding (\$1.5 million/year) for national Positive Behavior Intervention Supports (PBIS) Center.	Federal Supportive School Discipline Initiative launches TA webinars in January 2013, increased support for PBIS Center planned.	2 national TA providers for analysis of discipline disparities by school districts.	Technical assistance providers identified and working with school districts, including analysis of discipline disparities.
	<ul style="list-style-type: none"> • No state-wide disparity reduction initiatives on school discipline exist. • No organized project on disparity reduction exists. 	<ul style="list-style-type: none"> • Disparity reduction initiatives underway in MD, MI, WI, IN, IL, and Oakland; • Four district disparity reduction project launched by Annenberg Institute for School Reform in 2013; • National research project on disparity reduction in 2011. • Randomized control trial of Restorative Practices by Johns Hopkins University, launched in 2013. 	<ul style="list-style-type: none"> • Need evaluations providing evidence-base for emerging disparity reduction interventions; • Need recommendations for disparity reduction for school districts. 	<ul style="list-style-type: none"> • Components of effective disparity reduction have been identified; • Disparity reduction models are in place in at least 4 prominent school districts with well-documented results.

Appendix A

SUMMARY OF PROGRESS TO DATE (08/16/13) *(continued)*

Reform Indicator	Status in 2010 (Baseline)	Progress as of 2013	Remains to Be Done	2017 Benchmark
Exemplars and stakeholder awareness to promote adoption of reforms. <i>(continued)</i>	No major education or judicial organization is engaged on school discipline issues.	<ul style="list-style-type: none"> Reform projects by national teachers union (AFT); school/district administrators (AASA); state boards of education (NASBE); state/federal legislators (CSG); national research organizations (CCSR); and judicial leaders (NCJFCJ). AFT and NEA presidents address school discipline in public remarks in 2012; NCJFCJ opposes more school police in wake of Newtown. 	Educator organizations have not yet endorsed specific reform.	Key education and judicial stakeholder organizations are building awareness of harms of harsh discipline and actively support positive reform.
	<ul style="list-style-type: none"> Andres Alonso, Baltimore superintendent, is lone education leader speaking to suspension reduction. Judge Steven Teske, (GA), Judge Brian Huff (AL) and former NYS Chief Justice Judith Kaye are only judicial voices. 	Champions include: <ul style="list-style-type: none"> 3 school district superintendents (Baltimore, Los Angeles, Oakland); 3 state chief justices; 2 federal agency leaders (Eric Holder & Arne Duncan); 3 key union leaders (Randi Weingarten, AFT; John Stocks, NEA; and Ernest Logan, CSA). 	<ul style="list-style-type: none"> Discipline disparity project by Annenberg Institute for School Reform plans to engage 4 superintendents; need 5 additional superintendents champions to ensure coverage; Judicial TA network launched in 2012 (accomplished); need 5 additional judicial champions to ensure coverage. 	<ul style="list-style-type: none"> Superintendents' learning network is in place, with 8 identifiable champions of discipline reform nationally. Judicial TA network on reducing school referrals in place, with 8 identifiable champions of reform nationally.

Reform Indicator	Status in 2010 (Baseline)	Progress as of 2013	Remains to Be Done	2017 Benchmark
Exemplars and stakeholder awareness to promote adoption of reforms. <i>(continued)</i>	Periodic media coverage of zero tolerance incidences, focus is largely on need for zero tolerance to curb youth violence.	<ul style="list-style-type: none"> Expanded coverage of school discipline in trade publications and general media highlights disproportionality and zero tolerance overreach. Media audit/annual scans by The Hatcher Group (funded by Atlantic) 	Documented increase in quality coverage in general and trade media (measured by annual media scans by The Hatcher Group in 2013, 2014, and 2015).	Mainstream and trade media regularly cover school discipline and its implications for student achievement and educational opportunity.

Appendix B

2013 Funding Recommendations

The following proposed grants for 2013 demonstrate the kind of grantmaking approach and coordination across U.S. Programs (USP) that we seek to develop.

1. CREATING EXEMPLARS OF POSITIVE DISCIPLINE REFORM AND DISPARITY REDUCTION

- ***Council of State Governments Justice Center*** (CSG) (\$200,000 over two years). CSG's study of school discipline in Texas, funded by USP's Criminal Justice Fund, brought national attention to the problem of school discipline and led to the federal joint-agency Supportive School Discipline Initiative (SSDI). Following the study's release, CSG was commissioned by the SSDI to develop a set of bi-partisan consensus recommendations for school discipline reform. This grant to CSG would support direct assistance to state legislators in two-four states to develop school discipline policy reforms that build on the consensus recommendations. Complementary funding of \$450,000 is expected from the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Project and the Atlantic Philanthropies.
- ***Strategies for Youth*** (\$115,000 over two years). This grant would fund the development of a model inter-agency agreement and other tools to guide local jurisdictions in evaluating and revising agreements between school districts and police that govern law enforcement engagement in schools. USP's grant would complement a contract from the U.S. Department of Justice to develop national guidelines and a training curriculum on the effective use of SROs in schools.

2. INCREASE AWARENESS OF EFFECTIVE ALTERNATIVES AMONG KEY STAKEHOLDERS

- ***National Women's Law Center*** (\$10,000 over one year). While ending the use of punitive discipline on black boys should continue to be our primary focus, there is a need for more analysis of disciplinary trends for black girls. African American males receive the highest number of suspensions than any other peer group, but African American females show the highest rates of disproportionality, and discipline disparities also are increasing for Latinas. This grant would inform advocates and policymakers about the disciplinary exclusion of girls of color through research and dissemination activities by the National Women's Law Center. Match funding is expected from the Edward W. Hazen and Schott foundations.
- ***National Alliance for Public Charter Schools*** (\$100,000 over one year). The National Alliance for Public Charter Schools serves as a convenor and technical assistance provider to state charter school associations and resource centers, and develops and advocates for charter school policy. This grant would support the Alliance to convene charter school operators to promote learning about school push-out and effective models for behavior management and discipline disparity-reduction, and to develop national guidance to charter schools regarding disciplinary practices.

3. BUILD PRESSURE FOR LOCAL AND STATE-LEVEL DISCIPLINE CODE REFORM

- ***Dignity in Schools Campaign*** (\$150,000 over two years). This grant would support convenings and technical assistance to guide grassroots and legal advocates to achieve state-level reforms. The Dignity in Schools Campaign is the leading national coalition uniting parent groups, civil rights and legal advocates, and sympathetic educators and judges working for discipline reform on the local, state, and federal levels. It leads coordinated campaign and communications activities, including skill-building webinars and National Days of Action (simultaneous rallies and events across the country), and conducts lobbying for discipline reform in Congress and advocacy with federal agencies.
- ***Education Law Center*** (\$175,000 over two years). This grant would support data analysis and legal advocacy to improve the school disciplinary policies of charter schools in Philadelphia, where charter schools were recently embraced as a

central strategy for education reform. USP has supported the Education Law Center through the Strategic Opportunities Fund since 2009 for national advocacy to promote school discipline reform. Continued USP support would enable the center to launch an effort focused on improving charter school practices, and if successful, would provide a national model for improving practices by charter schools in other jurisdictions.

4. STRENGTHEN FEDERAL POLICY

- ***NAACP Legal Defense and Educational Fund*** (\$TBD over two years). The NAACP LDF has been an anchor grantee of USP's school discipline reform efforts, via the Strategic Opportunities Fund. This renewal grant would use c4 funding to support lobbying by the LDF to limit federal funding for school resource officers and to advance regulatory and legislative language to minimize the unnecessary and/or inappropriate deployment of law enforcement officers in public schools.

White House Initiative on Black Male Achievement

Post-Zimmerman Verdict

September 4, 2013

1:14 – 2:15pm

Chris Stone

Geoffrey Canada

Shawn Dove

MEMORANDUM

TO: Danielle C. Gray, *Assistant to the President and Cabinet Secretary, White House*
FROM: Ken Zimmerman, *Director, U.S. Programs, Open Society Foundations*
Shawn Dove, *Campaign Director, Campaign for Black Male Achievement, Open Society Foundations*
CC: Caroline Chambers, *Washington Deputy Director and Senior Domestic Policy Advisor, Washington DC Programs, Open Society Institute*
DATE: August 15, 2013
RE: **Options for structure for long term leadership and engagement advance achievement of Black males and other boys and men of color**

Responding to the President's challenge to the philanthropic community and your request for our thoughts, we offer the following ideas to build a long-lasting structure to promote the achievement of black males and other boys and men of color. These ideas draw from Open Society Foundation's deep commitment to and investment in this issue over the past five years. While each offer different ways of tackling the challenges that the President so rightfully identified—from overcoming negative cultural perceptions to identifying effective programs and policies that overcome disparities—we believe they provide a starting point into a discussion about ways of collaborating with the White House going forward. While these ideas are presented as free-standing options, they are, in fact, components which could easily operate together within one institutional umbrella.

INDEPENDENT, MULTI-FACETED NATIONAL NON-PROFIT ORGANIZATION focused on promoting black male achievement through research, advocacy, leadership development and communications. This organization would serve as a central meeting point for the field focused on the achievement of black males and other boys and men of color while also attracting new resources and partners to the cause. The organization would receive significant funding from foundations and the private sector for a strong launch, and would affiliate across party and sector. A president/CEO for the organization would supervise Vice-Presidents in research, advocacy, communications and leadership development and report to an independent and high-profile Board of Directors. The organization could re-grant as appropriate.

Among the objectives this organization could focus on are:

- Challenging cultural perceptions of black boys;
- Developing or reinforcing new models for collaboration at the local level, such as the New York City's Young Men's Initiative, focused on partnerships between government, philanthropy and the private sector
- Achieving policy reform in selected areas, such as addressing issues in education that limit opportunity for Black males and other boys and men of color.
- Developing leaders in communities throughout the United States to serve as champions and implementers locally

While there are organizations serving some of these functions (e.g. PolicyLink engages in research and policy advocacy, American Values Institute looks at cultural perceptions—both are OSF grantees), there is no central institution offering this kind of holistic approach with the capacity to convene widely and attract unlikely allies. Open Society Foundation's Campaign for Black Male Achievement offers a helping starting point, as CBMA has over the last five years helped to build a field of organizations and leaders focused on this work. CBMA would potentially be folded into such an institution, providing a powerful set of relationships and credibility for launch.

COMMUNICATIONS-ORIENTED NON-PROFIT ORGANIZATION serving as a cultural change agent. Modeled after the [Anti-Defamation League \(ADL\)](#) and the [Gay and Lesbian Alliance Against Defamation \(GLAAD\)](#), this organization could serve as the communications epicenter of the effort to change the narrative about Black men and boys in America. We know that the way people see Black men and boys, and the way they see themselves, is shaped by popular culture, and that these perceptions have a profound effect on how people treat one another and ultimately on the policy discourse. This belief drove the “It gets better” campaign sponsored by GLAAD, in which the President and First Lady were participants.

This organization would aim to promote a more positive—and accurate—discourse. The non-profit, charitable (c) (3) organization, with heavy involvement from celebrities in the media industry, would report to an independent Board of Directors. Among the activities it might undertake are:

- Harnessing the power of celebrities and providing a platform for industry leaders, media influencers and cultural icons to coalesce around shared goals and strategies for shifting perceptions of Black men and boys.
- Promoting positive news stories and the development of Black male journalists
- Using rigorous research to uncover where racial bias is influencing news reporting
- Celebrating cultural leaders who are promoting positive images and working with Hollywood and cultural institutions to see how their portrayals impact lives and policy

The success of efforts like ADL and GLAAD is dependent upon three factors: 1) the power to mobilize constituents; 2) knowledge on the part of the media that these constituents will make consumption decisions based on the views of an ADL or GLAAD; 3) smart organizational thinking about alternatives and consequences. Therefore, for this proposed institution to succeed, it would have to bring both a top-notch communications strategy, the kinds of relationships that the media would pay attention to and be influenced by, and discerning but opportunistic leadership.

The NAACP has long paid attention to images of African Americans in the media and, its [Hollywood Bureau](#), established in 2002, serves a monitoring function and organizes the annual Image Awards. Any proposed institution could align with these awards so as not to duplicate and build on the NAACP’s accomplishments and deep relationships. [Colorofchange.org](#) mobilizes the African-American community on a variety of issues, and their virtual network could be helpful to this new entity.

PUBLIC-PRIVATE PARTNERSHIP to develop and support new local models of improving summer employment and transitional work opportunities for young people, and especially Black males and boys and men of color. This non-profit organization, modeled after the [Local Initiatives Support Corporation \(LISC\)](#), would operate in a spoke and hub model with a national center of expertise and offices throughout the country that work with localities to develop effective and sustainable models for summer youth and transitional employment programs. The organization would be accountable to a Board of Directors and have a heavy representation from the private sector.

Though the Summer Youth Employment Program remains an Administration priority, there has been little receptivity in Congress in recent years to provide the kind of allocations to local government required to match the demand for subsidized (minimum wage) work experiences for young people. All evidence has shown that these types of early exposures to work are incredibly important to high school and college completion and to establishing a work history. In fact, it is taken for granted by middle-class and upper-middle class families who are more able to leverage social connections to find employment opportunities and/or secure unpaid internships for their children.

This organization could help identify the appropriate entity (in some cases, it might be a local government) to coordinate the local youth employment and/or transitional work program response and provide to them training, technical assistance, policy support, and creative ideas for financing. Among the activities it might undertake are:

- Work with the private sector to understand their employment needs and where youth employment opportunities might fit naturally into their business models
- Recruit national companies and franchises to agree to subsidize summer youth employment programs in their localities
- Provide advice to localities on how to organize their programs to better match the needs of local businesses, taking into consideration the evaluations undertaken by MDRC on best practices in youth and transitional employment.
- Help localities to conduct evaluations in a rigorous fashion, drawing on best practices from those undertaken by MDRC to influence program and policy design
- Engagement of local businesses and development of an employer engagement pipeline model for youth.

Such an effort could align with the Administration's objectives through Promise Neighborhoods, and learn from that strategy as well. We provide these as a starting point for your consideration and will take time over the coming weeks to refine them with several of our foundation partners. We do note that full-fledged philanthropic support is often best channeled around a demonstration program, such as was the case with Promise Neighborhoods.

CONSULTANCY-MODEL FOR NON-PROFIT ORGANIZATION to dispatch teams of experts to help localities improve education, health and criminal justice outcomes for young men of color. This institutional capacity would dispatch teams of experts in research, evaluation, and policy reform to cities interested in creating equitable outcomes in sectors like education, health, and criminal justice where the disparities are currently quite stark. Operating in a similar way to a Bridgespan, for example, it might undertake activities on behalf of interested localities including:

- data analysis to identify where the disparities in outcomes can be found;
- top-to-bottom reviews of each city's policies, programs and practices to determine what is working and where policy may unintentionally create adverse incentives;
- identification of areas for policy change and investment;
- development of recommendations around which cities can organize to attract philanthropic and private sector investment.

This idea is inspired by the experience of the Young Men's Initiative in New York City, a joint effort between the City of New York, Open Society Foundations and Bloomberg Philanthropies launched to promote the achievement of black and Latino young men in New York City. That effort combined investment into evidence-based programmatic models with policy and practice reform designed to reduce disparities and promote equitable outcomes and required expertise in these areas to design and implement.

Teams could be contracted by localities, providing a model for fiscal sustainability. Such an investment on the part of the localities would also represent a commitment by a larger group of stakeholders in the success of the undertaking.

UNIVERSITY-BASED CENTER FOCUSED ON RESEARCH WITH A COMMUNITY PRACTICE ARM. Modeled after Chapin Hall at the University of Chicago, this type of institution could conduct rigorous research into the challenges facing Black males and other boys and men of color, including the impact of policy and the effectiveness of programmatic and practice responses. This center could work in close contact with the local community, such that its investigations are helping to refine practice and to uncover potential remedies to be taken up by organizations and/or policymakers. The model would work well in a city with a responsive university, a local philanthropic community and a robust set of community organizations willing to work in partnership with researchers. One potential downside is that the impact might be limited to one community.

Open Society Foundations remains committed to working with you to see how our institutional interest in reducing barriers for young Black males and other boys and men of color can help to catalyze a national movement to change lives. It is our hope that this discussion can simultaneously prove helpful in generating the support of philanthropy for the ideas for change that the Administration wants to push forward—building off of the successful experience with the White House Council on Community Solutions.

Memorandum

TO: Danielle C. Gray, *Assistant to the President and Cabinet Secretary, White House*
FROM: Ken Zimmerman, *Director, U.S. Programs, Open Society Foundations*
Shawn Dove, *Campaign Director, Campaign for Black Male Achievement, Open Society Foundations*
CC: Caroline Chambers, *Washington Deputy Director and Senior Domestic Policy Advisor, Washington DC Programs, Open Society Institute*
DATE: August 21, 2013
RE: **Rallying points for philanthropic, public and private investment**

Thank you again for the opportunity to explore ways to advance President Obama's call for us as a nation to help "young African American men feel that they're a full part of this society and that they've got pathways and avenues to succeed." In response to your request, we provide five possible goals around which the philanthropic, private, and public sectors could rally to fulfill the President's mission. They draw on the experiences of the Open Society Foundations, notably our Campaign for Black Male Achievement, and the efforts of our foundation and government partners. We would be pleased to flesh them out further if you are interested.

The goals presented here are:

1. Ensure that black and Latino boys have the opportunity to excel academically, to prepare for college, and to learn skills essential to earning a living wage.
2. Change the narrative about black men and boys by promoting positive images that challenge cultural perceptions.
3. Take steps to address racial bias from law enforcement.
4. Equip cities with the capacity to improve access to opportunities for young men of color so that they can become engaged citizens in their communities.
5. Build leaders and structures to promote the achievement of black males and other boys and men of color over the long term.

These goals hold significant promise, but are not intended to be prescriptive. There will be a variety of strategies about how best to accomplish each goal, and we believe that this is a good thing. In fact, one important role the White House could play is to challenge all of us to develop and share the best means of making an impact in these areas so that successful efforts can be replicated and taken to scale. In other words, the White House can contribute significantly by challenging us to ask the simple but often neglected question: what really works? This five-goal framework is intended to focus the efforts of those already committed to the end result, and provides guidance for new actors who wish to make a difference but don't know how.

This memo proceeds by identifying a goal and then highlighting promising initiatives underway that might be worthy of consideration by the Administration and philanthropic partners. We look forward to discussing these ideas further.

GOAL 1: ENSURE THAT BLACK & LATINO BOYS HAVE THE OPPORTUNITY TO EXCEL ACADEMICALLY, TO PREPARE FOR COLLEGE, AND TO LEARN SKILLS ESSENTIAL TO EARNING A LIVING WAGE

To achieve this goal, we must set high expectations about the elimination of disparities by race and gender, promote evidence-based models that help black males and boys and men of color to succeed, and encour-

age government entities to revisit those policies and practices that unintentionally inhibit equity. As you know, the disparities in educational attainment are stark. There are several steps that the Administration can take independently, such as increasing reporting requirements on race and gender and leveraging federal dollars to promote progress toward these ends. While we would welcome a more in-depth conversation with you on those possible steps, the following ideas represent opportunities for the philanthropic, public and private sectors to engage on supporting evidence-based strategies throughout the country.

