

OPEN SOCIETY U.S. PROGRAMS BOARD MEETING

New York, New York
October 1 - 2, 2015



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Annotated Agenda

U.S. Programs Advisory Board Meeting
Open Society Foundations, New York, NY
October 1-2, 2015

Thursday, October 1

9:00 - 9:15 a.m. **Welcome and Approval of May Board Meeting Minutes**

Geoff Canada, Board Chair

Geoff will also introduce nominated Board member, [Melody Barnes](#).

9:15 - 9:45 a.m. **Director's Update**

Ken Zimmerman, Director, will update the Board on U.S. Programs activity since the May Board meeting, much of which is summarized in the State of USP Memo, beginning on page 25.

9:45 - 11:00 a.m. **Board Discussion: USP and Public Sector Governance**

Introduction: Andrea Batista Schlesinger, Deputy Director

Lead-off Comments: Rosa Brooks, Eli Pariser

USP has historically prioritized bolstering civil society to influence systems change. At the same time, we have periodically engaged in government partnerships ranging from the NYC Young Men's Initiative to more recent efforts with the work of local jails in Medicaid enrollment, OSI-Baltimore's school discipline partnership with the city, and even the federal government's ability to execute on the immigration executive orders and local government police reform approaches. We intend here to focus on the questions that emerge from such partnerships and the broader question of the extent to which this should be a core strategy.

11:00 - 11:45 a.m. **Immigration: Updates on White House Executive Action and the Remaining Frontiers of U.S. Immigration Policy**

Introduction: Ken Zimmerman

Discussant: [Cecilia Muñoz](#), White House Domestic Policy Council (via video);

Deepak Bhargava

Staff Leads: Leslie Gross-Davis, Director, Equality Team; Rebecca Carson, co-Director, Emma Lazarus II

This update will address the various dynamics at play in the immigration debate in the United States and what USP/OSF is doing, including the impact of the current global migration crisis and the national presidential debate, the White House and field preparations for the Supreme Court to rule on the President's Executive Actions, and progress on the Emma Lazarus II campaign. Cecilia Munoz of the White House Domestic Policy Council will briefly join us by phone.

11:45 - 12:00 p.m.

Break

12:00 - 1:15 p.m.

Lunch: Discussion with Ai-jen Poo, Founder and Director, National Domestic Workers Alliance

Introduction: Eric Halperin, Senior Advisor

MacArthur Award winner [Ai-jen Poo](#) will discuss her work with the NDWA, a highly innovative organization working with and for the almost 2 million domestic workers in the United States. It has developed and successfully implemented an array of strategies to change conditions for some of the most marginalized people in the United States, over 90% of whom are women and half of whom are people of color. USP has supported both the organizational development of NDWA (a c3 entity) and its emerging collaborations with the private sector. These include regulatory changes and partnerships with business. Ai-jen will reflect on the opportunities and challenges facing her members at this moment, and discuss the longer-term work of building an effective and sustainable organization and movement.

1:15 - 1:30 p.m.

Break

1:30 - 2:00 p.m.

[Update] Puerto Rico and Our Activities

Introduction: Alex Soros and Diana Morris, Director, OSI-Baltimore

[Mike Soto](#) of the Center for a New Economy, and [Nuria Ortiz](#) of Espacios Abiertos will provide an update on the situation in Puerto Rico and our activities.

2:00 - 2:15 p.m.

U.S. Programs Advisory Board Role

[Gail Scovell](#), OSF General Counsel; [Geoff Canada](#)

Gail will explain the new Conflict of Interest Policy, and Geoff will discuss potential new USP Board member [Danielle Allen](#), whose term would begin in 2016.

2:15 - 2:45 p.m. **[Question] Should USP Focus on Universal Basic Income as a Potential Transformative Idea in Responding to Poverty in the U.S.?**

Lead-Off Comments: Rosa Brooks, Andy Stern

Returning to a concept raised at the prior Board meeting, OSF Board advisors and staff are interested in the substantive policy dynamics related to seriously pursuing the idea of UBI. We will discuss the pros and cons of USP engaging on UBI, as well as the questions that should be the focus of further inquiry potentially in conjunction with INET.