Campaign for Grade Level Reading: More than 70% of urban 3rd graders are not reading at grade-level proficiency; this figure rises to as high as 90% for black boys. Third grade reading scores reflect a pivotal moment in the achievement trajectory. Between pre-school and third grade, children are learning to read; after third grade, they read to learn. The data shows that once these boys are behind in third grade, the achievement gap becomes increasingly difficult to close.

Several foundations, including The California Endowment, Robert Wood Johnson and Annie E. Casey Foundations, have come together to form the Campaign for Grade Level Reading. They have already begun to work with over 100 communities across the country, providing support so that local leaders can develop and implement community solutions action plans (CSAPs) focused on advancing policies and best practices to help low-income and primarily black and Latino boys, read at grade level by the end of third grade.

The White House could issue a call to foundations to take the Campaign to scale in targeted communities across the country with the goal of doubling grade-level reading proficiency within five years. Localities could be required to provide some support, providing the basis for a public-private commitment to the goal over the long-term.

School-based mentoring: According to research by the Center on Mentoring Research at the University of Massachusetts, the benefits of school-based mentoring are manifold, from improving the attitudes, behaviors and outcomes for individual young people to improving the climate of the entire school. At OSF, we believe that school-based mentoring can be an effective strategy; when done rigorously, it can increase student engagement, improve academic outcomes, and reduce behavior that may lead to suspensions. While there are organizations with promising models that we support, we also recognize that the field is under-resourced and needs to increase its capacity and quality, with particular emphasis on support for evaluation. Black and Latino boys need safe, structured, effective mentoring programs; not feel-good efforts.

The White House could rally the public, philanthropic and private sectors around the goal of providing a mentor to 80% of the nation's middle school males of color by 2020. Further, foundations could play the very important role of evaluating these initiatives and disseminating guidance to partners about criteria for successful programs. The President could consider issuing this challenge to recruit mentors to match young males of color in middle school in safe, structured mentoring relationships designed to improve their academic outcomes during the National Mentoring Month Summit in Washington, DC in January of 2014.

Promoting positive school climate: While there are multiple steps to improve educational attainment for black males and other boys and men of color, we believe that efforts to build on important, promising steps to reduce school suspensions and otherwise modify school discipline practices can be catalytic in advancing educational outcomes. As you are aware, there is a demonstrated relationship between suspensions, drop-out and criminal justice participation. This has led to increasing support for refining current practice, including through the Supportive School Discipline Initiative (SSDI) that we are actively engaged with along with Atlantic Philanthropies and other foundations. SSDI is a collaborative project between the Departments of Justice and Education that is taking steps to address the disciplinary policies and practices that can push

students out of school and into the justice system.

Especially with the groundwork laid by SSDI and promising efforts in local jurisdictions around the country, we can take steps to encourage more municipalities to adopt proven strategies to improve school climate without relying upon disciplinary processes that disproportionately impact boys of color. In Denver, Colorado, Padres y Jóvenes Unidos (Parents and Youth United), a grass-roots organization that leads local and state-wide campaigns to end harsh discipline practices that push students out of school for minor misbehavior, worked to facilitate a historic Intergovernmental Agreement (IGA) signed between Denver Public Schools and the Denver Police Department. The IGA outlines concrete steps to limit reliance on school policing and serves as a model for cities around the nation striving to strengthen partnerships between communities, education, and law enforcement. In New York City, where the Open Society Foundations is partnering with the Bloomberg Administration on the Young Men's Initiative (YMI), the Department of Education adopted recommendations to change its school discipline code that have led to a 26% reduction in suspensions of black and Latino boys over the last two years.

Foundation support is required to disseminate the best practices learned from these pioneering cities and to seed the replication of efforts elsewhere. Further, such support can help to promote research that demonstrates how the reduction of harsh punishment can increase student achievement rather than compromise it, and to evaluate alternative methods for preserving a positive school climate.

Summer work opportunities: The private and philanthropic sectors can play a critical role in promoting the achievement of young black and Latino males by working with the Administration to provide summer work opportunities. As the White House knows well, Congress has expressed no interest in renewing and/or increasing support for subsidized work opportunities for young people. The need, however, is significant and demands wider engagement. According to the Bureau of Labor Statistics, unemployment for African Americans between the ages of 16 – 19 was 42.6% in May 2013, more than an 8% increase from May 2012. This is almost twice the rate for young white Americans in that same age cohort which has stayed steady at 21.6% since May 2012. The White House could ask the leaders of the philanthropic and private sector to scale up existing models such as Youth Build, YearUp and City Year, as well as develop new models for employing young people—with special attention to black and Latino boys—in ways that meet the workforce needs of businesses while providing critical early work exposure to this population.

GOAL 2: CHANGE THE NARRATIVE ABOUT BLACK MEN AND BOYS BY PROMOTING POSITIVE IMAGES AND CHALLENGING CULTURAL PERCEPTIONS

As our colleagues at the California Endowment and the Annie E. Casey Foundation have noted, changing the dominant narrative of the black male and other young men of color is urgent work that requires our most creative thinking and the involvement of leaders across a variety of sectors. There is great potential here as well to harness the power of celebrity to shape the cultural discourse and promote positive—and accurate—portrayals of young men of color and their contributions to their families and communities. The ways in which cultural perceptions shape our lives was evident in the response of George Zimmerman to Trayvon Martin, and President Obama noted that implicit bias was an important area to focus on going forward.

The White House could call upon the marketing, advertising, and cultural leaders of the country to design a campaign to change perceptions of young men of color. There are models for efforts to shape hearts and minds: for example, the Truth anti-smoking campaign has been enormously successful, based on a poll-tested marketing strategy for reaching young people reinforced by advocacy on the ground. Such a campaign designed to change behavior toward and perceptions of black males, could draw on existing research and experiences while also attracting entertainment powerhouses who know best how to shape cultural messages. Further, any such campaign could consider engaging young males of color themselves to tell their own stories.

There are seeds of these efforts that could serve as a focal point for investment by philanthropic and private partners. The Black Male Re-Imagined Campaign, for example, engages activists, cultural icons, branding executives and media influencers in efforts to change the negative perceptions of black men and boys by offering more accurate portrayals. *Perception.org* is an online hub dedicated to shaping authentic perceptions of black men and boys that could also be leveraged. Such efforts, among others, demonstrate the ability and the desire to tackle this issue, but the White House's leadership by convening allies across the entertainment and media sectors would prove invaluable to designing responses commensurate with the challenge.

GOAL 3: TAKE STEPS TO ADDRESS RACIAL BIAS IN LAW ENFORCEMENT

The President specifically addressed the issue of removing racial bias from law enforcement in his remarks on the Zimmerman verdict, and we believe this area is ripe for significant Administration activity. We have outlined our thinking on this in previous communications, and we look forward to a robust conversation with the White House on how OSF may be of support to solidify this interest into policy action. However, we also believe that there is room for the support of the philanthropic and public sectors to take this on as an issue, lifting up the promising practices currently underway and providing support to local governments and police departments.

There is an important opportunity for the foundations to pool their resources, for example, to help develop and implement meaningful and rigorous training for law enforcement on racial profiling. The starting point in such an effort would be a convening of a diverse set of groups, which would include leading law enforcement officials and experts. Potential partners in such a convening could include Jeremy Travis, president of John Jay College of Criminal Justice, and a number of his colleagues with expertise in policing; the Police Executive Research Forum; the Consortium of Police Leadership in Equity; and select non-profit leaders with experience in forging effective partnerships between community groups and law enforcement to address these issues, for example the Advancement Project in Los Angeles and the Black United Front in Cincinnati. The primary goals of such a convening would be to (a) develop a research agenda to strengthen collection and assessment of data related to police civilian encounters to better understand the prevalence of biased policing and to help departments respond to such practices and (b) identify existing promising training practices and promote the development of new approaches to police training that address implicit racial bias. Philanthropy would be uniquely positioned to facilitate such a gathering, nationally or in select regions.

There are also a number of police leaders interested in playing a more active role in efforts to address bias in policing, including a number of African American police chiefs. Foundations can help to connect these leaders to efforts at the federal level, identify good spokespersons, help them develop their messaging around their leadership role in addressing bias in policing and provide opportunities for them to get their message out. OSF would be pleased to convene such conversations and efforts with the White House, drawing on the expertise of OSF President Chris Stone and our knowledge of the field.

GOAL 4: DEVELOP THE CAPACITY OF LEADERS AND ORGANIZATIONS TO ADVANCE BLACK MALE ACHIEVEMENT

A network of organizations and leaders have emerged over the last several years, supported by the Open Society Foundations and our philanthropic partners, to build a movement focused on improving the life out-

comes of black men and boys. These organizations are new but promising and the further investment of the philanthropic, private and public sectors into this work would create a real pipeline for thousands of black males while creating an infrastructure around which this work can spread into the communities of America and continue until the challenge is met.

Open Society Foundations is a lead investor in the Leadership and Sustainability Institute for Black Male Achievement with additional support from The California and Heinz Endowments, and the Knight, Mitchell Kapor, Robert Wood Johnson and Skillman foundations, Carnegie Corporation, and Casey Family Programs. Launched in October 2012, the LSI – www.lsibma.org – is a national network of leaders and organizations working to improve the life outcomes of black men and boys. With a membership of over 1,600 leaders from 1,400 organizations, the LSI supports many organizations across the country working to explicitly improve the life outcomes of black males and young men of color across several key indicators including education, criminal justice, youth development, and employment. We offer to the White House the partnership of the LSI network to serve as a sounding board for ideas, and a communications and distribution hub for your efforts. Additional support for LSI and efforts like it by other foundations would greatly expand its ability to recruit and serve its membership, people and organizations, all of whom are engaged in challenging work and would benefit from support and connections to their peers.

While it is important to call upon foundations to invest in the national pipeline, we also recognize that it is important to cultivate leadership in particular places where the disparities are most stark. BMe (Black Male Engagement) – www.bmecommunity.org – a spin-off entity from the Knight Foundation, is a network of 3,000 black men from targeted cities Philadelphia, Baltimore, Detroit, and Pittsburgh. BMe provides thousands of positive images and stories of what these real black men and their friends of all backgrounds do to strengthen their community. In addition, BMe co-sponsors and promotes dozens of community-building events each year in its targeted cities that provide black men with service, training and networking opportunities. The White House can point to BMe and its growing network of black men as a leading example of how to engage black men in community service while also providing powerful examples of people who challenge the false perception of black men and boys as unengaged citizens in American public life. To expand and replicate the BMe Community model in 20 cities over the next five years, and engage and empower 100,000 black males, the White House could ask foundations to make a 3:1 match to any public funding from a partnership of the Corporation for National & Community Service and the Social Innovation Fund.

In our meeting with you, the White House offered that the Washington Fellowship for Young African Leaders (YALI) as a model program that could potentially be replicated in the United States to support young boys and men of color. the Washington Fellowship will bring over 500 young leaders to the United States each year from Africa, beginning in 2014, for leadership training and mentoring, and will create unique opportunities in Africa for the young leaders to put those new skills to practical use in propelling economic growth and prosperity, and strengthening democratic institutions. The White House could challenge the philanthropic sector to invest in a similar fellowship pipeline in this country to attract and support social entrepreneurs who are starting up new and innovative organizations in the field of black male achievement in American cities. The White House could also utilize OSF and Echoing Green institutional expertise with fellowship programs during the design and implementation phase of this initiative.

GOAL 5: IMPROVE KEY SUCCESS INDICATORS FOR BLACK AND LATINO YOUNG MEN IN TARGETED CITIES

The \$30 million YMI partnership between the City of New York, Open Society Foundations and Bloomberg Philanthropies could serve as a model for public-private partnerships in localities throughout the country. YMI has brought evidence-based mentoring programs to help young people at risk, supported an important effort with the Department of Education to leverage success in eliminating disparities in the public schools

into system-wide learning and reform; and, instigated passage of new mayoral policies that reduce obstacles for black boys and men. As part of its approach, the Administration could 1) hold up these and similar efforts, like that led by the Oakland Unified School District Office of African American Male Achievement; 2) coordinate federal funding streams to support this work; and, 3) support municipalities to replicate.

While the YMI is a relatively new initiative, we believe that this model of supporting municipalities to scan all of their policies and practices to see where black and Latino boys are falling behind and develop programmatic, policy and practice reforms to create parity, is promising, and would justify the White House suggesting a significant investment from philanthropic leaders to replicate it in select places around the country. In doing so, the Administration could engage not only national funders but local ones as well. While exact funding levels depend upon scale and intensity, we believe an investment of \$125 million could support the replication of a YMI-type approach in ten cities.

There are also two efforts currently being led by city leaders that we believe merit attention from the White House and support from the philanthropic, public and private sectors:

Municipal Leadership to Advance Black Male Achievement: The National League of Cities Municipal Leadership for Black Male Achievement initiative is designed to strengthen city leaders' capacity to improve outcomes for young black males in the areas of education, work and family. NLC is currently providing technical assistance to 11 cities seeking to develop policies and programs to advance black male achievement. Twenty-seven cities applied for the technical assistance program, demonstrating the unmet demand from municipalities for BMA strategies and solutions in their cities.

The White House might consider partnering with the National League of Cities to launch a national "Cities Impact Tour for Black Male Achievement" where tour stops would serve to 1) allow federal agency heads and/or cabinet leaders to make local appearances to declare the administration's commitment to this issue; 2) elevate existing best practices in cities during the tour stops, perhaps awarding White House prizes; and, 3) Recognize young men of color who are demonstrating leadership within their cities.

Cities United: With a current membership of over 50 mayors and other city leaders across the country, Cities United cultivates partnerships with other local government officials, community leaders, families, youth, philanthropies, and other stakeholders within their respective cities dedicated to reducing violence and violence-related deaths among African American men and boys. Spearheaded by Philadelphia Mayor Michael Nutter, the current president of the U.S. Congress of Mayors, and New Orleans Mayor Mitch Landrieu, Cities United seeks to address the number one cause of death for black males between the ages of 16 – 35: homicide. The vision for Cities United is that by 2025 more than 500 mayors from across the country will have partnered with community leaders, families, youth, philanthropies, and other stakeholders to implement plans that result in a substantial reduction of violence and violence related deaths among African American men and boys.

The White House can support Cities United by calling upon philanthropic partners to invest in the development of a sustained national plan of action that taps into what we know nationally about how best to reduce violence.

CONCLUSION

We see the above goals as a solid point of departure for considering how the Administration and philanthropy might be able to rally around a set of strategies that could advance the achievement of black males and boys and men of color. In doing so, we note that philanthropic investment is always catalyzed when it is matched or builds upon public sector investment. One challenge is how to engage a broad base of funders who seek to “get in where they fit in.” In many respects, the above approach seeks to avoid reinventing the wheel but to build on existing strategies and approaches in the field. One additional area which merits mentioning is determining the Administration’s ability to partner with the philanthropic sector to develop a research and evaluation agenda related to wherever we land with the broad goals. We look forward to getting your feedback on the above suggestions and continuing the conversation with you and your colleagues.

FOUNDATION LEADERS PLEDGE ACTION ON ISSUES FACING BOYS AND MEN OF COLOR

CHICAGO - Leaders of 26 of the nation's leading philanthropic organizations met in Chicago this week to consider issues facing boys and men of color in the United States. The gathering was held concurrent with the annual meeting of the Council on Foundations.

The unprecedented meeting of foundations active in the field had a tone of hope and urgency. The undersigned foundations pledged to form an alliance to address the issues, explore promising strategies and research the data to support action.

The group notes with alarm the rates of violence and incarceration across the nation, particularly among Black men and boys of color. In comparison to their white counterparts, homicide rates among Black males remain more than 13 times greater, while incarceration rates remain more than seven times greater. Similarly, Latino males' educational attainment and employment rates lag significantly compared to those of white males. Asian/Pacific Islander and Native American male populations have similar glaring disparate outcomes along an array of social determinants of health indices.

We believe that investments in creating structures and pathways to opportunity and inclusion for these boys and young men will improve the economic and civic well-being of the whole nation. All 26 foundations are currently engaged in or are developing targeted investment strategies in the area to address this as a problem area; others are focusing efforts to engage Black men and boys as community assets and to leverage the work already being done in communities.

We commit to forming a national philanthropic alliance or federation that will evaluate promising approaches, advocate for effective public policy and systems change, and invest in these young men as assets for America's future. That alliance will also examine, recommend and, where appropriate, individually or collectively support efforts at national, regional and local levels, by business, government or individuals, to explicitly engage in improving life chances for boys and men of color.

The philanthropic alliance will encourage collaborations among foundations, with government and the private sector, particularly focused on ways to give voice to boys and men of color as they engage in determining their own future.

Over the coming weeks, it was the sense of the meeting that we should first, alert our colleagues in philanthropy of this opportunity and call on them to join us. The group will also refine strategies going forward and plan further convenings to take concrete action.

The foundations wishing to make public their engagement in this field-building effort, and in agreement with this statement of intent, are:

Annie E. Casey Foundation
The Boston Foundation
California Community Foundation
The California Endowment
Casey Family Programs
The Community Foundation of South Alabama
The Denver Foundation
Foundation for the Mid-South
Headwaters Foundation for Justice
John S. and James L. Knight Foundation

The Kresge Foundation
Liberty Hill Foundation
Living Cities
Lumina Foundation
Marguerite Casey Foundation
Mary Reynolds Babcock Foundation
Mitchell Kapor Foundation
Open Society Foundations
Robert Wood Johnson Foundation
Silicon Valley Community Foundation
Schott Foundation for Public Education
Sierra Health Foundation
Skillman Foundation
Tides Foundation
W.K. Kellogg Foundation
Winthrop Rockefeller Foundation

Comprehensive Immigration Reform

TO: Ken Zimmerman
FROM: Archana Sahgal
DATE: August 18, 2013

This memorandum summarizes 2013 activities and investments of the Open Society Policy Center (OSPC) and U.S. Programs (USP) devoted to securing comprehensive immigration reform (CIR). This memo was developed by OSPC-enabled staff with significant input from Wendy Patten. Part I summarizes the current state of play on CIR negotiations and advocacy. Part II provides an update on our second tranche of funding. Part III provides an update on the work of the Alliance for Citizenship (A4C), our primary investment vehicle for supporting CIR advocacy. Part IV summarizes our recommendation of an additional \$1 million from the reserve fund to support 501(c) (4) CIR advocacy for the next four months.

PART I. **CIR POLICY STATE OF PLAY**

We continue to have the best opportunity to enact meaningful immigration reform in over a decade. In June, the Senate passed a comprehensive reform bill with a path to citizenship by a vote of 68–23. As the debate moves to the House, the future of the legislation is much less clear, chiefly due to House Republican caucus politics. Speaker Boehner must find a way to bring legislation to the House floor that has the support of the majority of House Republicans. If the House passes a series of piecemeal bills, they could then be conferenced as a package with the Senate bill.

When House Republicans return to Washington in September, they will caucus and decide how to address immigration reform. Winning the August recess is critical to move members, as is sustaining the

pressure this fall to bring the issue to a vote on the House floor. While the House may take up Rep. Cantor's version of a DREAM Act during the short legislative session in September, we expect no floor action on immigration before October. The issue will compete with fiscal and budget reform this fall, making it all the more important that a diverse array of constituents and stakeholders continue to demand action. A4C and its partners have identified a target list of House Republicans and are pursuing intensive efforts to move these members through a combination of field action, lobby visits, grassroots advocacy, and communications efforts—all designed to secure enough House Republican support to bring the issue to a vote by the end of the year. As of mid-August, 23 House Republicans have come out in support of reform with a path to citizenship.

As the House bills take shape, two key issues are noteworthy. First, when it comes to exacting harsh enforcement measures as a price of reform, House Republicans may focus their energies on interior rather than border enforcement. We are not likely to see significant additional border security measures—partly because the Senate bill sets such a high bar and partly because of the cost (a particular concern to House budget hawks). Instead, we face a real risk of harsh interior enforcement measures, which the Senate was largely able to avoid. These measures could have a major impact on the lives of immigrants in this country now and in the future, subjecting them to unfair enforcement with little to no due process. Moreover, draconian enforcement proposals may drive immigration advocates, particularly grassroots advocates, to oppose bipartisan legislation, dividing the movement over what price is too high to pay for citizenship for the 11 million currently undocumented people in the United States.

Second, even as securing a path to citizenship is a central goal, we may have a better outcome if the House bill does not address it at all. Because of the

dynamics of conference, a path to citizenship may be more likely to emerge from House-Senate negotiations if the House is silent on the issue. If the House passes a bill that bars citizenship or makes the path significantly more arduous, House conferees will have to defend it in conference. If, however, the House has not voted on the issue, it becomes easier for House conferees to accede to the Senate language, aided in the knowledge that the Senate will not pass a bill without a path to citizenship. In short, the absence of a path to citizenship in the House bills may actually be helpful in achieving the best result in conference.

PART II.

UPDATE ON OSPC FUNDING AND BROADER FUNDING ENVIRONMENT

In January, the USP board authorized the use of up to \$3 million from the Reserve Fund to refer grants for (c)(4) funding to the OSPC board. In April, the USP board authorized a second tranche of support of up to \$2 million from the Reserve Fund to refer grants for (c)(4) funding to the OSPC board.

To date, OSPC has invested \$3.35 million in A4C. With this (c)(4) funding, A4C has developed a coordinated national campaign, strengthened civic engagement among directly affected constituencies and unusual allies, continued to build its list of advocates, lobbied key members of the U.S. Senate and House, and influenced the development of the Senate bill. While not perfect, these efforts offer a solid foundation for future advocacy on a final bill to send to the president. To complement the investment in A4C, the OSPC board approved an additional \$1.4 million in (c)(4) funding to four other groups: CAMBIO, National Immigration Forum Action Fund, PICO Action Fund, and United We DREAM, which brings the total expenditure up to \$4.75 million.

Atlantic Philanthropies, the Carnegie Corporation the Ford Foundation, the Four Freedoms Fund, and

the JBP Foundation, have contributed significant resources to the campaign.¹ To date, A4C and its partners have raised \$20,213,531. In addition, Atlantic recently committed an additional \$3.4 million to A4C and its partners, contingent on a 1:1 match from other donors. We believe the Ford Foundation and Hagedorn Foundation along with a number of smaller foundations will provide additional resources. If approved, this final tranche of funding would bring our total commitment of (c)(4) resources for immigration reform to \$6.25 million for the year.

PART III.

ALLIANCE FOR CITIZENSHIP UPDATE

During the last eight months, OSPC grantees have effectively overcome challenges and continue to provide momentum toward reform. There continues to be strong support across the political spectrum. Along with bipartisan voices in the Senate, important Republican House leaders continue to call for a resolution to the issue. The economic imperative for reform remains strong. Strategic communications ensure that advocates retain the advantage of holding the economic narrative in favor of immigration reform bolstered by studies from the Cato Institute and the New American Foundation. The political consequence for doing nothing is apparent. Republican leadership continues to point out that they will face an increasingly hostile electorate if the House chooses to avoid the issue of immigration before the midterm elections. Progressive segments of the immigration rights sector remain largely unified and mobilized. This ensures that elected Democrats in the House and Senate will remain single minded in the goal of securing reform. Every

Democratic Senator voted for reform and only 15 to 25 House Democrats have indicated opposition.

A4C and the other OSPC grantees have already played a significant role in shaping legislation, broadening bipartisan leadership in the Senate, mobilizing public support, and providing the necessary bipartisan political advocacy to bring the bill to the Senate floor. These achievements have occurred in large part because advocates have been disciplined and thoughtful in their efforts.

How successful were advocates? In the days following the successful Senate Judiciary Committee vote, immigration reform opposition leader Senator Jeff Sessions remarked to *The Hill*: “I’ve never seen a more calculated, cold-blooded p.r. campaign managed to advance a piece of legislation than this one.” Sessions went on to say that “[t]he political consultants and pollsters and people (managing the bill) ... anticipated everything that was going to occur...They planned on careful attacks to neutralize critics.”

PART IV.

REQUEST TO OBTAIN AN ADDITIONAL \$1 MILLION FROM THE RESERVE FUND TO SUPPORT CIR ADVOCACY

As fall approaches, it is crucial that immigration advocates win the congressional recess and deny momentum to those opposed to reform. If successful, this field campaign should provide the political cover for the House of Representatives to overcome the named challenges, increasing the opportunity to move forward on reform. To help push this over the top, we propose a third round of (c)(4) grants in the amount of \$1 million to support A4C to build the grassroots efforts needed to move conservative members of Congress to support immigration reform.

¹ Ford Foundation has contributed \$7.36 million in (c) (3) resources, Atlantic Philanthropies has contributed \$6 million in (c)(4) resources, JPB Foundation has contributed \$1 million in (c)(3) resources, Carnegie has contributed \$850,000 in (c)(3) resources, and the Four Freedoms Fund has contributed \$2.155 million in (c)(3) resources.

While far from “sure thing,” securing reform this year is still a very real possibility. Due to the efforts of A4C and its partners, not only is the political imperative clear, but the policy has broad support, and those in support of reform maintain the momentum.

With additional resources, A4C will solidify support from Democrats in the House, keep pressure on Republicans, and provide political cover to center-right efforts to win support of key Republican votes. OSPC funding will provide support to A4C’s robust field structure, policy advocacy efforts, behind the scenes lobbying efforts, and its critical coordination with center right efforts such as the Bibles, Business, and Badges Table, Forward.US, and Mayor Bloomberg’s immigration vehicle—the Partnership for a New American Economy. Specifically, A4C will:

- Persuade 35–40 congressional members in purple Republican districts to support immigration reform.
- Support the efforts of center-right advocates to move congressional members in red districts.
- Utilize strategic communications through radio, press, TV, and online social media to amplify a broad-based voice in favor of reform.
- Run field operations in 80 Republican districts that leverage calls, grassroots contact, town halls, local earned media, and grasstops support to persuade members of Congress to support immigration reform and a path to citizenship

OSPC’s investments in the immigration field have assembled a broad and diverse coalition poised to win a fair path to citizenship for the 11 million undocumented people in the United States but this final investment is not without risk. It is possible that the House members who oppose reform will win the day and this issue will be deferred to a future time. While no one can predict how a contentious House will ultimately react to the present opportunity for reform, we can say without a doubt that immigration reform will not happen without the continued activities of a politically broad-based campaign. Without future funding, A4C will have to limit constituency organizing, field mobilizations, and digital/online efforts, including paid and earned media. A4C will also have to curtail central campaign activities, which include support to staff and Republican lobbyists.

USP staff requests authorization of up to \$1 million from the Reserve Fund to refer grants for (c)(4) funding to the OSPC board. The proposed \$1 million in third round OSPC grants to A4C will continue the heavy lift needed to secure the votes of the more conservative House. OSPC’s investments have made this moment possible and this final requested investment will turn this moment into a lasting victory.

We welcome your feedback and questions.

Post-Shelby Voting Rights Strategy

TO: Ken Zimmerman
FROM: Laleh Ispahani
DATE: August 21, 2013

This is a request for board approval to spend up to \$250,000 from the Reserve Fund to respond to the Supreme Court's adverse decision in *Shelby County v. Holder*, and to repurpose \$1 million in Equality Fund program monies to support this work.¹

BACKGROUND

The Supreme Court's ruling in *Shelby County v. Holder* gutted the Voting Rights Act of 1965 by making unavailable the most powerful tool to defend minority voting rights. By questioning Congress' formula regarding which localities should be covered under Section 4 of the Act, the Court effectively disabled Section 5, the mechanism by which the Department of Justice could review voting changes in those jurisdictions and block those that were discriminatory from implementation. Since then, conservative policymakers have been racing to enact changes to state and local voting rules that have the potential to significantly adversely impact the rights of minority voters.

The *Shelby* decision poses many threats but also presents some opportunities and may involve new players in the field. For example, we anticipate political parties may now litigate redistricting matters. U.S. Programs' strategy, of course, focuses on civil society's role. And to begin to understand what a requisite civil society response entails, the Open Society Foundations and the Ford Foundation recently convened funders and the leaders of 30 organizations—civil

¹ The Equality Fund will not spend this \$1 million this year because of the leadership transition in that Fund.

rights groups, progressive legal organizations and think tanks, labor unions, and online and community organizing groups. This diversity of voices helped the funders better understand the national and state-level elements of a response, and guided our thinking that the response should include three separate but deeply interwoven components: 1) a federal legislative campaign to amend the Voting Rights Act to strengthen and modernize the Act's anti-discrimination enforcement tools; 2) support for legal challenges to discriminatory voting changes, especially in states that were previously subject to Section 5 preclearance, and 3) support for grassroots mobilization to support the legislative campaign, litigation, and to create a positive voting rights narrative and keep the need for reform in the news. It also became clear that there will need to be extensive coordination, and prioritization, of the efforts.

Since the meeting, we and other funders have been discussing what mechanism could best fund and coordinate the overall effort, and we're evaluating a number of models. We also foresee the need for an experienced organizer and voting rights expert to facilitate coordination of the different components, identify economies of scale and ensure adequate communication among the components. As we consider structure, we have reached out to key groups to develop collaborative proposals in each of the three areas of work.

FEDERAL ADVOCACY CAMPAIGN

A legislative working group, with two centers of gravity, the Leadership Conference on Civil and Human Rights and OSI-DC, has been meeting since January. Its work involves developing federal legislative proposals, as well as an overall strategy for getting the new bill passed by Congress in the next 12 months. Thus, the groups have been operating in a series of working groups, focused on policy development, legislative

advocacy, and communications and field operations in service of the legislative campaign. The group has developed a set of principles for reform and retained Republican lobbyists (with c4 monies) to assist with initial outreach to key Republican offices. The communications and field work are both critical, though the work in those areas is the least developed at this point, and the pieces of work need coordination. While LCCHR is trusted by all of the groups to serve as the hub of coalition collaboration, LCCHR doesn't have the expertise to perform this function without much stronger strategy, communications and messaging support. As to field work, it is not yet clear how best to leverage the energy and commitment of state advocates and coalitions to support the legislative goal, and any state-based work (which is critical), must be well coordinated with the coordination and information sharing among national groups.

In order for the federal legislative campaign to be successful, it is vital that these four campaign functions (policy, lobbying, communications, and field) be well-coordinated and nimble, to respond to the changing landscape of a year-long or multi-year campaign. To meet this need, OSPC is considering engaging Freedman Consulting to help create a strategic plan, structure and roadmap for the campaign. The timeline for this campaign is through next July, with some expecting a bill to be introduced in October.

LITIGATION

A litigation working group, led by the NAACP LDF, has been meeting regularly since May, and has outlined plans for a coordinated litigation response that employs other parts of the act as well as other laws to forge new protections for minority voters. The participating organizations include LDF, MALDEF, ACLU, Lawyers' Committee on Civil Rights under Law, Campaign Legal Center, Advancement Project,

Southern Coalition for Social Justice and the Native American Rights Fund. Recognizing that there will be more challenges than they can handle, these organizations have divided jurisdictions and tasks among themselves. They have already begun to creatively employ the various tools that remain at their disposal, including Section 2 and Section 3 actions. Heretofore rarely used provisions, there is a clear and agreed need to train lawyers to use them, and to cultivate experts as well. To add staff, there is also a need to engage the pro bono bar. Other critical needs include creation of a resource bank for attorneys, and mechanisms to coordinate state and local networks that can identify voting changes as they happen. The Lawyers' Committee's field hearings, which will continue building a record on the continued need for Section 5, may provide useful data for litigations. Some legal and policy groups plan to step up advocacy for state voting rights acts, on the California model.

LOCAL ACTIVISM

The movement building work is perhaps the least defined at this stage. Likely partners include State Voices, Color of Change, Black Civic Engagement Initiative, NAACP, Democracy Initiative, PICO, and the Center for Community Change. Smart, coordinated local activism is, however, already having an impact: in a blatant post-*Shelby* act, North Carolina just passed what's possibly the most extreme voter suppression law in the country. It requires Voter ID, reduces early voting, and ends same-day registration. Local groups have mounted a forceful response: the state NAACP leads "Moral Monday" marches to the state capitol, which gain in number each week, keeping the state's regressive policymakers in the state and national news media, and maintaining pressure on those legislators to curtail support for disfranchising policies. As this example suggests, there will need to be state-by-state campaigns

to prevent and to roll back discriminatory voter suppression laws, rules and regulations; traditional and online media blitzes, highlighting both the actions of extreme politicians like North Carolina Governor Pat McCrory and the stories of individual voters whose rights are being trampled. There is a need to organize an aggressive counter-intimidation campaign to mobilize next year the very same voters who are being disenfranchised. This tactic worked in the last election, when showing voters what policymakers are really up to actually motivated unlikely voters to overcome barriers to get to the polls.

NEXT STEPS

We plan to reconvene interested funders on September 19 to share and discuss a synthesized version of the field's collaborative work plans, and to seek their support to meet the gap that will likely remain after Ford and Open Society contributions. The total need for the three areas of work is conservatively estimated at \$6 million. We request board authorization to spend up to \$250,000 and to repurpose \$1 million of Equality Fund monies. The Democracy Fund will add \$250,000 of its program funds as well. We anticipate using the funds to support the coordination of the work, as well as some part of both the legislative legal and possibly mobilization efforts.² Although we already resource the work of many groups who will engage in the response, the new tactics they need to employ are much more resource and labor intensive than using Section 5. The key legal groups need more lawyers, for example, to litigate the high volume of cases. There are also critical new needs to be resourced, including training civil society lawyers to use other tools to defend minority voting rights, and to wage a campaign for new federal voting rights legislation.

2. No Open Society funds will be earmarked for legislative lobbying efforts.

The Open Places Initiative

TO: Ken Zimmerman
FROM: Diana Morris and the Open Places Team
DATE: August 20, 2013

In order to have funding to make multi-year grants to the three to five sites to be selected under the Open Places Initiative, we are requesting \$4 million from the 2013 Reserve Fund to supplement a proposed \$4 million allocation from the 2014 budget. This is necessary because the Open Society Foundations' (OSF) practices require us to fully pay for multi-year commitments in the year in which they are made. The total budget needed is an estimated amount since at this time we are unsure of the number of sites we will select. We are also seeking from OSF's Finance Office permission to include funds from a subsequent year's budget to provide supplementary funds that will be required.

BACKGROUND

The Open Places Initiative builds on OSF's long-standing commitment to furthering social change by developing sophisticated civic capacity informed by local knowledge and leadership. Drawing upon OSF's experience in Baltimore as amplified by the place-based experience of other foundations and the public sector, Open Places seeks to increase low-income and minority communities' ability to influence and access political, economic, and civic opportunities in light of several large-scale changes that are reshaping local communities and governments. These trends include: the dramatic shifts in federal and state funding that will intensify the responsibilities placed on local governments to make hard choices with fewer resources; large-scale demographic changes that are upending traditional political dynamics and offering opportunities for new alliances; the expansion of innovation in program delivery and policy setting by local governments whose efficacy frequently turns on the presence or absence of effective and representative

community engagement and capacity; and, the growing challenges faced by the non-profit sector as it experiences decreased funding and increased demand.

A TWO-PHASED APPLICATION PROCESS

Following extensive board and staff discussions that date back over two years, and board approval to launch the Open Places Initiative, U.S. Programs (USP) structured a two-part Request for Proposals (RFP) process to identify sites warranting investment. In the first stage, USP staff selected 16 sites reflecting geographic, demographic, and political diversity and invited approximately five organizations in each jurisdiction to respond collectively regarding their interest and plans to participate in a more formal planning process.¹ Sites submitted their planning proposals at the end of February, providing preliminary assessments of substantive issues they would address and civic capacity they would build.² In the current second phase, the eight sites that received USP planning grants of \$100,000 over six months are preparing detailed implementation proposals. They are: Albuquerque, Buffalo, Denver, Jackson (Miss.), Louisville, Milwaukee, Puerto Rico, and San Diego. The planning grant phase allows organizations in

each place to work together to conceptualize and design a multi-issue, multi-faceted initiative in much more detail, using policy, procedural, administrative, judicial, or other kinds of reform to secure greater justice and opportunity for local populations. Equally important, the sites will use the planning grant and technical assistance provided by OSF to assess their current civic capacity locally to bring about lasting change and identify goals and strategies to expand that capacity. Part of this work during the six-month planning period will result in each site identifying an “institutional home,” which will serve as the hub for the development of its new and stronger civic capacity and multi-issue work.

While local leadership will have considerable flexibility as to the objectives it will choose, OSF expects that they will relate to equity, justice, and democratic practice, and that they will produce measureable results. Effective plans will demonstrate the ability to promulgate the development and dissemination of new ideas and/or programs, change existing policy and practice, and engage key constituencies, including local government, local funders, and local business interests. Specifically, the plans are expected to demonstrate how the site will develop, manage, and employ several of the following core civic capacities: using data and information; convening and engaging diverse constituencies; resetting and managing political dynamics; implementing effective communications strategies; and developing strategic roadmaps to reset policy or practice.

TECHNICAL ASSISTANCE TO STRENGTHEN PROPOSALS

In addition to each site’s planning activities, the initiative is providing extensive technical assistance to help sites consider objectives, strategies, and structures carefully and strengthen their proposals. During the six months, we have commissioned

1 The one exception was Puerto Rico where we selected a single organization but made clear our expectations that the lead organization would involve a number of organizations in the planning process.

2 USP asked the organizations to provide: information concerning the civic capacity of each site; a brief analysis of key open society challenges; the rationale for the geographic boundary of the area chosen; communications capacity; the proposed use of planning grant dollars; indicators of success; and the roles and responsibilities of partners, with an emphasis on a lead organization to administer grant funds and take overall responsibility for accountability during the planning period. Given the short time frame for response, the primary goal of this initial phase was to enable us to assess quickly the degree of interest, commitment, and capacity at a given site.

demographer and political scientist Manuel Pastor to provide regional data analysis on a range of social, economic, and demographic indicators for each site and present the information using an equity lens in a webinar. At the outset, we also worked with the TCC Group to develop a Theory of Action instrument, which each site is using to develop and continually assess and revise its objectives and strategies. Over the summer, Open Places staff conducted informal visits to each site to identify emerging issues, meet with elected officials, business representatives, and researchers, and build bridges with local funders. These site visits also allowed staff to gain preliminary information about the organizational health, communications infrastructure, leadership, and capacity of the lead organization and key partners, current levels of collaboration and impact, and likely growth in capacity.

The capstone during this stage is an all-site convening in Denver, from August 19-21, at which seven representatives from each of the eight sites will meet with place-based experts from around the country. To deepen each site's thinking, the conference is structured to offer: 1) individual team critiques in four different sessions addressing critical political and economic trends, sound approaches to implement place-based initiatives, and good governance and organizational design; 2) small-group workshops with respected national experts on collaboration, the use of data and analysis, strategic communications, and new community-labor partnerships; and 3) plenary sessions by noted national experts, including Benjamin Barber, Geoff Canada, Henry Cisneros, John Powell, Andy Stern, and Maya Wiley.