2:45 - 4:00 p.m. **[Portfolio Review] Media and Technology Policy**

Presenter: Chancellor Williams, Program Officer, Democracy

Discussants: Vera Franz, Program Officer, Information Program; Jonathan Soros

Moderator: Laleh Ispahani, Director, Democracy Team

In this portfolio review, we will reflect on U.S. Programs' media and technology policy grantmaking in support of the digital rights field during the five-year period from 2009 to 2014. This timeframe begins with the unrealized promise of public interest policy reform at the outset of the Obama administration, and culminates with the field's collaborative campaign that successfully defined broadband access as an essential communications service – a critical step to guarantee that the Internet will remain a democratic communications platform that is protected by regulatory oversight. This review will examine how the media and technology policy portfolio has evolved, and determine how U.S. Programs' grantmaking decisions shaped the field.

4:00 - 4:15 p.m. **Break**

4:15 - 5:30 p.m. **Executive Session**

5:30 - 6:30 p.m. **Side Meeting on Police Reform Strategy with Ad Hoc Subcommittee**

Friday, October 2

10:00 - 10:45 a.m.

[UPDATES] Developments in Criminal Justice Reform

Introduction: Lenny Noisette, Director, Justice Team

Report from OSI-Baltimore on Police Reform Strategy

Staff introduction by Diana Morris

Closing Big City Jails: Rikers Island Strategy

Discussants: Mike Jacobson and Margaret Egan, the Institute for State and Local Governance at CUNY; Herb Sturz, Senior Advisor

U.S. Programs recently made a one-year Opportunities Fund grant to CUNY's Institute for State and Local Governance (ISLG) for a project to investigate whether it is feasible politically, practically, and legally to close three of the largest jails in the United States, starting with Rikers Island in New York, but expanding to Cook County Jail in Chicago, and the Twin Towers Correctional Facility of Los Angeles. Herb Sturz is the principal advisor to the effort.

10:45 - 12:00 p.m.

Black Lives Matter and the Challenges of Supporting Decentralized Movements

Introduction: Ken Zimmerman

Board Discussants: Deepak Bhargava, Geoff Canada, Eli Pariser, Bryan Stevenson

How do moments become social movements? How should movements be supported and challenged by philanthropy? In this discussion, which will include the views of activists from the frontlines through pre-recorded video, we will talk about the challenges that USP faces while trying to fund decentralized social movements, and seek the Board's guidance. The latest example of Black Lives Matter follows upon previous social movements that have taken very different paths, including the Dreamers and Occupy Wall Street, which call into question the role that philanthropy should play in supporting, encouraging, and/or building these social movements as they evolve to affect real policy change and sometimes—though not always—transition into longer-term institutions.

12:15 - 1:00 p.m.

Lunch: Board-led Opportunities Fund discussion

Moderator: Geoff Canada

The Board will share their views on pressing issues that may merit U.S. Programs response. Staff will report on developments in the Opportunities Fund since the May Board Meeting.

1:00 - 1:15 p.m.

Executive Session with and without Director

1:15 - 1:30 p.m.

Break

1:30 - 3:00 p.m.

[Optional Learning Session and Discussion]: How Technology is Changing the Field: New Solutions to Old Problems

Moderator: Eric Halperin

Discussants: Christie George, Director, New Media Ventures

Palak Shah, Director of Social Innovations at National Domestic Workers

Alliance and founding Director of FairCare Labs

Peter Murray, Director, Accelerate Change

Carmen Rojas, CEO, Workers Lab

While the problems facing social change organizations and movements are not new, a group of organizations are experimenting with new solutions to old problems, enabled by technology. Four of those organizations will join us to discuss their experiments utilizing tools from the technology sector to solve problems of how to deeply engage membership bases, how to generate revenue and reduce dependence on philanthropy, and how to influence the behavior of private sector.

MEETING OVERVIEW MEMO

TO: USP Advisory Board
FROM: Ken Zimmerman
DATE: September 25, 2015

The way in which recent unexpected events have triggered unpredictable reactions on issues of core concern to USP place front and center how we balance opportunistic responses with longer-term efforts to build organizations, sustain movements, and generate new ideas. In this board meeting, we will engage this question from a number of perspectives. We will discuss how OSF can best support and engage with decentralized movements, as reflected in the current Black Lives Matter effort, and how we consider partnerships with government as strategies for advancing open society. We will spend time on several new or emerging ideas, such as the question of Universal Basic Income and the lunch presentation by Ai-jen Poo which will touch upon how organizations working at the intersection of racial and economic justice can find allies in the private sector. And we will focus on several matters of pressing concern, including the economic crisis in Puerto Rico; the policing crisis in the United States and the ongoing immigration challenges only exacerbated by increased nativist rhetoric and the domestic implications of the migrant and refugee crisis abroad. We are also introducing a new experimental feature: an optional session after lunch on Day 2 where we are inviting in grantees to provide a briefing on their efforts to use technology to create more sophisticated and sustainable organizations.