The Open Places Initiative team is comprised of Diana Morris, director of OSI-Baltimore; two program officers, Nora Ranney and Jason Garrett; communications officer Maria Archuleta; program associate Michael Sosa; and Terri Bailey, a consultant with significant experience in place-based philanthropy. As it enters the implementation phase

of this work, the team will call upon USP leadership and other staff with relevant experience to connect the sites with national actors and resources and provide substantive guidance.

SELECTION OF IMPLEMENTATION SITES

Sites will return from the August convening to finalize their proposals, due September 27. Immediately following submission of the proposals, the Open Places team and OSF leadership will conduct formal site visits in each of the eight sites over the course of three weeks. USP Board members are invited to join in these visits. We are refining the final selection process, which we expect will include OSF staff, internal experts, and board members who are willing and interested. The final selection process will be based on the proposals submitted, the formal and informal site visits (each site will have been visited at least three times), other due diligence, and a roundtable on selection criteria that Open Places staff organized with outside experts in January.³ We expect to have an internal decision by December and immediately announce and award the grants so the grantees may begin work at the start of 2014.

3 Experts at the Selection Criteria Roundtable included Dr. Manuel Pastor from the University of Southern California; Lori Villarosa, executive director, Philanthropic Initiative for Racial Equity (PRE); Prue Brown, independent consultant from New York; Tony Cippollone, president and CEO, John T. Gorman Foundation; Audrey Jordan, partner, Grants, Investments and Assessment, Boston Rising; Ray Colmenar, senior program officer, The California Endowment; Tracy Sturdivant, executive director, State Voices; Frank Sanchez, executive director, Needmor Foundation; George McCarthy, director of Metropolitan Opportunity, Ford Foundation, Ron Sims, former deputy director, U.S. Department of Housing and Urban Development; and Latosha Brown, independent consultant from Atlanta.

ASSESSMENT

USP will consider the Open Places Initiative a success if sites both achieve measureable improvement in policies, programs, and practices relating to equality, justice, and democratic practice *and* develop robust civic capacity to institutionalize and bring to scale systemic change. We expect that sites will change their benchmarks and even their objectives with experience and as external conditions and needs change. In January 2014, Open Places will host a meeting focusing on assessment in order to identify a framework that will be beneficial to the sites—i.e., one that the sites will be able to incorporate in their own ongoing assessment and revision process—and responsive to OSF’s learning objectives.

REQUEST TO THE RESERVE FUND

The Open Places Initiative began in 2013 with a \$2.5 million grant budget, with the understanding that the board would provide additional grant funding from the Reserve Fund to support the implementation of the sites’ plans. Year-to-date, the initiative has allocated \$800,000 to support eight planning grants of \$100,000 per site; as a result, the initiative has a balance of \$1.7 million in its grant budget. The board has previously agreed that we would support three to

five promising sites from the eight sites developing plans, initially with support of up to \$1 million per year for three years. In addition to the \$1.7 million of available funds for these grants, the initiative will therefore need additional funds from the Reserve Fund. On the assumption that each site will receive the full \$1 million, the proposed additional amounts needed would therefore be:

- \$7.3 million if we select three sites;
- \$10.3 million if we select four sites; and
- \$13.3 million if we select five sites.

We do note that technical assistance going forward would come from a different budget line (program development) and that there is a possibility that we might invest a more limited amount in sites we don’t select for a full-fledged commitment if there are promising practices or organizations that do not fully qualify for the Open Places funding. In light of this, we recommend that \$4 million come from the Reserve Fund this year and that \$4 million come from the 2014 budget with the remainder, as needed, coming from the 2015 budget. We make this recommendation on the assumption that OSF’s Finance Office will agree to our use of money from future years’ budgets for a limited portion of support for the Open Places Initiative and contingent upon each site showing annual success in meeting its goals.

Anchor Grants: Multi-Year Funding Approach

TO: Ken Zimmerman
FROM: Bill Vandenberg
DATE: August 14, 2013

To enable U.S. Programs (USP) to move toward providing multi-year general support funding for its anchor partners,¹ which could be done over the next two years, I recommend that we seek \$2.25 million in 2013 Reserve Fund support. This request would allow three anchor partners—the American Constitution Society, Center for American Progress, and Center on Budget and Policy Priorities—to be renewed for two-year general support grant terms this fall, instead of single-year renewals as initially projected.

As you know, USP's new Special Initiatives and Partnerships Unit has facilitated extensive due diligence on USP's 10 anchor partners, typically our largest, longest serving, and most programmatically aligned multi-issue grantees. Since anchor partners are among the organizations that we typically know the best and often partner most closely with, it's our intention to provide multi-year, general support grants to all that are in good standing. Such good standing would require having strong and stable leadership, good financial and operational health, thorough and thoughtful strategic planning, and advocacy at the highest levels of achievement and impact.

USP staff seek to make multi-year renewal grants to anchor partners in a manner that does not require unpredictable and unsustainable budgetary peaks and valleys from year to year. To that end, I recommend that we secure \$2.25 million from the 2013 Reserve Fund

¹ USP's current anchor partners are: ACLU, Advancement Project, American Constitution Society, Brennan Center for Justice, Center for American Progress, Center for Community Change, Center on Budget and Policy Priorities, Drug Policy Alliance, Leadership Conference on Civil and Human Rights, and the NAACP.

in order to enable three anchors to begin to receive two-year renewal grants this year, instead of their planned one-year renewals. This will enable USP to more effectively budget for 2014 and beyond and to avoid similarly drawing from the Reserve Fund in the future. Beginning this multi-year renewal cycle in

2013 will also enable other anchor partners in good standing to be similarly awarded with multi-year grants starting in 2014.

A spreadsheet follows to detail our recommendation. Thank you for your consideration.

Anchor Grants Charts

Special Initiatives and Partnerships Anchor Reserve Request August 16, 2013

CURRENT 2013 SIP ANCHOR BUDGET			
Organization Name	Total	Year	Grant Term Ending
Advancement Project	\$500,000	1 year	06.30.2014
American Constitution Society	\$750,000	1 year	12.31.2014
Brennan Center	\$1,000,000	1 year	07.31.2014
Center for American Progress	\$500,000	1 year	10.31.2014
Center for Community Change	\$1,000,000	1 year	04.30.2014
Center on Budget and Policy Priorities	\$1,000,000	1 year	09.30.2014
Leadership Conference Education Fund	\$750,000	1 year	08.31.2014
NAACP	\$500,000	1 year	08.31.2014
	\$6,000,000		

* ACLU and DPA are not coming out of SIP's 2013 budget.

Anchor Grants Charts

SCENARIO: WE USE \$2.25 MILLION FROM THE RESERVE FOR CBPP, CAP, AND ACS (2 YEAR RENEWALS IN 2013).

2014			
Organization Name	Total	Year	Grant Term Ending
Advancement Project	\$500,000	1 year	06.30.2015
American Constitution Society	\$0		
Brennan Center	\$2,000,000	2 years	07.31.2016
Center for American Progress	\$0		
Center for Community Change	\$1,500,000	18 months	10.30.2015
Center on Budget and Policy Priorities	\$0		
Leadership Conference Education Fund	\$1,500,000	2 years	08.31.2016
NAACP	\$500,000	1 year	08.31.2015
ACLU	\$2,000,000	2 years	12.31.2016
2014 SIP Anchor Budget Total	\$8,000,000		

* If we use the reserve fund in 2013, ACS would receive \$1.5 million, CAP would receive \$1 million, and CBPP would receive \$2 million. All three would be two year grants.

2015			
Organization Name	Total	Year	Grant Term Ending
Advancement Project	\$500,000	1 year	06.30.2016
American Constitution Society	\$1,500,000	2 years	12.31.2017
Brennan Center	\$0		
Center for American Progress	\$1,000,000	2 years	10.31.2017
Center for Community Change	\$2,000,000	2 year	04.30.2017
Center on Budget and Policy Priorities	\$2,000,000	2 years	09.30.2017
Leadership Conference Education Fund	\$0	1 year	08.31.2016
NAACP	\$500,000	1 year	08.31.2016
ACLU	\$0		
2015 SIP Anchor Budget Total	\$7,500,000		

* If we use the reserve fund in 2013, ACS would receive \$1.5 million, CAP would receive \$1 million, and CBPP would receive \$2 million. All three would be two year grants.

2016			
Organization Name	Total	Year	Grant Term Ending
Advancement Project	\$500,000	1 year	06.30.2017
American Constitution Society	\$0		
Brennan Center	\$2,000,000	2 years	07.31.2018
Center for American Progress	\$0		
Center for Community Change	\$0		
Center on Budget and Policy Priorities	\$0		
Leadership Conference Education Fund	\$1,500,000	2 years	08.31.2018
NAACP	\$500,000	1 year	08.31.2017
ACLU	\$2,000,000	2 years	12.31.2018
2016 SIP Anchor Budget Total	\$6,500,000		

2017			
2017 SIP Anchor Budget Total	\$7,500,000		

2018			
2018 SIP Anchor Budget Total	\$6,500,000		

Mt. Holly Settlement Proposal

DISPARATE IMPACT AND THE MT. HOLLY CASE

For more than four decades, federal courts have uniformly permitted victims of housing discrimination to prove their cases by showing that a challenged practice has a “disparate impact” on people of color or others protected by the Fair Housing Act (FHA). In early 2013, the U.S. Department of Housing and Urban Development (HUD) finalized a federal regulation confirming the vitality of this important method of establishing discrimination.

On June 17, 2013, the U.S. Supreme Court granted *certiorari*—a request by the court to review a lower court’s ruling—in the *Township of Mount Holly v. Mount Holly Gardens Citizens in Action* case. Most observers believe the court accepted the case to eliminate disparate impact under the FHA. The *Mount Holly* plaintiffs are all low-income residents who challenged a redevelopment plan that has decimated the only majority African-American homeownership community in the Township of Mt. Holly in New Jersey. Their legal claims were dismissed by a trial court, but the U.S. Court of Appeals ruled that they had enough evidence to go to trial on their disparate impact claim. The township appealed to the Supreme Court to eliminate the disparate impact method of proving discrimination. Mt. Holly’s opening brief is due August 26, 2013, so the time window for settling this matter is rapidly closing. While not yet scheduled, the court has indicated that oral argument will come before the end of 2013.

PRESERVING DISPARATE IMPACT WILL YIELD SIGNIFICANT BENEFITS

It would be difficult to overstate the importance of the disparate impact standard to civil rights organizations and practitioners, the Consumer Financial Protection Bureau, HUD, the U.S. Department of Justice, and state attorneys general, all of whom have depended, and will depend,

heavily on it to combat residential segregation, discriminatory zoning, insurance redlining, unfair residence requirements for housing subsidies, lending abuses, and anti-immigrant initiatives, among many others. Were the Supreme Court to invalidate the FHA's disparate impact standard, these and other practices would be virtually impossible to stop.

Some questions have been raised about the efficacy of helping the *Mt. Holly* parties to settle, and whether a new case will soon reappear, providing the Supreme Court with the opportunity to overturn disparate impact. Knowledgeable civil rights practitioners have examined cases currently pending in the federal courts in an effort to identify ones that may be vehicles for such challenges, and have determined that, if *Mt. Holly* were to settle, there is little likelihood that another case will mature to the Supreme Court argument stage in the next 18–24 months, and perhaps longer. During this period:

- HUD's disparate impact rule will likely be accorded deference in litigation in federal trial and appellate courts, strengthening the rule and providing greater predictability and uniformity to FHA disparate impact claims for plaintiffs and defendants. Once underway, such doctrinal development is likely to mollify industry groups currently chafing about the rule and predicting its demise.
- During the next two years, federal agencies and private litigants will have an opportunity to sustain current disparate impact litigation and to commence new litigation promoting greater equity and inclusion. Settlements and changed practices during this time will, in and of themselves, have significant impact.
- While it is impossible to predict the future, the settlement of *Mt. Holly*, the preservation of the FHA disparate impact standard, and the

strengthening of the HUD rule through judicial deference set up a scenario under which the change of a single vote on the court would likely preserve FHA disparate impact.

A SETTLEMENT IS AT HAND

The plaintiffs and the township have expressed a strong mutual interest in settling the underlying litigation. In order for the township to settle, it would need to receive sufficient funding upfront to jumpstart its stalled redevelopment that will provide replacement housing for the plaintiffs who want to stay and relocation payments to those who want to leave. Thus, a settlement would have the community development benefit of preserving homeownership opportunities for low-income families of color in Mt. Holly.

Because the township has reached its debt ceiling, it cannot borrow to fund such a settlement. After applying all available public subsidies and asking the low-income plaintiffs to assume the same amount of debt as they have on their existing homes, a financial gap of approximately \$1.75 million exists to fund alternative housing. These funds would be provided to the replacement housing developer, The Reinvestment Fund (TRF), which would use them to purchase the land from the township. Subsidy sources are available for TRF to complete the development once this initial payment is made.

Through an intermediary in New Jersey, the civil rights community and its allies in the private, philanthropic, and labor sectors have been following the parties' negotiations, and have been engaged in discussions about how to support the parties' attempt to provide replacement housing and settle this litigation. As of early August 2013, these groups had secured pledges for roughly two-thirds of the necessary amount. We understand that the

pledge of an additional \$300,000 in philanthropic support prior to September 1, 2013, will leverage the remaining amount from a donor who wishes to remain anonymous, thereby securing the resources to fully fund the parties' desired resolution of the litigation and making Supreme Court review unnecessary.

WORKING LUNCH: HAROLD HONGJU KOH

Presenter's Biography

PRESENTER



Harold Hongju Koh

Harold Hongju Koh is Sterling Professor of International Law at Yale Law School. He returned to Yale Law School in January 2013 after serving for nearly four years as the 22nd legal adviser of the U.S. Department of State.

Professor Koh is one of the country's leading experts in public and private international law, national security law, and human rights. He first began teaching at Yale Law School in 1985 and served as its fifteenth dean from 2004 until 2009. From 2009 to 2013, he took leave as the Martin R. Flug '55 Professor of International Law to join the State Department as legal adviser, service for which he received the Secretary of State's Distinguished Service Award. From 1993 to 2009, he was the Gerard C. & Bernice Latrobe Smith Professor of International Law at Yale Law School, and from 1998 to 2001, he served as U.S. Assistant Secretary of State for Democracy, Human Rights and Labor.

Professor Koh has received thirteen honorary degrees and more than thirty awards for his human rights work, including awards from Columbia Law School and the American Bar Association for his lifetime achievements in international law. He has authored or co-authored eight books, published more than 180 articles, testified regularly before Congress, and litigated numerous cases involving international law issues in both U.S. and international tribunals. He is a fellow of the American Philosophical Society and the American Academy of Arts and Sciences, an honorary fellow of Magdalen College, Oxford, and a member of the Council of the American Law Institute.

He holds a B.A. degree from Harvard College and B.A. and M.A. degrees from Oxford University, where he was a Marshall Scholar. He earned his J.D. from Harvard Law School, where he was developments editor of the Harvard Law Review. Before coming to Yale, he served as a law clerk for Justice Harry A. Blackmun of the United States Supreme Court and Judge Malcolm Richard Wilkey of the U.S. Court of Appeals for the D.C. Circuit, worked as an attorney in private practice in Washington, and served as an attorney-adviser for the Office of Legal Counsel, U.S. Department of Justice.

OPEN SOCIETY POLICY CENTER UPDATE

U.S. Programs and the OSPC

AS OF: AUGUST 9, 2013

		Original 2013 Budget	2013 Referred Grants & Consultancies	2013 YTD Expenses	Funds Remaining from Original 2013 Budget
US INITIATIVES					
Immigration	Grants:	100,000			100,000
	A4C (1)		1,500,000	1,500,000	
	A4C 2nd tranche (1)		1,850,000	1,850,000	
	United We Dream (1)		450,000	450,000	
	National Immigration Forum (1)		200,000	200,000	
	CAMBIO (1)		525,000	525,000	
	PICO Action (1)		225,000	225,000	
	Consultants:				
	Total	100,000	4,750,000	4,750,000	100,000
Good Governance (Voting, Judges, Transparency)	Grants:	185,000			120,000
	SPARC			25,000	
	Proteus (1)		350,000	350,000	
	NALEO			40,000	
	Consultants:				
	Total	185,000	350,000	415,000	120,000
Criminal Justice (CBMA, Racial Justice, Drug Policy)	Grants:	100,000			40,000
	Constitution Project			60,000	
	Consultants:	171,000			51,000
	Mitchell Firm (4)			120,000	
	Total	271,000		180,000	91,000
Civil Liberties & National Security	Grants:	285,000			269,600
	Nat'l Religious Campaign (NRCAT)			4,000	
	Nat'l Religious Campaign 2nd tranche (NRCAT)			8,400	
	Maine Council of Churches			3,000	
	Consultants:				
	Total	285,000		15,400	269,600

		Original 2013 Budget	2013 Referred Grants & Consultancies	2013 YTD Expenses	Funds Remaining from Original 2013 Budget
Health, Education, & Welfare (Federal Budget)	Grants:	100,000			100,000
	Americans for Tax Fairness (1)		500,000	500,000	
	Consultants:				
	Total	100,000	500,000	500,000	100,000
General Advocacy	Grants:	100,000			100,000
	Consultants:	16,000			-22,400
	Larry Ottinger (4)			38,400	
	Total	116,000		38,400	77,600
Total US Grants & Consultancies	Total	1,057,000	5,600,000	5,898,800	758,200
Notes: (1) Referred by US Programs; (2) Referred by Human Rights Initiative; (3) Referred by Money & the Public Interest; (4) Reflects full value of contract * Pending Board Approval					

U.S. Programs and the OSPC

AS OF: AUGUST 9, 2013

		Original 2013 Budget	2013 Referred Grants & Consultancies	2013 YTD Expenses	Funds Remaining from Original 2013 Budget
INTERNATIONAL INITIATIVES					
US Foreign Policy (Foreign Aid, Human Rights)	Grants:	137,000			87,000
	Legacies of War			50,000	
	Consultants:				(45,400)
	Colby Goodman (4)			25,000	
	Natalie Coburn (4)			20,400	
	Total	137,000		95,400	41,600
Global Issues (Public Health, Transparency)	Grants:	267,000			267,000
	Fact Coalition (3) *		65,000	65,000	
	Consultants:	8,000			6,203
	Lana Hollo			1,797	
	Dianna Ohlbaum (3)		18,000	18,000	
	Total	275,000	83,000	84,797	273,203
Regional (Africa, Asia, Eurasia, Latin America, MENA)	Grants:	361,000			361,000
	Consultants:	30,000			—
	Orion Strategies			30,000	
	Total	391,000		30,000	361,000
Multilateral (Disability Rights)	Grants:	187,000			87,000
	LCCHR (1)		50,000	50,000	
	US Council on Disabilities			100,000	
	US Council on Disabilities (2)		100,000	100,000	
	Consultants:				
	Total	187,000	150,000	250,000	87,000
General Advocacy	Grants:	102,000			102,000
	Consultants:				-1,000
	Robert Dinerstein			1,000	
	Total	102,000		1,000	101,000
Total International Grants & Consultancies	Total	1,092,000	233,000	461,197	863,803
Notes: (1) Referred by US Programs; (2) Referred by Human Rights Initiative; (3) Referred by Money & the Public Interest; (4) Reflects full value of contract * Pending Board Approval					

U.S. PROGRAMS UPDATES

U.S. Programs Updates: Table of Contents

Justice Fund	117
Soros Justice Fellows	
Children on Sex Offender Registries	
Stop-and-Frisk	
Campaign for a New Drug Policy	118
LEAD	
Health-Based Drug Policy	
Democracy Fund	118
Journalism	
Shelby County v. Holder	
National Security and Human Rights Campaign	119
StopWatching.Us	
NSA Surveillance	
Equality Fund	120
Immigration	
Strong and Stable Housing Market	
Campaign for Black Male Achievement	121
Zimmerman Verdict Peaceful Protest	
BMA Social Innovators	
BMA Fellows	
Special Initiatives and Partnerships Unit	121
Anchor Grantees	
The Future of Work	
OSI-Baltimore	122
Police and the Community	
Medicaid and Incarcerated People	
Open Places Initiative	122
Planning Grants	

U.S. Programs Updates

JUSTICE FUND

Soros Justice Fellows: The annual Soros Justice Fellowships conference, held on July 21–24 in Los Angeles, was the largest in the program’s history, with over 170 people in attendance including current and former fellows, Open Society Foundations staff, and outside guests. The conference featured fellow-led small group discussions, learning tours to local non-profits, and plenary sessions on policing and surveillance in Los Angeles, the aftermath of the Zimmerman verdict, and how criminal justice issues are portrayed by the entertainment industry.