DAY ONE: THURSDAY, OCTOBER 1

Director's Update

9:15 - 9:45 a.m.

Please reference the State of USP memo, beginning on page 25, for background.

[Discussion] USP and Public Sector Governance

9:45 - 11:00 a.m.

Despite the historic priority placed on bolstering civil society to influence systems change, U.S. Programs is no stranger to engaging with the public sector. Over the years, we have partnered prominently with the City of New York to promote the achievement of black men and boys; worked closely with agencies within the City of Baltimore to influence policy and practice related to school discipline and other issues; and invited jurisdictions to compete for planning grants that would enable them to launch harm-reduction centered pre-arrest diversion programs, building on the model of Seattle's Law Enforcement Assisted Diversion program (LEAD). Yet, as a strategic

approach to advancing open society in the United States, this component of our work is relatively unexplored at the Board level. It feels pressing to do so, especially as the issues USP seeks to advance fundamentally involve how we engage with government and facilitate government performance. In fact, this issue forms a through line for this meeting as we seek successful implementation of the Executive Actions on immigration and work with responsive inside actors to develop viable local alternatives to incarceration. Consistent with other board conversations that stir thinking and provide guidance and feedback, we will begin with an introduction by Andrea Batista Schlesinger, Deputy Director, and short kick-offs from Rosa Brooks and Eli Pariser. As with previous “straw man” discussions, board members are invited to take extreme positions to clarify key questions and priorities. Key questions to be explored include:

1. When should we engage in explicit partnerships with government, and, what are the most critical outcomes we should expect and pursue? How do these partnerships relate to the work of our grantees, and affect our relationship with them?
2. To what degree should we concern ourselves with the capacity of government to implement the policies and programs we care about, noting that we are increasingly focusing on civil society’s capacity to advocate successfully for policy change but also ensure implementation?
3. When and how should we invest in the success of particular elected officials or administrations because we believe the principal office-holders are change agents whose success will have larger consequences for open society in the United States?

When should we engage in explicit partnerships with government, and, what are the most critical outcomes we should expect and pursue? How do these partnerships relate to the work of our grantees, and affect our relationship with them?

In 2011, we committed \$30 million to the City of New York in [a partnership](#) with the Bloomberg administration and Bloomberg Philanthropies to advance policies and programmatic interventions that would eliminate obstacles to and promote the achievement of black men and boys. There were [notable accomplishments](#) of the Young Men’s Initiative (YMI). For example, we supported the Department of Education’s Expanded Success Initiative, which focused attention on mining the lessons learned from schools that were successfully eliminating the racial achievement gap. And, we see in YMI a template that the White House drew from in devising the My Brother’s Keeper initiative, yet another interesting and challenging engagement with government. The scale of OSF’s investment, when combined with Mayor Bloomberg’s public and private dollars, drew national attention (for example, [Page 1 of the New York Times](#), above the fold) and helped to build a national consensus that transcended party lines about the importance of tackling racial and gender disparity.

At the same time, we lived with the dissonance that we were investing in the Bloomberg Administration’s campaign to improve black male achievement while also supporting an advocacy

campaign to reform the stop and frisk policies which disproportionately harmed young black men. While there is no doubt that our dollars served as leverage for the effort within the administration, the expectation that this grant could influence City policy, such as on policing or school discipline, was met with mixed success and raises questions about how realistic an expectation it was. We likely, therefore, successfully met our goal of using this grant to draw national attention to an issue about which we cared deeply and were invested, but fell short when it came to deeply influencing City policy and agency practice.

OSI-Baltimore's experience, on the other hand, has been one of close partnership with government agencies that has had significant impact on policy and practice. Their idea for an attendance collaborative that they would co-chair with the Mayor's office and the school district influenced government officials to study and then focus on the links between chronic absenteeism and academic achievement in ways they had never considered. They observed a successful model in New York City for educating children in the early grades, brought Baltimore representatives to District 2 to observe it first-hand, and then helped them to replicate the program and raise local dollars for it. These partnerships have often not focused on grant dollars, but on the role that OSI-Baltimore can play as a broker to organizations on the ground and that staff offer by sharing their expertise. When it works well, staff convene working groups and government collaboratives, participate on search committees for high level officials, and connect agency officials with grantees to build productive relationships. At the same time, as the recent dynamics around the firing of Police Commissioner Batts demonstrate, these partnerships are frequently limited by outside political factors and the strength and effectiveness of the elected official, and also about how deeply we are willing or find it strategic to engage in the nitty gritty of governing.