Children on Sex Offender Registries: In May, Human Rights Watch released *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the U.S.* The report, authored by Nicole Pittman, Soros Justice Fellow, describes a web of federal and state laws that apply to people under 18 who have committed any number of a wide range of sex offenses, from the very serious, like rape, to the relatively innocuous, such as public nudity. It details how harsh public registration laws often punish youth for life and do little to protect public safety.

Stop-and-Frisk: There has been continued momentum in the efforts addressing overly aggressive policing practices in New York City. In late June, the New York City Council passed two bills, one providing for independent oversight of the NYPD and a second strengthening protections against racial profiling. Communities United for Police Reform, a Justice Fund grantee, has been engaged in extensive outreach and mobilization to press the council to address these concerns targeted at passage of the package of bills, the Community Safety Act. Mayor Bloomberg vetoed the bills, and the City Council has scheduled an August 22 meeting at which supporters will seek to override the veto.

On August 12th, federal judge Shira Scheindlin issued a ruling in *Floyd v. City of New York* finding that the NYPD’s stop-and-frisk practices

violated the constitutional rights of black and Latino New Yorkers. The ruling ordered the appointment of an independent monitor and a host of other remedies. The lawsuit was filed by Center for Constitutional Rights. It was one of a number of lawsuits challenging the NYPD's racially disparate use of stop-and-frisk. The court issued a companion order in *Ligon v. City of New York* as well, a case involving the city's Clean Sweeps program in privately owned buildings.

CAMPAIGN FOR A NEW DRUG POLICY

LEAD: In July, Santa Fe became the second U.S. city to authorize a Law Enforcement Assisted Diversion (LEAD) pre-booking diversion program for drug offenses. The program would eliminate jail and prosecution in low-level drug possession and subsistence drug dealing cases involving opiates. It would also establish an alternative system of individual needs assessment and timely access to relevant services. Within days of the Santa Fe City Council's approval of the program, the local chapter of the National Alliance on Mental Illness called for inclusion of other arrestees with behavioral health conditions in the Santa Fe LEAD program. The Drug Policy Alliance's New Mexico office spearheaded the efforts with early support by Open Society grantees from the Seattle LEAD program, which began the pilot of this approach in October of 2011. The Seattle grantees have recently been assisting the DPA's office in San Francisco, which is exploring LEAD options there, and has been in contact with grantees in Atlanta, New York, Texas, and other jurisdictions.

Health-Based Drug Policy: The Campaign's work to support development of an infrastructure for a health-based drug policy continues to move forward. With ongoing implementation of national health care, CNDP increased its provision of technical assistance/consultation to grantees regarding the complexities and opportunities presented by the Affordable Care

Act. Our approach has been to provide substantive training, but also to create forums for developing ideas across the criminal justice, health care, and drug policy reform fields regarding reframing of drug use and addiction as a health concern, rather than as an indicator of criminality.

DEMOCRACY FUND

Journalism: Recent events in Wisconsin demonstrate the vulnerability of nonprofit investigative journalism, especially those non profits located within public universities. In early June, the Wisconsin legislature's budget-writing committee, with no public warning, approved a measure evicting Democracy Fund grantee the Wisconsin Center for Investigative Journalism from its University of Wisconsin campus offices and forbidding university employees from working with the center. Many journalists, journalism educators, and members of the public across the nation, including local conservative radio talk show hosts criticized this legislative action. They say that the Center's collaboration with the school must be saved because it is an important experiment in a future model for investigative reporting and journalism education—one that already is producing high-impact stories that strengthen democracy, while training young journalists at no direct cost to taxpayers. There was broad concern that the legislature's action could have a ripple effect, limiting the public's access to critical information that holds the government accountable, threatening the operations of other campus-based nonprofit journalism centers across the nation, and unreasonably restricting the academic freedoms of educators to draw upon the best resources for educating students. Governor Scott Walker vetoed the budget provision, but we expect continued pressure from lawmakers who are opposed to any form of public support for journalism, despite its civic value.

Shelby County v. Holder: The decision in *Shelby County v. Holder* threatens core democratic and equality principles. Open Society and the Ford Foundation hosted a meeting of the field and funders on July 31, to develop an effective, coordinated response that avoids duplication of resources and features a common understanding of core goals and desired outcomes by: 1) furthering a shared understanding of the landscape, including the current and potential assets and gaps, among the key groups defending and advancing voting rights, and 2) setting the stage for needed alignment among these groups and any others necessary to maximize changes for success.

As we respond to the Supreme Court's devastating *Shelby* decision, we remain keenly aware of the need to continue to focus on making affirmative gains wherever possible. In the last cycle, California, Colorado, Connecticut, and Maryland passed Same Day Registration; Florida partially expanded early voting; Virginia restored voting rights to people who have completed sentences for non-violent felonies. On August 8, we convened close field partners to discuss recent state level reform efforts. We analyzed what was effective and what wasn't in order to identify which reforms make the most sense to pursue in the year ahead, where to pursue them, and what's needed for these efforts.

NATIONAL SECURITY AND HUMAN RIGHTS CAMPAIGN

StopWatching.Us: In June 2013, just hours after documents were leaked to the press showing massive NSA surveillance of phone records and Internet activity, a coalition of organizations, led by several Open Society grantees, including Free Press, the Electronic Frontier Foundation, the ACLU, and the Center for Democracy and Technology, and others helped establish and coordinate StopWatching.Us, a broad and nonpartisan coalition effort. Within a few

weeks, more than 550,000 people signed the coalition's petition calling for a special congressional commission to investigate and reveal the full extent of NSA spying.

NSA Surveillance: Since the initial disclosures by Edward Snowden about the National Security Agency's mass surveillance programs on June 6, Open Society grantees have been among those leading the U.S. response. Grantees filed two lawsuits challenging the NSA program directly. They are also pushing for the release of the FISA Court's legal opinions that approved collection of data on U.S. citizens' communications. On July 18, a wide range of groups, including a number of Open Society grantees and major telecommunications firms, sent a letter to President Obama and other high-ranking government officials calling for greater transparency on the scope and legal authority for NSA surveillance. The National Security and Human Rights Campaign (NSHR) is coordinating with the Democracy Fund and the broader Open Society network on a global strategy. The Democracy Fund, NSHR, and OSI-DC believe that a convening to consider both short- and longer-term shared strategies and tactics in the United States would be useful, and we plan to host such a meeting in September or October.

Public opinion on the Campaign's core issues is evolving. Now, a greater percentage of the public is unwilling to give up civil liberties for the promise of greater security. A July 10, 2013, Quinnipiac poll found that 45 percent (up from 25 percent in January 2010) of those surveyed thought the government's antiterrorism policies have "gone too far in restricting the average person's civil liberties" as compared with 40 percent (down from 63 percent in 2010) who said they have "not gone far enough to adequately protect the country." These numbers suggest new opportunities to sway policymakers as well as to inform and leverage public opinion at a turning point in counterterrorism policy.

Grantees are taking advantage of the political moment to shift the United States away from a “permanent war” posture. President Obama’s May 23 speech at the National Defense University, in which he renewed his commitment to close Guantanamo, along with the anticipated 2014 drawdown in Afghanistan, signal that the “war on terror” framework could be phased out. Grantees have been coordinating to leverage the momentum the speech lent to long-standing advocacy goals, including the push to move detainees out of Guantanamo who have been cleared for release. Representatives from a few of these groups recently had a small, private meeting with the newly appointed special envoy on Guantanamo closure. In July, the administration notified Congress that it would repatriate two Algerian detainees, a small but promising step toward movement on the problem. Our grantees, including Human Rights First and the Center for National Security Studies, were also very active in helping set up the July 24 Senate hearing on closing Guantanamo. The situation is dynamic and reports of renewed terror threats overseas may jeopardize what momentum there has been to close the facility. The apparent weakening of the detainees’ hunger strike could also reduce pressure on the administration and slow efforts to close the prison. New NSHR grants in the pipeline will arm advocates with solid legal reasoning about how an end to the war effort in Afghanistan will impact indefinite detention, bring together former government officials to help move policy forward, and provide a new Internet platform for discussion of policy choices.

EQUALITY FUND

Immigration: After the Senate bill’s passage, attention is now on the House, where the landscape appears very challenging but not insurmountable. The Alliance for Citizenship (A4C), our primary vehicle for securing comprehensive immigration reform, and its member organizations have generated 4,549 press

hits including major coverage in the *Chicago Sun Times*, the *Los Angeles Times*, the *New York Times*, the *Washington Post*, and scores of local newspapers across the country as well as on ABC News, NBC News, and Univision. In addition, A4C’s online partner, RI4A, has grown to more than 1.4 million members, gaining almost 300,000 new members in 2013. RI4A has generated more than 2.5 million contacts to Congress since January, including 451,318 phone calls as of August 2. Pressure, as well as press coverage, has been growing over the last few weeks as August recess activities have escalated, with more to come. During August and September, A4C plans to hold more than 375 events—town halls, canvassing, voter registration, prayer vigils—all across the United States to build visible support and momentum to fix the broken immigration system.

Strong and Stable Housing Market: On August 6, President Obama unveiled his plan for promoting a strong and stable housing market. The president outlined his administration’s national housing policy agenda, which includes a renewed commitment to a government backstop in the housing finance system, support for broad access to affordable and responsible mortgages for all segments of the market, and continued support for affordable rental housing. The president’s plan represents significant progress since 2011, when the administration released a white paper that contemplated a complete retreat of government support for housing finance, allowing private markets to take over all mortgage market services previously provided by the mortgage giants Fannie Mae and Freddie Mac. The new recommendations closely track those made in January 2011 by the Center for American Progress’ Mortgage Finance Working Group—launched with seed support from the Equality Fund—and reflect principles set forth in a recent report prepared by the Center for American Progress and the National Council of La Raza, *Making the Mortgage Market Work for America’s Families*, a collaboration that was supported by the Equality Fund.

CAMPAIGN FOR BLACK MALE ACHIEVEMENT

Zimmerman Verdict Peaceful Protest: The Black Youth Project convened over 100 youth activists from communities across the country in Chicago the weekend of the George Zimmerman verdict. The young leaders supported a peaceful protest of the verdict by Chicago youth at City Hall. The 100 leaders produced a collective video statement and promoted youth voices in a response that has garnered over 5,000 Facebook likes and 1,000 Tweets.

BMA Social Innovators: The Leadership & Sustainability Institute for Black Male Achievement, a national membership network of 1,600 leaders from over 1,400 organizations, announced its first cohort of Black Male Achievement (BMA) Social Innovators. The BMA Innovators are working in cities across the country to attain educational equity, expand work opportunities, strengthen family structures, and promote positive frames and messages for black men and boys. They will receive 12 months of one-on-one capacity-building support, be introduced and showcased to local and national funders, and receive targeted support to increase their national leadership and impact in the field of black male achievement.

BMA Fellows: In similar field-building fashion, CBMA grantee partner Echoing Green announced the second cohort of BMA Fellows in June. The BMA Fellowship includes start-up capital and technical assistance over 18 months to help new leaders launch and build their organizations; access to technical support and pro bono partnerships; and a community of like-minded social entrepreneurs and public service leaders. The Fellowship supports individuals who are generating new ideas and best practices in the areas of education, family, and work such as initiatives related to fatherhood, mentoring, college preparatory programs, community-building, supportive wage work opportunities, communications, and philanthropic leadership.

SPECIAL INITIATIVES AND PARTNERSHIPS UNIT

Anchor Grantees: With a mission to break down U.S. Programs (USP) siloes and deepen Open Society's strategic partnerships with its largest domestic grantees, the Special Initiatives and Partnerships Unit has now completed seven in depth due diligence processes for USP anchor grantees. There are 10 anchor grantees, at present. With two of the grantees that underwent the due diligence process, the Center for American Progress and the Center on Budget and Policy Priorities, USP staff explored new programmatic partnerships on fiscal policies to incentivize de-incarceration, expand Affordable Care Act access to those leaving prison or facing addiction, and address the intersections of immigration reform and fiscal policy. Earlier in the spring, Special Initiatives staff led processes to learn more deeply about the operations and programs of the Advancement Project, the Leadership Conference on Civil and Human Rights, and the NAACP. Each process involves a four-hour site visit between senior staff and board leadership from the anchor grantees as well as colleagues across U.S. Programs and campaigns. The focus of the site visits was on understanding how leadership is selected and evaluated, board engagement, fundraising, fiscal management, strategic communications, and organizational planning.

The Future of Work: Beyond its core activities, the Special Initiatives program has continued to staff the launch of the Project on the Future of Work, bringing on a project design consultant, Ryan Senser, to guide the board and staff learning process. The Special Initiatives staff, along with Ken Zimmerman and Andy Stern, have developed a work plan, begun to engage USP and global Open Society Foundations staff, and mapped several dozen academic, business, and governmental efforts on employment and the future that can help inform the Foundation's own learning. The fall will feature the project's first "kitchen cabinet" meeting of 15 high-level thinkers drawn

from the disciplines of academia, advocacy, business, economics, government, labor, and sociology. The kitchen cabinet will develop the core questions from which the next year's learning will follow. At the December USP Board meeting, an innovative, lively, and participatory exercise on the future of work will be featured as part of the agenda.

OSI-BALTIMORE

Police and the Community: Baltimore Police Department Commissioner Anthony Batts met with a group of OSI-Baltimore Fellows to learn more about their work in the community, challenges they face regarding the police department, and ways in which they can work together to create a more effective and positive dynamic between police and the community. The conversation was held on July 25, 2013, and a resonating theme was to address the needs of youth, particularly youth who are homeless or in foster care and cross-over into the juvenile justice system. OSI-Baltimore will organize a follow-up series of topical meetings with Batts, Baltimore police command staff, fellows, and grantees to discuss arrest diversion options and policy recommendations. Diana Morris sits on the Commissioner's newly created Executive Advisory Committee.

Medicaid and Incarcerated People: OSI-Baltimore is working with health advocates and state agency leaders to enroll incarcerated people in Maryland in Medicaid so they may access these benefits post-release under the Affordable Care Act. On July 25, 2013, OSI-Baltimore hosted a meeting to determine what resources are available and potential challenges and considerations for working with inmates to complete the Medicaid application process while they are still incarcerated. Meeting attendees included: Healthcare advocates and case management programs such as Health Care Access Maryland, the

director of medical administration at the Department of Public Safety and Correctional Services, and officials from the Department of Health and Mental Hygiene. A small team is currently working to develop an inmate enrollment protocol and training program for application counselors.

OPEN PLACES INITIATIVE

Planning Grants: As of April 2013, we have awarded \$100,000 planning grants to eight of the sixteen Open Places sites. The awards will enable a collection of nonprofits in each location to plan how to bring about sustainable change such as effective and accountable government, civic engagement, criminal justice reform, and equal educational opportunity. The eight cities awarded planning grant awards are Albuquerque, New Mexico; Buffalo, New York; Denver, Colorado; Jackson, Mississippi; Louisville, Kentucky; Milwaukee, Wisconsin; San Diego, California; and Puerto Rico. We have provided sites with tools and training to think through their theory of change, and commissioned Manuel Pastor to conduct a regional analysis for each site on economic, political, demographic, and civic engagement dynamics. We visited each site to begin to develop relationships not only with active site participants but also with local researchers, officials, and business people. Finally, we have organized an all-site meeting for August 19-21 that will allow sites to receive critiques on their draft plans from a range of perspectives, with the goal that this will help them develop stronger implementation proposals. Andy Stern and Geoff Canada will participate in that meeting. Open Places staff is currently planning formal visits to each site in October, following the final proposal submission on September 27. We expect to have an internal decision made by December and announce the grantees so they may begin work at the start of 2014.

U.S. PROGRAMS DOCKET COVER MEMOS

Director's Overview

TO: Chris Stone
FROM: Ken Zimmerman
DATE: July 10, 2013

I AM PLEASED TO PRESENT YOU the second docket for U.S. Programs (USP) this year. It comprises 36 grants totaling \$9.74 million. If these are all approved, U.S. Programs will have committed \$41.4 million, representing 38% of its 2013 budget. This docket is broken down as follows.

Docket 2	Democracy	Equality	Justice	SIP	NSHR	CBMA	CNDP
Total Number of Grants	5	7	9	8	2	2	3
Total Amount Recommended	\$1,300,000	\$1,550,000	\$2,415,000	\$2,950,000	\$600,000	\$325,000	\$600,000

As we did with the first docket, we are providing you with (a) this master cover memo which identifies select issues of interest in each component's write-up, and (b) a memo relating to each component prepared by the fund director or campaign manager overseeing the work. This latter memo provides some context for the relationship between the individual grant recommendations and the overall strategies involved. We envision using the matters in this memo as the agenda for our meeting.

Overall, I believe we are continuing to make significant strides in our grant write-ups, and I remain pleased and impressed with the hard work and commitment of the USP staff to refine its orientation. We have continued to provide support to program officers to deepen their assessment of organizational capacity, especially in the financial realm, through an ongoing consultancy with the Non-Profit Finance Fund. Generally speaking, this deepened assessment is reflected in these write-ups. A second issue on which I have begun to focus more attention in our write-ups involves the explanation of the field in which

grantees operate and the role or niche grantees occupy within that field. This is still a work in progress, but something I believe will be helpful in the future.

As a final introductory matter, I do note we have a variety of formats in our write-ups. Even though I expect this will diminish in the future, it occurs in part because I am urging writers to emphasize content rather than form and to develop a way in which the important points are made with less regard to specific order of answers to questions. In some measure, the current variety also reflects a template and good models that I have provided to USP (with the significant help of Cristina Parnetti) that is largely, but not wholly, consistent with the recent guidance you provided.

Docket highlights from each of our funds and campaigns are below.

DEMOCRACY FUND

The \$350,000 one-year grant to the **Campaign Legal Center** (CLC) represents one element in a combined grant-making strategy to reframe the legal-constitutional landscape such that it would support making political equality a valid basis for regulating engagement in American elections and policymaking processes. In conjunction with grants to **Demos** (also on this docket) and USP anchor grantee **Brennan Center**, we are developing a multi-year foundation-led concept using the complementary talents, capacities, and perspectives of these organizations. CLC is a scrappy group with outsize influence, in part because of its strong bi-partisan leadership and orientation. CLC's President is Trevor Potter, a former Commissioner of the Federal Elections Commission and counsel to the McCain presidential campaigns. He has some skepticism about prioritizing jurisprudential change that we believe will ensure that this effort remains realistic and grounded. One challenge for

CLC is that Potter and its other leader, Gerald Hebert, a long-time Department of Justice voting rights litigator, have other professional duties, the impact of which we will be closely assessing over time.

A second notable Democracy Fund grant is the \$100,000 tie-off to the **National Priorities Project**. While we are making a tie-off grant because our federal open government strategy has narrowed, we note that this group's work, its vision and planning for growth are all carefully considered and impressive—possibly beyond any other group the Fund supports. Credit is due to its Executive Director, Jo Comerford, who has “rebooted” its board, staff and ways of work since she joined in 2008. In an interesting example of effective organizational turn-around, she has broadened the organization's geographic scope while adopting new technological and communications strategies that are providing state and local groups with relevant and tailored information about the federal budget, beyond its prior focus which was limited to the specific issue of military spending.

EQUALITY FUND

The recommended \$250,000 project support grant to the **Urban Institute** represents part of our ongoing efforts with regard to the remaking of the housing finance system in the United States, even as we undertake a broader strategic reassessment of our role and work in this area (in which the new Equality Fund Director, once selected, will participate). Although civil rights and consumer groups have recently come together to advocate for access and affordability in housing finance reform, there are significant limits to their effectiveness, in part because of the complexity of the issue, the diffuse nature of the system reform currently underway, and the strength of private interests. Under the leadership of a new President—the impressive Sarah Rosen Wartell, whose policy

experience is in this field—the Urban Institute is attempting to use its significant research credibility to become an effective voice in this debate by seeding a new Center for Housing Finance Research and Policy. Ms. Wartell envisions this as a pioneer effort to reshape how the Urban Institute plays in the D.C. world. While there are obvious challenges ranging from the difficulties of a start-up entity to ensuring that the Center’s work speaks to policymakers and contributes to a broader public debate, we believe the Center will provide sophisticated information and viable policy proposals that can enhance the capacity of other advocates we support. In addition, Ms. Wartell’s effort to reenergize the Urban Institute is worthy of support.

The \$300,000 renewal grant to **Detention Watch Network** represents the ongoing effort within our immigration portfolio both to focus on advancing comprehensive immigration reform (CIR) and resource significant groups and voices that are taking on particular aspects of immigration policy that will be needed on an ongoing basis, whatever the outcome of CIR. As a large D.C.-based coalition organization, DWN has played a pivotal role in highlighting abusive practices in the immigration detention system, informing the national debate about the role of immigration detention, and convening local groups on issues such as the interplay between the criminal justice and immigration systems. Given the subtle leadership required to be effective as a national coalition organization, we are monitoring closely the leadership transition that is taking place as DWN’s Executive Director and founder Andrea Black, a Soros Justice Fellow, steps down. The one year time frame will enable us to assess this process, even as we remain committed to addressing the new issues in DWN’s portfolio likely to emerge from CIR.

JUSTICE FUND

The renewal grant of \$890,000 over two years to **Texas Defender Service** is one of the largest grants we make as part of our continued commitment to the Campaign to End the Death Penalty by 2025, which we have supported at the level of approximately \$3,000,000 annually since 2008. TDS has played a singularly important role in reducing the use of the death penalty in the high use state of Texas, as well as a critical role in strengthening death penalty reform efforts in the mid-Atlantic region of the country through its incubation of the Atlantic Center for Capital Representation. With the impending wind down of Atlantic Philanthropies, the single largest funder of the abolition campaign, TDS’s funding future is tenuous, as is the long-term viability of the entire campaign effort. Justice Fund staff is working with Atlantic, other funders, and the advocacy community on a reassessment of campaign strategy and funding and a revised plan for a continued and sustained effort.

Our \$100,000 grant to the **Law Offices of Deborah LaBelle** is an unusual one given that it provides support to a private law practice to advance a reform effort. We recommend such support because LaBelle is a long-time juvenile justice reform advocate and the recognized long-time leader of efforts to address the sentencing of Michigan youth to the sentence of life without the possibility of parole. The state has one of the highest populations of individuals subject to such sentences, and the funding we propose would support the development and execution of a targeted litigation/mitigation strategy that could potentially affect hundreds of individuals. At the same time, we are aware that our hoped for impact could be limited by a number of factors, including a definitive court decision limiting the retroactivity of recent Supreme Court rulings invalidating such sentences, as well as the challenge of spreading effective action in Michigan to other jurisdictions.

SPECIAL INITIATIVES AND PARTNERSHIPS

As you may recall, the newly formed Special Initiatives and Partnerships Unit has a component that supports so-called Civic Core grantees which is well represented by the recommended one-year renewal of \$450,000 for **State Voices**. These nine grantees are national entities that bring tools, connections, and greater sophistication to the variety of state and local players who seek greater engagement in the political process for communities of color, low-income persons, and other disadvantaged groups. State Voices is directed by Tracy Sturdivant out of Detroit, who has built the national reach and reputation of the organization impressively over the last several years, largely by increasing the capacity and utility of almost two dozen state civic engagement tables made up of hundreds of nonpartisan organizations. Especially as we begin the conversation with the board around “politics and power,” we are grappling with how to assess such intermediaries and define and enhance the field of which they are part, even as we note the respect State Voices has garnered from groups as diverse as the Democracy Alliance and the Ford Foundation, on one hand, and grassroots organizers on the other.

In conjunction with our narrowing of this portfolio (from more than 90 groups previously housed in the Democracy and Power Fund), we recommend a one year, \$200,000 tie-off grant to the **New Organizing Institute**. NOI is also well-regarded and provides thousands of activists and organizers annually with training, research, and skills development to better use the tools of the Internet for advocacy campaigns. We will stay in close touch with NOI, especially because of the potential of its new Executive Director, Ethan Roeder, who ran the Obama 2012 campaign’s acclaimed 130-member data team, and whom we are likely to recommend for consideration for support from the New Executives’ Fund.

NATIONAL SECURITY AND HUMAN RIGHTS CAMPAIGN

The two-year, \$300,000 grant to the **Arab Community Center for Economic and Social Services** (ACCESS) represents an effort to utilize the capacity of a large and sophisticated, but nonetheless local, social service provider to bring together into a national network other groups who serve or advocate for Arab-Americans. Through this grant, we seek to strengthen its members’ capacity to defend civil liberties and to conduct a national campaign to fight anti-Arab bias and prevent religious profiling. This effort raises interesting issues regarding both the meshing of social service providers and advocates, and the Campaign’s strategy of focusing on select places to springboard a national effort. The select states the NSHR Campaign has identified as worthy of special attention are California, New York, Michigan and the northern border where concentrations of need, capacity, and opportunity for change seem especially promising. A portion of the grant will come out of the Equality Fund, which is in the process of winding down its commitment to ACCESS as part of the restructuring of U.S. Programs. One specific question is how we should consider the place-based aspect of this funding internally as we move into the budget and next year’s strategy process.

CAMPAIGN FOR BLACK MALE ACHIEVEMENT

One of the two grants that the Campaign for Black Male Achievement presents in this docket is a \$200,000, 18-month renewal to **American Values Institute** to promote positive frames and messages about black men and boys. AVI is one of the core grantee partners in this area of work for CBMA, along with Opportunity Agenda and Color of Change. AVI serves as the lead organizer and convener of the Black Male Re-Imagined campaign, which has elevated the

conversation about media perceptions of black men and boys and the role implicit bias has in shaping perceptions. While AVI adds unique value to the field largely because of the dynamism and talents of its director Alexis McGill Johnson, the organization has a fragile infrastructure as reflected by its ongoing fiscal sponsorship and relies overly on Ms. McGill Johnson. CBMA is looking closely at the organization's business model and exploring with her whether to spin off AVI and/or strengthen the organization potentially by moving it elsewhere.

CAMPAIGN FOR A NEW DRUG POLICY

The one-year \$200,000 general support grant for **Students for Sensible Drug Policy (SSDP)** is the Campaign for a New Drug Policy's farthest-horizon investment. Focused on developing student leaders interested in and committed to drug policy reform through SSDP's 200 chapters in the U.S. and abroad, SSDP raises important and challenging issues regarding how to evaluate the effectiveness of such field enhancement efforts. SSDP's national staff, particularly Executive Director Aaron Houston, are

experienced and effective advocates for drug policy reform in Washington, DC, who attempt to engage the group's growing numbers of student leaders in advancing the organization's policy advocacy. While SSDP is the largest drug policy reform organization in terms of actively engaged members, SSDP's individual chapters are small and (as with campus based student groups) their membership changes as new students join and others graduate or move on to other interests. As we consider long-term needs of the field, establishing benchmarks for this type of investment will continue to be challenging.

The \$200,000 general operating support grant to **Legal Action Center (LAC)**, split between the Justice Fund and CNDP, is to support its longstanding and important work at the nexus of poverty, public health and health care, and the criminal justice systems. One issue we grapple with is the sometimes complex and difficult relationships that LAC has with allied groups. These stem, in part, from the apparent desire of LAC senior staff to maintain a reputation for de facto leadership in this space even as the field (in large part due to USP support) has grown and come to include a number of effective and important actors.

Democracy Fund

Grant Recommendations

July 2013 Docket

TO: Chris Stone
VIA: Ken Zimmerman
FROM: Laleh Ispahani, Thomas Hilbink & Muzna Ansari
DATE: July 8, 2013

WE LOOK FORWARD TO MEETING with you on July 17 to discuss the second docket of U.S. Programs in 2013. On this docket, the Democracy Fund recommends five grants that would advance our work on responsive and effective government and on political equality. The grants total \$1,300,000, of which \$1,000,000 would come from the Democracy Fund's 2013 grantmaking budget (9% of the Fund's \$11,570,000 annual budget); \$200,000 from the Core Grants line within Special Initiatives & Partnerships; and \$100,000 from the Tie-Off Funds line within the U.S. Programs Reserve Fund. Including this docket, the Fund's recommendations to date total 21% of our grantmaking budget, or \$2,375,000. (Due to grant terms, the balance of the Fund's budget will be spent in dockets III and IV.) Recommendations include: tie-off grants to Good Jobs First and the National Priorities Project; renewal grants to support the judicial independence and political equality fields, to Defenders of Wildlife and Dēmos, respectively; and new grants that support the foundation-led concept of reframing the legal landscape to support regulation of money in politics to the Campaign Legal Center and Dēmos.

I. RESPONSIVE & EFFECTIVE GOVERNMENT

The first set of grants further this portfolio's goal of strengthening government transparency on the theory that better informed citizens can more meaningfully engage in public debate, and that open government can increase trust in public institutions. They specifically do so through the innovative use of data and technology.

We recommend final grants to **Good Jobs First** and the **National Priorities Project**, groups that gather “data for democracy,” information that fuels the advocacy of many in the social justice community, including those in the transparency policy field. These are final grants because, when we tightened budgets last year, we narrowed our grantmaking strategy to support only the leaders of the small, well-coordinated field of D.C.-based transparency policy organizations. Good Jobs First and the National Priorities Project, while highly effective, are not among them, playing an important but distinct and ‘supporting role.’ (Unfortunately, because of this “supporting” nature, other funders are less drawn to support their work.)

As part of our work on responsive and effective government, we also seek to strengthen the role of federal and state courts in dispensing justice and defending Constitutional rights. With respect to federal courts, part of our strategy is to support organizations working inside the D.C. beltway to influence debates on the courts and the nominations process. To this end, we recommend a project support grant to **Defenders of Wildlife** of \$100,000 over one year, for its dissemination of a comprehensive, daily e-mail of all discussions and media mentions of judicial nominations issues. Many, including White House and Senate staffers and our OSPC colleagues, believe it to be the single most valuable resource available for federal judicial nominations work. The Open Society Foundations (OSF) has long been the primary supporter of the Project producing this newsletter—the *Judging the Environment* project, and is now its sole funder. (Other funders have moved their money from this kind of “back-up” work and into direct advocacy.) We see the project’s value to the field, but also recognize that money spent on it could instead fund grantee advocacy, and are concerned about the long-term health of the project. Project director Glenn Sugameli is a walking encyclopedia on nominations battles. As an environmental lawyer, he is most at home in an environmental organization,

but his project only nominally involves host Defenders of Wildlife. It may make more sense to embed this project at another organization that focuses on nominations advocacy, such as Center for American Progress, but people find it difficult to work with Sugameli. In sum, we’re in a less-than-ideal situation, but as we resolve it, we’re confident the Project will continue to deliver a first-rate product to the field.

II. POLITICAL EQUALITY

Our work on political equality seeks to: 1) reduce the undue power of wealthy interests to dominate and distort democratic debate and participation; 2) limit the excessive influence of money in state judicial elections; and 3) defend key voting laws, deter or modify suppressive proposals, and remove barriers to registration and voting.

In this area, we recommend two grants that further the first goal above—to reduce the power of wealthy interests to dominate and distort democratic debate and participation. We believe the reform landscape is greatly circumscribed by current Constitutional doctrine, and therefore propose grants as part of a foundation-led concept to reframe the legal-constitutional landscape such that it would support curbing the role of money in politics. To this end, we have begun to develop a multi-year strategic plan, in collaboration with the Brennan Center for Justice, the Campaign Legal Center and Dēmos. We will work with these groups, and with scholars and advocates, to: 1) develop new thinking on campaign finance jurisprudence; 2) defend against further erosion of campaign regulation while sowing the seeds for new constitutional standards; 3) engage in a broad communications strategy to build the case for standards chosen; and 4) coordinate advocacy with allies advancing public financing and corporate transparency. These grantees bring unique viewpoints and capacities to this initiative, so we anticipate some

healthy tensions. Among other things, we sense a level of competition for (perceived) leadership, media attention and grant dollars.

Staff appreciates the several risks inherent in this endeavor. First, it requires shifting a number of factors over a long period of time: judicial interpretations of the First and Fourteenth Amendments; public opinion about the meaning of the Constitution, and the composition of the Supreme Court. OSF must be prepared to support a slow-moving effort while maintaining clear benchmarks to measure progress. Second, investing in this effort means *reduced* capacity to fund a number of short-term opportunities for reform. However, given the growing funder concern with special interest money in politics, we are confident that money to support those opportunities (and this effort) will grow over time. Third, we understand that legal change does not automatically, or by itself, solve problems. We are well aware that fifty years after *Brown*, America's schools are more segregated than they were in 1965. But legal change still plays an important role in defining possibilities, setting expectations, and creating opportunities. This effort, in short, is envisioned as a complement to a much broader democracy reform effort.

Of the three grantees involved in this work, the Brennan Center is, of course, an anchor grantee, and we do not recommend additional support to Brennan for this work. We propose grants to the other two organizations involved, the first one a general support grant to the **Campaign Legal Center (CLC)** of \$350,000 over one year. Following troubled times in 2007 and 2008, when several funders simultaneously discontinued support for campaign finance reform, the Campaign Legal Center is now, organizationally speaking, much stronger. CLC has survived the lean years with a skeletal staff, while continuing to build back its revenue sources and also to increase its impact. Its litigation expertise

is recognized as the best in the field by its peers.

Other organizations routinely turn to CLC to manage amicus brief efforts, draft or edit briefs, and initiate litigation at the trial level. CLC staff also has an unparalleled mastery of election-related laws and regulations. For these reasons, the organization is indispensable to this initiative. As is often the case with litigators, however, CLC's strength is not in long-term, big picture thinking. Its focus is often on how to win a case - or how to lose it less badly, its strategy in the *McCutcheon* case, a challenge to "aggregate contribution limits" that the Supreme Court will hear this fall. CLC's President, Trevor Potter, a former Commissioner of the Federal Elections Commission and counsel to the McCain presidential campaigns, has some skepticism about jurisprudential change that we believe will ensure that this effort remains realistic. Our greatest concern about CLC involves its capacity to successfully attend to multiple projects. The organization is wisely cautious about growing its staff, and we are closely monitoring the organization's management of its expansion.

The other organization we propose supporting for this project is **Dēmos: A Network for Ideas and Action**. We also propose to resource Dēmos for work on affirmative voting reforms. The combined project support grant would be \$650,000 over one year, \$350,000 for Dēmos' contribution to the campaign finance concept, and \$300,000 for its work to remove barriers to registration and voting by advancing same-day registration.

Dēmos' Democracy & Elections unit has established itself as a leader in efforts to rethink Constitutional law on campaign finance and electoral participation. Building on Dēmos' mission of challenging economic inequality and its causes, the unit is explicitly focused on advancing an ideal of political equality, whereby all citizens have the ability to make their voices heard in debates over the future of their communities, states and nation. Dēmos will add capacity in

idea generation and communications (its staff is ubiquitous in progressive media); in litigation; and in and collaboration with those pursuing related reform efforts. We part ways with some Dēmos thinking on campaign finance: the organization supports efforts to amend the Constitution, a strategy we closely studied and concluded an unwise investment. But we believe this difference in views will serve to challenge our understanding of the best way forward.

We also propose separate, simultaneous project support of \$300,000 to Dēmos, to lead the field in implementing, promoting and protecting against repeal of Same Day Registration or SDR, possibly the most effective affirmative voting reform today. America is a highly mobile society, with mobility rates highest for people of color, those with lower incomes and youth. SDR remedies the challenge of mobility and registration errors because it allows voters to simply register on Election Day or during the early voting period, and makes it possible for them to update a pre-existing registration record and cast a ballot that will be counted. Dēmos has a deep understanding of the voter registration process.

For a decade, it has been at the forefront of both implementation and expansion of the National Voter Registration Act (NVRA) so that it benefits minority and low-income populations. Similarly, Dēmos has been the SDR issue leader for a decade, long before SDR caught other advocates and policymakers' attention. We have been funding Dēmos' NVRA work, but because other funders are stepping in to fund that work, we can shift support to Dēmos' SDR work, allowing Dēmos to counsel on implementation of SDR in the handful of states that recently adopted it, promote it in the states where there's real opportunity, and repel repeal efforts in states where it's proven valuable. Dēmos' contribution to state reform involves its development of state briefing reports forecasting the change in registration numbers if SDR were adopted; it leverages supportive elections officials; builds earned media support; engages in public education and outreach as to the benefits of SDR, and provides state partners with legal and communications support.

We look forward to discussing these grants with you on July 17.

Equality Fund

Grant Recommendations

July 2013 Docket

TO: Chris Stone
VIA: Ken Zimmerman
FROM: Nancy Youman, Archana Sahgal, Solomon Greene,
Li Zhou, Christopher Sun
DATE: July 10, 2013

Greetings, Chris. The Equality Fund attaches seven grant recommendations for your review as part of U.S. Programs' second of four 2013 dockets. The grants we recommend total \$1.55 million, 12.4% of the Equality Fund's 2013 budget. \$1.4 million is coming from the Fund's 2013 grantmaking budget; \$100,000 from the Core Grants line within Special Initiatives and Partnerships and \$50,000 from the National Security and Human Rights Campaign. Separately, under his authority to approve grants of less than \$50,000, Ken is reviewing three grants, totaling \$150,000. If these grants are approved and added to the grants approved earlier this year, the Equality Fund will have spent about a quarter of its 2013 budget of \$12.5 million. FYI, it is likely we will not expend the full 2013 budget given the Equality Fund's leadership transition and the ongoing strategy development process.

The grants recommended at this time present different aspects of three strands of the Equality Fund's strategy: immigration reform; financial and economic fairness; and support for core partners in the push for racial equality.

Many of the immigration-related grantees in our first docket, as well as those receiving OSPC funding, focus on building a pathway to citizenship. However, as federal comprehensive immigration reform advances, enforcement policy remains a flash point—as we saw in the tough-to-swallow but overall constructive compromise legislation the U.S. Senate passed last month. It seems clear that, even if we get some form of comprehensive immigration reform, enforcement policies and their impact will require close monitoring and skilled advocacy.

The three organizations recommended for immigration-related grants in this docket—**Detention Watch Network**, **National Immigration Justice Center**, and **Northern Borders Coalition**—specialize in advocating for fair and humane enforcement policies. In their own distinct way, each focuses on challenging harsh federal and state immigration enforcement laws that lead to profiling, detention and deportation. The nature of enforcement issues requires specific, targeted interventions, and each of these organizations occupies an important niche that the broader-based, and often more moderate, immigrant rights organizations cannot fill because of their topline goal of securing comprehensive federal reform.

Open Society's support is particularly critical. The only other national funders explicitly focused on reforming immigration enforcement policy are the Ford Foundation and the Four Freedoms Fund, another Equality Fund grantee. While enforcement reform advocates historically have been under-resourced, they fill a gap in the immigrant rights field. Given the merging of the criminal justice system with the immigration enforcement system and the complexity of enforcement issues, enforcement reform requires focused support. The recent Senate debate, in which enforcement became a bargaining chip, underscores the need. These are wise investments in groups that are crucial to securing humane policies and implementation.

In another area of the Equality Fund's work, U.S. Programs' Neighborhood Stabilization Initiative (NSI) invested nearly \$25 million between 2008 and 2012 in innovative local strategies and helped create a national advocacy infrastructure to mitigate the impacts of the mortgage foreclosure crisis on low-income neighborhoods and communities of color.

Although U.S. Programs wound down NSI last year as a distinct grantmaking program, the Equality Fund

continues to focus on two underlying social realities that constitute both root causes and lasting consequences of the foreclosure crisis:

1) the increasing concentration of poverty in racially segregated communities in the U.S., and 2) the nation's widening racial wealth gap. These two issues are interconnected and pose a dual threat to meaningful progress towards racial equality in the U.S. The Equality Fund is currently undergoing an exploratory process to help us develop and refine our grantmaking priorities aimed at reducing racially concentrated poverty and closing the racial wealth gap.

In the near term, we have identified two policy areas where we can leverage opportunities to reverse growing economic disparities in the U.S. along lines of race, ethnicity and immigration status. The first interim goal is to *rebuild the housing finance system in a manner that ensures access to affordable credit for underserved borrowers and promotes fair and responsible lending practices*. A second interim goal is to *promote access to affordable housing in high opportunity neighborhoods through improved enforcement of federal fair housing laws*.

The three grants recommended in this docket—to **City Life/Vida Urbana**, the **Opportunity Agenda** and the **Urban Institute**—will secure gains made from OSF's earlier investments in NSI and build on the expertise and networks gained through that initiative to advance the two interim goals. The recommended grants will help strengthen the communications capacity of the field of fair housing and civil rights advocates and fill knowledge gaps about how various public policies regulating housing finance systems will impact low-income families, communities of color, and underserved markets. Grants in future dockets will supplement the research and communications capacities emphasized in this docket with regulatory and legal advocacy, grassroots organizing, and coalition-building to build public support at the local,

regional and national level for housing policies that remove barriers to opportunity for people of color, immigrants and other vulnerable groups.

The Equality Fund has identified five core partners who provide everything from strategic communications to research and analysis to policy development and organizing across the multiple fields

and sub-fields of promoting equality in the U.S. In this docket we recommend renewed support for one of them: the **Center for Social Inclusion**

We are learning a lot from your review, insights and guidance on strengthening our grantmaking muscles. Thank you. We look forward to more of that at our July 17 docket meeting.

Justice Fund Grant Recommendations July 2013 Docket

TO: Chris Stone
VIA: Ken Zimmerman
FROM: Lenny Noisette, for the Justice Fund
DATE: July 10, 2013

WE LOOK FORWARD TO discussing the next Justice Fund docket with you on Wednesday, July 17, 2013.

On this docket, the Justice Fund is pleased to present nine grants for approval, representing a total of up to \$2,415,000, of which \$2,215,000 will be drawn from the Justice Fund's 2013 budget.¹ These recommendations include four (4) grants that would support our priority of reducing mass incarceration, two (2) that would advance our priority of challenging extreme punishment and three (3) that advance our goal of promoting justice system accountability.

Eight (8) of the nine (9) recommended grants are renewals; five (5) will recommend general operating support to our grantee partners and four (4) will support targeted and discrete projects. All are investments to support the various fields in which we work. One grant also supports continued funding of a key organization involved in the Campaign to Abolish the Death Penalty by 2025 in which we continue to play a leadership role.

Three of our recommendations are proposed as tie-off grants in consideration of the wind-down of our current grantmaking strategy related to public defense reform. Fund staff is actively engaged in an assessment of the impact of our prior investments to improve

¹ \$200,000 will come from other US Programs units for co-funded grants. An additional \$100,000 will be drawn from the Justice Fund's budget to support a grant to the Legal Action Center that will be proposed on the Campaign for a New Drug Policy's docket.

indigent defense delivery and systems, as well as an exploration of new strategies we might propose in this area in 2014.

If approved, the Justice Fund will have committed \$10,002,500 (75%) of the \$13,450,000 it has allocated for organizational grants in 2013.²

A. REDUCING MASS INCARCERATION

1. *Sentencing and Correctional Reform*

We propose continued general operating support to the **Justice Policy Institute** (JPI), which plays a key role as part of the national infrastructure we seek to sustain to provide research and communications support to state-based advocates across the country in their public education and policy reform activities. JPI is also a frequent collaborator with other organizations working nationally on reform efforts (including a number of OSF grantees), and it is seen as a trusted source by policymakers at the federal level, on which the Justice Fund is devoting increased attention, along with our colleagues in OSI-DC. JPI has recently undergone an unexpected and abrupt leadership change, but we are confident that with its hire of a seasoned and respected juvenile justice leader, Marc Schindler, as its new executive director, the organization will continue its important role. Our proposed grant to the **Osborne Association** (Osborne) reflects our continued support for key organizations in New York, where in part due to long-term investments, we have seen significant success in reducing incarceration and where we continue to explore the potential to work with the Cuomo administration to pursue additional reforms. Osborne is a sophisticated player among justice reform advocates in the state and has played a critical role in

successful reform efforts in New York to date. It uses its credibility as a longtime service provider to bring stakeholders to the table and garner necessary attention for children of incarcerated parents within a broader systems reform agenda. Osborne's work in this area has drawn the attention of the Obama administration, and our recommended grant will allow it to seize a timely opportunity to influence federal policy that will make for broader impact as well.

The proposed grant to the **Immigrant Defense Project** (IDP), co-funded with the Equality Fund, will support its efforts to confront the detention and incarceration of immigrants as a result of involvement in the justice system, a constituency often left out of criminal justice and immigration debates yet deeply and detrimentally impacted by both systems. Two key aspects of this work involve supporting litigation challenging aggressive interpretations of already harsh drug-related "aggravated felony" laws that result in mandatory deportations, and advocating for just immigration reform for all immigrants, including those with criminal convictions. IDP is playing an important role in the campaign for comprehensive immigration reform³ we are funding that seeks to ensure that due process rights, among others, do not act as a bargaining chip in the effort to secure our nation's borders.

² \$1.2 million of the Fund's total budget of \$14,650,000 has been allocated for the Soros Justice Fellowships Program.

³ The Campaign for Accountable, Moral, and Balanced Immigration Overhaul (CAMBIO), supported by the Equality Fund with both (c)(3) and (c)(4) funding, is the vehicle through which advocates seek to ensure that pending immigration reform legislation provides a path toward legalization and citizenship that does not include further unaccountable and punitive expansion of the immigration enforcement system. The Equality Fund supports CAMBIO's affiliated member organizations, as well, some of whom have also received past support from the Justice Fund for their immigration enforcement work. In the current fight to secure Comprehensive Immigration Reform, Archana Sahgal, Program Officer with the Equality Fund, has been the primary US Programs staff member leading this work.

2. *Collateral Consequences of Criminal Convictions*

We recommend two renewal grants that align with our strategy of removing the policies and practices that prevent individuals with criminal convictions from becoming full members of society by accessing secure employment and opportunities to pursue higher education. A general support grant to the **Legal Action Center**⁴ will allow the continued work of its National HIRE Network, through which it engages in policy research, public education, coalition-building and advocacy at the federal level to eliminate legal and policy barriers that limit access to education, employment, housing and public benefits for people with criminal histories. Included in its work are activities to take advantage of the recent amendment of the EEOC guidance regarding limits on employers in using prior criminal records in hiring decisions, which complements the work of Justice Fund grantee partners Community Legal Services and the Fortune Society, whose funding was renewed on the April 29, 2013 docket.

The College and Community Fellowship (CCF) works in New York State and nationally to expand the availability of quality, publicly-funded higher education opportunities to people in and after prison. Through the proposed project grant, CCF, in partnership with the Fortune Society's David Rothenberg Center for Public Policy and the Center for Community Alternatives (grantees of the Justice Fund and Campaign for a New Drug Policy, respectively), will continue to direct the Education from the Inside Out (EIO) Coalition, which is committed to removing barriers to higher education facing individuals with criminal justice involvement, including currently- and formerly-incarcerated individuals.

⁴ This grant, which is being co-funded with the Campaign for a New Drug Policy, will be presented for recommendation on the Campaign's docket.

B. CHALLENGING EXTREME PUNISHMENT

1. *Campaign to Abolish the Death Penalty by 2025*

Our proposed grant to **Texas Defender Service (TDS)** will be the seventh this year in support of the Campaign to Abolish the Death Penalty by 2025. Renewed funding will allow TDS to maintain capacity for key trial and post-conviction litigation activities aimed at reducing the number of death sentences and executions in Texas. TDS continues to play a critical role in the Campaign by helping to drive down death sentences and executions in a 'high use' state. TDS's model is being successfully adopted by other jurisdictions, including Pennsylvania and Delaware, where TDS helped incubate the Atlantic Center for Capital Representation. TDS also serves as fiscal sponsor for the highly impactful and nationally recognized Capital Litigation Communications Project, which supports the Campaign's communication activities.

2. *Children in the Justice System*

Given limited resources to devote to this work, our strategic approach is to provide support to key national partners working to challenge the prosecution and sentencing of children in the adult system, supplemented by targeted funding in key jurisdictions. Proposed project funding to the **Law Offices of Deborah LaBelle (LODL)** will support the Youth Mitigation Access Project in its efforts to seek meaningful relief for 22 of the 368 individuals sentenced as children to mandatory natural life sentences in Michigan who are eligible for relief as a result of the 2012 Supreme Court decisions in *Miller vs. Alabama* and *Jackson vs. Hobbs*. LODL intends to use the experience of this first tier of cases to develop a mitigation hearings model for statewide use that will, in turn, contribute to the development of a national mitigation hearing model. Michigan has the second highest number of people serving the

unconstitutional sentence, yet it does not have a state-supported indigent defense counsel system. This one-time grant to support implementation in Michigan during this critical period is part of the Justice Fund's strategy to support such efforts in the states with the most potentially eligible individuals, and where there currently exists some capacity to pursue meaningful relief.⁵

C. PROMOTING JUSTICE SYSTEM ACCOUNTABILITY

The Justice Fund recommends three grants that advance the Justice Fund's goal of promoting improved public defense services. These grants are recommended as general support tie-off grants as the Justice Fund winds down its current strategies related to this work in 2013.

Proposed support to the **National Juvenile Defender Center** (NJDC) will allow the organization to continue responding to the critical need to build the capacity of the juvenile defense bar to be advocates for improving access to counsel and quality of representation for indigent children in the justice system. Most recently, in 2013, NJDC released the first ever National Juvenile Defense Standards, which reflect the unique role and critical importance of specialized defense counsel in juvenile courts. Under

the leadership of current executive director Norman Reimer, the **National Association of Criminal Defense Lawyers** (NACDL) has emerged as a leading advocate of the right to counsel for indigent defendants and the restoration of rights and status for people with criminal convictions. NACDL is currently supporting indigent defense reform efforts in five states and, at the federal level, is a key partner in the coalition seeking to ensure adequate funding for state and federal public defender organizations and private appointed counsel. This grant will be co-funded by the National Security and Human Rights Campaign to support NACDL's efforts to confront the attack on America's fundamental constitutional protections under the banner of the "war on terrorism." NACDL resists this trend on both a systemic and case-by-case basis to expose and combat the ongoing incursions into our civil rights in the name of national security. The **Texas Fair Defense Project** (TFDP), a nonprofit law firm based in Austin, Texas, promotes fairness and accuracy of the justice system in the state. TFDP is the leading organization with experience litigating systemic indigent defense issues in Texas and before the U.S. Supreme Court as evidenced by its successful litigation in *Rothgery v. Gillespie County*, in which the Court declared that the constitutional right to counsel attaches at a defendant's initial post-arrest appearance before a magistrate.

We look forward to meeting with you on July 17th.

⁵ We have previously made grants to support efforts in Florida and Louisiana, as well as to support the national training of advocates.

Special Initiatives and Partnerships

Grant Recommendations

July 2013 Docket

TO: Chris Stone
VIA: Ken Zimmerman
FROM: Bill Vandenberg, for the Special Initiatives and Partnerships Unit
DATE: July 10, 2013

Greetings, Chris. With great appreciation for the work of my colleagues—Maggie Corser, Patricia Jerido, Heddy Nam, Nora Ranney, and Ahely Rios Allende—here for your consideration is the U.S. Special Initiatives and Partnerships unit’s second docket of 2013. In this memo, we’ll provide brief operational updates and a snapshot of our recommendations.

With this docket, we say farewell to two staff members: program officer Nora Ranney, who now brings her talents to help launch the Open Places Initiative, and program associate Heddy Nam, who begins graduate studies at the University of Southern California this fall. We’ve made a trade with the City of Angels, however, as Ahely Rios Allende has moved east to join us as a program associate, following her prior work at the California Community Foundation and the National Association of Latino Elected and Appointed Officials (NALEO).

As you know, U.S. Programs’ Special Initiatives and Partnerships Unit was established in January to: (1) take on issue advocacy opportunities that do not fit elsewhere within U.S. Programs (USP)—and work closely with the Washington office to do so; and (2) broaden and deepen the partnerships that USP has with a small set of “anchor” partner grantees that advance multiple open society priorities. Special Initiatives and Partnerships has taken on gun violence prevention and fiscal equity priorities, maintains the grantmaking relationship between USP and several “civic core” grantees, and also seeks to expand USP’s strategic partnerships with non-grantees, including politically influential unions and donors. The civic core grantees include nine civic engagement and economic justice related organizations and were identified via an USP

senior staff process last fall. We expect that criteria for them moving forward will be refined following future board conversations, including one on “power and politics,” at the upcoming September board meeting.

Last but not least, we are staffing the launch of the “Project on Work,” the board and staff learning exploration on global economic shifts, the rise of automation, and future projections for quality employment for all, particularly the most marginalized populations. The project has recently brought on a talented design consultant, Ryan Senser, who is now working with Ken, my team, and board advisors Andy Stern, Deepak Bhargava, and Geoff Canada to lift off the learning exploration.

This docket includes seven grant recommendations, totaling \$2,950,000. The recommendations include three U.S. Programs anchor grantees, three “civic core” organizations, and a final Democracy and Power Fund (RIP) tie-off. As per a five year custom for my teams, we track the demography of our recommendations, by the total number of grants and total dollars recommended by what we know to be the organizational leader’s race/ethnicity, gender/gender identity, sexual orientation, recent immigrant background, age, and geography. This is an incomplete measure, to be sure, and is complemented by much deeper assessment through due diligence. We’re happy to provide this information to you for this docket or others as you wish.

With this docket, we continue to build out and refine our approach to anchor partner due diligence. With three quite extensive processes on this docket, entailing significant engagement within USP, lengthy and broad ranging site visits to anchor partner offices, outreach to peers with relevant perspectives, and our own field knowledge, we’re still gathering rich information to better inform present and future grantmaking to some of OSF’s largest grantees. In this docket, we delved much more deeply into:

- The inner workings of the Advancement Project, including how its six organizational co-directors and two vibrant, but interestingly separate, parts—the national and California offices—operate and relate to one another;
- the leadership succession planning of the Leadership Conference on Civil and Human Rights, home to three well-regarded senior leaders who are each nearing transition moments in their careers; and
- the recent rapid growth and intricate, some would say archaic, structure of the NAACP, with its large boards of directors (c4) and trustees (c3), regional offices, single and multi-state conferences, and local, campus, and prison branches.

In these anchor explorations, my team and I have benefited from the broad engagement of our USP colleagues and each site visit has been informed by the participation—in person or otherwise—of multiple programs and campaigns, all program positional levels, and the Baltimore, New York, and Washington offices. We’ve also commenced a post-docket brownbag series at which we discuss site visit learning with USP programs staff and representatives from the general counsel’s, grants management, finance, and Washington offices. To be fair, the heaviest lifting in this process is on the part of the anchor partners themselves. We’ve been fortunate to have considerable goodwill, time, and trust from them—from both staff and board leaders—as we conduct the information gathering process. We’re often told that our approach is unlike that of other funders which we interpret to mean that we’re much more operationally minded (and likely considerably more time consuming).

We welcome the opportunity to discuss our recommendations with you. Here is a snapshot of our seven Docket II recommendations.

**ANCHOR PARTNERSHIPS:
THREE (3) RECOMMENDATIONS
FOR \$1.75 MILLION**

These anchor grantee renewal processes seek to preserve and broaden USP's prior programmatic relationships with the organizations while focusing new attention on learning about the organizations' internal operations, staff and board leadership, strategic planning, governance, financial management, fundraising, c3/c4 capacities, and communications infrastructure. During this budgetary transition year that follows USP's 2012 strategic planning, we've only been able to recommend one year renewals to each, although we hope to make multi-year recommendations in the future. For 2013's later dockets, we're discussing with Ken the possibility of tapping the Reserve Fund to enable some anchor partners to receive two year renewals. This will help us stagger both the time intensive anchor renewal processes and their budgeting in the years ahead. This docket's recommendations include:

Advancement Project

\$500,000 over 1 year

Renewal—general support—U.S. Programs Anchor Grant

Advancement's greatest areas of intersection with OSF include voting rights, voter protection, broader democracy issues, and educational justice. It is also currently receiving additional project support for "school to prison" pipeline, school climate issues (Baltimore), and voter protection and, in 2012, received a large grant for voter protection communications and public education.

**Leadership Conference Education Fund
(aka Leadership Conference on Civil Rights
Education Fund)**

\$750,000 over 1 year

Renewal—general support—U.S. Programs Anchor Grant

The Leadership Conference's greatest areas of intersection with OSF include racial justice, immigrant justice, internet and media policy, voting rights, and judicial nominations. It has also recently received additional project support for voting rights

**National Association for the Advancement of
Colored People (NAACP)**

\$500,000 over 1 year

Renewal—general support—U.S. Programs Anchor Grant

The NAACP's greatest areas of intersection with OSF include criminal justice, civic engagement, educational justice, racial justice, and voting rights. The NAACP is also currently receiving additional project support for its North Carolina state affiliate (aka "state conference") and in 2012 received project support for civic engagement and criminal justice work.

**CIVIC CORE:
THREE (3) RECOMMENDATIONS
FOR \$1 MILLION**

Civic core grantmaking includes field-building support for a limited number of USP grantee organizations that: (1) effectively engage key constituencies and develop new leaders in a demographically shifting America; or (2) provide essential strategic or research capacity to more effectively advance a broad set of open society priorities. The nine current civic core grantees came from the Democracy and Power Fund's 90 prior grantees and were prioritized via an USP senior staff led process in the fall of 2012. We anticipate that future USP board conversations about power and politics, as lifted up in the May board meeting, will help to clarify the 'if' and 'how' of how USP prioritizes such grantmaking in the future.

Civic core grantees include: grassroots organizations that conduct large-scale organizing in Black, Latino, faith-based, and youth communities; elected leader

networks for young people and Latinos that cultivate open society leadership from within government; technical assistance intermediaries that help local and state groups do more effective civic engagement and advocacy; and an economic justice think tank that supports a national network of state-based economic justice think tanks. This docket's recommendations include:

Ballot Initiatives Strategy Center Foundation

\$200,000 over 1 year

Renewal—general support—co-funded: Civic Core plus fiscal equity advocacy

The Ballot Initiative Strategy Center Foundation provides social justice and open society organizations with education, research, and strategic assistance on ballot initiatives and referenda (I&R). It monitors possible ballot efforts that threaten open society and identifies proactive efforts that could use the I&R process to improve the quality of life for many.

Economic Policy Institute

\$350,000 over 1 year

Renewal—general support for \$200,000 and new, Project on Work funding for \$150,000

The Economic Policy Institute (EPI) researches, develops, and advances policies that contribute to debates on: growing incomes across wage and demographic spectrums; creating “good jobs” with high wages, sound benefits, and career paths; providing income and wealth security, especially for older Americans; lowering poverty rates and increasing upward mobility; and investing in a national infrastructure to support economic growth.

Through U.S. Programs' new Project on Work, we recommend additional project support for EPI's Economic Analysis and Research Network (EARN), a network of 60 state and regional research and advocacy organizations in 44 states. EARN's state partners are uniquely positioned to do research,

provide analysis, and convene state based economists, political scientists, journalists, and advocates to share knowledge, wisdom, and perspective on the future of workers at the state and local level.

State Voices

\$450,000 over 1 year

Renewal—general support

State Voices is a national organization that supports twenty-two state civic engagement tables that include more than 700 diverse, nonpartisan 501(c)(3) organizations. The “state tables” foster collaborative multi-issue policy work, economies of scale, rigorous evaluation, integration of data in nonpartisan voter participation efforts, and engaging historically underrepresented communities in the democratic process.

DEMOCRACY AND POWER FUND TIE-OFF: ONE (1) RECOMMENDATION FOR \$200,000

New Organizing Institute

\$200,000 over 1 year

Renewal—tie-off—possible candidate for consideration by the President's New Executives Fund

The New Organizing Institute provides thousands of activists and organizers annually with training, research, and skills development to better use the tools of the Internet for advocacy campaigns. This is a tie-off recommendation forced by shifts in USP strategy. The New Organizing Institute has a talented new executive director who served as the data director for the Obama 2012 reelection campaign. In this role, he—Ethan Roeder—managed a well acclaimed and trailblazing data staff of 130.

We look forward to the conversation with you on July 17, Chris. Thanks as always for your careful and thoughtful review.

National Security and Human Rights Campaign—Grant Recommendations July 2013 Docket

TO: Chris Stone
VIA: Ken Zimmerman, Laleh Ispahani
FROM: Lisa Magarrell, National Security and Human Rights
Campaign
DATE: July 10, 2013

WE LOOK FORWARD TO meeting with you on July 17 to discuss the second docket of U.S. Programs in 2013. The National Security and Human Rights (NSHR) Campaign seeks approval of two grants on this docket totaling \$600,000.¹ Our recommendations for this year now total \$2.53 million (63% of our budget line).²

Grant recommendations for the Campaign are attached. We have benefitted from training on organizational financial health and have started to develop relationships with board members of grantees, though we are still building our capacity to identify organizational and leadership effectiveness issues through external sources, so our analysis of this element is still not as deep as we would like.

¹ This amount represents \$250,000 from the NSHR budget line, \$200,000 from the Special Initiatives Program (for core funding), \$100,000 from the Democracy Fund, and \$50,000 from the tie-off funds set aside for the Equality Fund.

² This is a calculation that only refers to the NSHR budget line. In addition to the \$250,000 contribution to this docket, three smaller grants have been approved by the U.S. Programs Director in this docket cycle (totaling \$80,000 from the NSHR budget and \$50,000 from the tie-off line). A \$50,000 contribution to a grant to One America for the Northern Border Coalition which we referenced on Docket I was carried over to this docket and continues to be led by the Equality Fund. NSHR's total expenditures for Docket II are \$380,000 (9% of our \$4 million budget). The NSHR Campaign is also recommending \$100,000 from tie-off funds for the Fund for Criminal Justice (National Association of Criminal Defense Lawyers), which is led by the Justice Fund on this docket.

Both recommended grantees are renewals in the category of support to the field; together they represent our dual focus on rule of law and civil liberties goals.

PROMOTING THE RULE OF LAW AND HUMAN RIGHTS

The National Security Archive Fund's Open Government and Accountability Program sets out a clearly-defined set of projects that flow from ongoing litigation, audits, and FOIA work critical to the success of both Democracy Fund and National Security and Human Rights Campaign goals relating to transparency and accountability. This grant renews support, defined for the first time as "core" to U.S. Programs and thus drawn from a special budget line, supplemented by funds from the Democracy Fund's budget. In prior years the organization has received two-year funding, but budget constraints led to this recommendation for a one-year grant.

The Program's work is foundational to the NSHR strategy on accountability because the Program gains access to and organizes information about wrongdoing and government responsibility that can be used by our cohort of accountability advocates. The Program is also key to both NSHR and the Democracy Fund because it works to change the way government can be held to account, by promoting good practice on transparency and auditing government compliance. The specific objectives to be undertaken align neatly with goals identified in our strategy, including challenges to secrecy on drone targeting and chipping away at the overuse of the state secrets privilege.

You may be interested to know that the smaller grants in this category already approved on Docket II by the Director of U.S. Programs include a \$30,000 grant to The Constitution Project for strategic planning, in response to the organizational sustainability

challenges identified by OSF and the grantee earlier this year. U.S. Programs also approved a short-term \$50,000 supplemental grant to the National Religious Campaign Against Torture (NRCAT) to activate its religious base to promote the findings and recommendations of the Task Force Report on Detainee Treatment that came out in April. That grant will not resolve NRCAT's financial challenges, which as you are aware, are the subject of our ongoing conversations with OSI-D.C. and which may result in a small general support grant later this year.

STRENGTHENING CIVIL LIBERTIES AND EQUALITY

In our last docket, we presented four of the grantees that make up our key cohort of Arab, Middle Eastern, Muslim, and South Asian organizations working in defense of domestic civil liberties and to counter a pervasive xenophobia that has fueled religious and national origin profiling.³ This docket includes renewed support for the fifth member of that cohort: the Arab Community Center for Economic and Social Services (ACCESS), which hosts the National Network for Arab American Communities.

ACCESS has a long institutional history as well as a commitment to address the discrimination and "Islamophobia" that its constituents have identified as a top priority. It is the primary organization we support that works specifically with the Arab American population, complementing the work of our other grantees in this area. The Network existed prior to 9/11 but shifted its priorities in order to address the new context after the terrorist attacks. We are particularly supportive of this group because of its

3 The four grants approved on Docket I were to: Asian Law Caucus, Muslim Advocates, the Sikh Coalition, and South Asian Americans Leading Together.

grassroots presence in 11 states and its work in our target states of California, Michigan, and New York, and along the northern border.

The proposed work includes development of an anti-bias campaign that will benefit the larger field working to counter xenophobia in the national security arena. The Network also draws on its membership base to inform work on federal policy and to coordinate with others in the immigration and civil rights fields. As part of our strategy, we are challenging ourselves to be more intentional about funding that has this kind of local component: Can we be more aware of how to complement it with other funding and use other tools such as convenings to assess and strengthen its

impact? We also want to assess the relation of this work to the national advocacy efforts that ACCESS and the other groups undertake, and how two coalition grantees (the Rights Working Group and the Security & Rights Collaborative) can support and make use of the groups' grounded experience.

Our support to ACCESS, along with the organizations whose funding was recommended in Docket I, is primarily to maintain this cohort's capacity to use its deep knowledge, effective policy advocacy, and creative ideas to achieve change. We have co-funded ACCESS in the past with the Equality Fund, which is now tying off its support in order to give an incoming fund director more flexibility going forward.

Campaign for Black Male Achievement Grant Recommendations July 2013 Docket

TO: Chris Stone
VIA: Ken Zimmerman
FROM: Shawn Dove, Rashid Shabazz, Stephanie Ramirez-Burnett,
and Hayley Roberts
DATE: July 8, 2013

THE CAMPAIGN FOR Black Male Achievement (CBMA) attaches two grant recommendations for your consideration. The proposed grants further CBMA's strategy to address the economic, political, social, and educational exclusion of black men and boys from the American mainstream by advancing the two of our core goals: 1) attaining educational equity to ensure that black boys have the opportunity to excel academically, prepare for college, and to learn skills essential to earning a living wage; and 2) strengthening the field of black male achievement by using strategic communications to counter negative media portrayal and public perceptions of black men and boys. The proposed grants total \$325,000 representing 4.9% of CBMA's total 2013 grantmaking budget. So far CBMA has dispersed 34% or \$2,250,000 of its grantmaking total for 2013.

One of the two grants that the Campaign for Black Male Achievement presents in this docket is a renewal to **American Values Institute (AVI)** to advance CBMA's strategy to **strengthen the field of black male achievement** by promoting positive frames and messages of black men and boys. AVI is one of the core grantee partners in this area of work for CBMA, along with groups like the Opportunity Agenda and Color of Change, and has served as the lead organizer and convener of Black Male Re-Imagined campaign which has galvanized field leaders and industry influencers to elevate the conversation about media perceptions of black men and boys and the role implicit bias has in shaping perceptions. The CBMA renewal will support AVI's Perception 20/20 campaign which seeks to: 1) advocate for diverse images of black men and boys by connecting field partners to established

communications networks; 2) facilitate and promote the dialogue about black men and boys through national convenings and nontraditional partnerships; and 3) track and analyze changes in perceptions and narratives about black males.

This grant is of particular note for CBMA because of AVI's niche role in the field of being a leading voice and media influencer for the promotion of positive frames and messaging for black men and boys. More specifically, AVI's executive director, Alexis McGill Johnson, is a highly respected voice in this space and enables AVI to add unique value to our field-building strategy. However, AVI, which is a project of its fiscal agent the Institute for America's Future, has struggled with organizational capacity for variety or reasons over the past couple years. Its infrastructure relies predominately on the leadership of its executive director, Alex McGill Johnson, a couple of staff members, and a number of contracted consultants. In light of AVI's position in the field, CBMA staff has taken a hands-on approach with participating in McGill Johnson's thinking about AVI's business model. She is currently considering spinning off AVI and is in dialogue with the Kellogg Foundation strategic planning support to develop a plan that will transition AVI into an autonomous institution with its own board, financial structure and staff.

CBMA staff sees this grant and the institutional evolution of AVI as a case study of its role in building the organizational health of core organizations and whether those organizations are in positions of sustainability long after the life of CBMA at Open Society Foundations.

The second recommendation in the docket is a \$125,000 tie-off grant to the **Youth Empowerment**

Project (YEP) in New Orleans to support its Village Program in New Orleans, an all-male structured class providing black male youth ages 16-24 with academic instruction five days a week. The Village Program also provides case management, mentoring, employment and supportive services to over 180 young men in the New Orleans area, supporting CBMA's strategy to support both direct service and policy advocacy groups to advance black male achievement. The all-male Village program is an extension of YEP's Village program, which is one of the few programs in the Greater-New Orleans area that specializes in providing GED and academic instruction along with customized supportive services to individuals who have been unsuccessful in the traditional K-12 education system. \$50,000 of the funding will allow YEP to complete a three year impact evaluation of its Village Program which includes two subset programs: a co-educational cohort focused on addressing the needs of lesbian, gay, bi-sexual and transgender (LGBT) youth and an all-male cohort. While CBMA does not intend to continue funding groups in New Orleans as a result of its narrowing focus of places, we anticipate the tie-off grant will allow YEP to continue to leverage additional funds and its evaluation. The tie-off grant is important to CBMA's field-building work more broadly as YEP is one of the lead organizations aligned with Mayor Mitchell Landrieu's *NOLA for Life* initiative to provide positive youth development alternatives to reduce violent deaths of black males. CBMA has played a catalytic role with engaging Mayor Landrieu, Mayor Michael Nutter of Philadelphia, and over 40 other mayors, in a national strategy called *Cities United* which partners mayors, municipal leadership and grassroots organizations in local strategies to address violent deaths of black men and boys in their cities.

Chris, we look forward to your insights and feedback during next week's docket meeting. Thank you.

Campaign for a New Drug Policy

Grant Recommendations

July 2013 Docket

TO: Chris Stone
VIA: Ken Zimmerman
FROM: Campaign for a New Drug Policy¹
DATE: July 8, 2013

THE CAMPAIGN FOR A New Drug Policy (CNDP) recommends three grants for consideration at the July 17, 2013 docket meeting. Within CNDP's work to establish nonpunitive and health-centered drug policy in the U.S., renewed general support grants to Students for Sensible Drug Policy (\$200,000/1 year) and Law Enforcement Against Prohibition (\$200,000/1 year) represent investments in the field. Renewed support to the Legal Action Center (\$200,000/1 year; 50% CNDP and 50% Justice Fund) would also be in the form of general support, but would advance a foundation led concept: implementation of national health care reform to establish systems and an infrastructure for health based drug policy. The \$500,000 recommended in this docket represents approximately 18% of the Campaign's \$2.8 million non-DPA grantmaking budget, of which \$578,500 remains for 2013.

The CNDP was established in late 2010 within US Programs to support efforts in the field to reform American drug policy and to coordinate with other OSF programs working in this and closely related fields. Over the past two and a half years, CNDP has co-funded grants and collaborated in various ways with the International Harm Reduction Development program, OSF-DC, OSFBaltimore, the Latin America Program, the Youth Initiative and the Global Drug Policy program. Through the end of 2013 and in the course of implementing CNDP's 2014-17 plan, we expect these collaborations to continue as OSF

¹ The Campaign for a New Drug Policy is housed within the Justice Fund. CNDP staff includes: Campaign Manager Andy Ko, National Drug Addiction Treatment and Harm Reduction Program Director Kima Taylor, and Program Associates Ruzana Hedges and Jamie Wood.

considers options for drug policy work across its network. The three renewal grants for this docket all involve current or past cross-program grantmaking.

RELEVANCE TO CNDP GRANTMAKING AND PROGRAMMATIC STRATEGY

SSDP and LEAP play similar roles within the field of drug policy reform activists, but from starkly different perspectives. **Students for Sensible Drug Policy** (SSDP) is a membership organization of young people who oppose current drug policies. The group claims 200 active chapters and more than 3000 active members in colleges, graduate programs and secondary schools in the U.S. and a number of foreign countries. The protection of young people is one of the most often cited justifications for punitive drug policies, with reform opponents' most common argument being that policy changes will "send the wrong message to kids." SSDP's essential message is that the drug war itself sends the wrong message by harming young people directly through criminalization and indirectly by consuming resources that should be allocated to education, health care and other critical social investments.

Law Enforcement Against Prohibition (LEAP) also is a membership organization, but is drawn primarily from retired and active police, judges, prosecutors, prison guards, border patrol and prosecutors. Informed by its members' experience as law enforcement professionals, LEAP opposes punitive drug policies as a cause of corruption, racially disparate policing, unnecessary escalation of community violence, and the failure to adequately fund health and social services that could directly address the harm often caused by drug use and markets. LEAP members speak from the perspective of veterans of the war on drugs—at times too forcefully, but earnestly and with a credibility that most reform advocates could never match. In a sense,

SSDP represents the demand for a better future, while LEAP describes an ugly past. Both are important functions within the effort to reform drug policies.

For decades, the **Legal Action Center** (LAC) has advocated for the rights of and adequate services for people who are addicted to alcohol and other drugs. LAC bridges the gap between the work of government, drug policy reform and harm reduction groups, housing and anti-poverty advocates, and others whose work affects the lives of drug users. LAC has been deeply involved in implementation of the Affordable Care Act to address the needs of drug users and formerly incarcerated people. In particular, CNDP has supported LAC's coordination of the Coalition for Whole Health, which is a group of addiction and mental health advocates that promotes the full inclusion of meaningful behavioral health benefits through national health care reform implementation. LAC's relationship with some of its collaborators has been difficult, which we attribute to the organization's leadership. Nevertheless, its substantive expertise, advocacy experience and placement in the field lead us to conclude that continuing support for LAC is important.

As indicated in our Docket 1 cover memo, in 2013 and over the course of CNDP's 2014–2017 strategy, we intend to focus on supporting operating systems of nonpunitive drug policy that eliminate the barriers to drug user health and promote less damaging responses to illegal drug markets. To this end, CNDP will partly direct its support to a number of communities in which these alternative systems can successfully be implemented, proven, normalized and scaled up. SSDP and LEAP, as national groups with locally based members representing distinct perspectives, will likely play important roles in that effort. LAC, through its continuing work to expand health care and other services for drug users, will contribute to that work in a different, but essential, way by helping to establish the national infrastructure for a reformed drug policy.

Remaining 2013 Grantmaking: For the remainder of 2013, CNDP will recommend approximately seven additional grants, including five renewal grants and two tie-off grants. We anticipate recommending renewal grants for the Institute of the Black World 21st Century, VOCAL-NY (likely with the International Harm Reduction Development program), American College of Obstetricians and Gynecologists, New Jersey Council on Alcoholism and Drug Dependence, and the Community Renewal Society (formerly Protestants for the Common Good). Tie-off grants will be recommended for Parents Against Teen Violence and the Eisenhower Project. The latter, a \$200,000 grant to the Eisenhower Project, was allocated from the Reserve Fund by the U.S. Programs Board as part of its \$2 million set-aside for tie-off grants

CNDP GRANT INFORMATION

Students for Sensible Drug Policy

Grant ID: OR2013-03951

Amount Recommended: \$200,000 renewal of general support (1 year)

Grant Period: August 1, 2013–July 31, 2014

Recommending program and staff: Andy Ko,
Campaign for New Drug Policy

Law Enforcement Against Prohibition Educational Fund

Grant ID: OR2013-03930

Amount Recommended: \$200,000 renewal of general support (1 year)

Grant Period: August 1, 2013–July 31, 2014

Recommending program and staff: Andy Ko,
Campaign for New Drug Policy

Legal Action Center of the City of New York, Inc.

Grant ID: OR2013-06901

Amount recommended: \$200,000 general support
(1 year: 50% CNDP, 50% JF)

Grant Period: July 1, 2013–June 30, 2014

Recommending program and staff: Kima Taylor,
Campaign for New Drug Policy and Luisa Taveras,
Justice Fund