We also have examples of how staff expertise and insider savvy can help move new policy models. [Kima Taylor's](#) experience, for example, as a pediatrician and a Deputy Commissioner for the Baltimore City Health Department, gave her the vantage point to recognize the importance of having advocacy groups and service providers develop trusted partnerships with policy makers in order to affect system level change. For example, she saw in Chicago Illinois' TASC (Treatment Alternatives for Safe Communities), the value of its collaboration with government. In partnership with TASC, the Cook County Jail implemented a program for justice-involved individuals to be screened for Medicaid eligibility while incarcerated, and for willing and eligible candidates to apply for enrollment and to have access to more services upon discharge from jail. Given the value and opportunity to have TASC share from this experience, we funded them to convene representatives from counties across the country: executive-level administrators in corrections, health care and substance use disorder services. They visited the facility and observed first-hand how incarcerated populations could enroll in Medicaid prior to discharge, and that the infrastructure as a whole was developing greater concern for the health outcomes of its clients. While we learn how successful this effort has been to engage multiple other jurisdictions, the premise is that one key role we play is to facilitate reform from one public sector to another.

This is often quiet work, where our institutional value is dependent on our discretion. This raises a variety of questions that would be appropriate for Board guidance, including whether the capacity to form such partnerships should be an expectation of our staff.

In addition to the core questions above, these examples illustrate further issues valuable to highlight:

- How best to take on such partnerships in fashions that maximize success on what matters most to us, including questions about when it is advisable to act directly and when to use intermediaries (or even creating them for such purposes)? To what extent are we comfortable directly funding public sector entities or their surrogates directly?
- Is there a difference between the level of government and the association with the time and duration of our investment in that place?
- To what extent is this a capacity that needs to be enhanced within USP/OSF and how might that be done?

2. To what degree should we concern ourselves with the capacity of government to implement the policies and programs we care about, even as we are increasingly focusing on civil society's capacity to both successfully advocate for policy change but also ensure implementation?

In November 2014, President Obama's announcement of Executive Action for immigrants partially fulfilled a long-term advocacy goal for US Programs. Yet, we made the assessment that this policy announcement would mean little if immigrants did not sign up for administrative relief. Based on George Soros' authorization, OSF committed up to \$25 million to launch the [Emma Lazarus II Fund](#) which would provide legal and community organizations with support to actively publicize the program and assist qualified immigrants in their applications. The White House indicated that their knowledge of our forthcoming commitment influenced their decision on the scope of the program. While this is not an explicit partnership, the behind-the-scenes efforts or these inside-outside strategies are an illustration of the power of engaging directly with government on implementation. This is part of OSI-Baltimore's toolkit for implementation. For example, OSI-Baltimore funded the design of a management information system to assist in actualizing an ambitious [parole reform agenda and then covered the cost of putting it in place](#), with the result of an increase in approval rates from 20 to 40 percent.

Yet, there are also areas where we are clearly inattentive to the capacity of government to implement the policies that our grantees advocate for and win. "Ban the Box" laws, which prevent employers from asking applicants questions about their criminal background, have gained traction as a way to reduce barriers to employment for people with criminal justice histories. Yet, the implementation of such policies is complex and fraught with questions about job-quality, length of employment, and racial bias. It is only in this process of implementation and accountability that the true ambitions of a policy are achieved. Typically, our funding is focused on civil society actors who push for such a

policy but without an equal focus on the dynamics of implementation and engagement of the government agencies who must do so. One could argue that our investment in passing such policies is worth very little if we cannot actually demonstrate that people with criminal records are now getting jobs that they otherwise would not. This requires a much greater understanding of government implementation, and likely also a more expansive—and more rigorous—means of measuring our success.

Specific issues here include:

- When and how can we best support government agencies charged with implementing complicated or politically fraught issues, as exemplified by the FCC's work on net neutrality or DOJ/BOP's efforts to develop a federal reentry program? Obviously our grantees and sometimes we ourselves have policy positions we advocate for, but frequently real constraints are about internal government dynamics. If so, how and what might we do?

When and how should we invest in the success of particular elected officials or administrations because we believe the principal office-holders are change agents whose success will have larger consequences for open society in the United States?

Over the last year, OSF has provided assistance to New York City Mayor Bill De Blasio out of the belief that the success mayoralty had implications beyond New York City. For example, we've supported the [Talking Transition project](#), which didn't directly support the mayor-elect, but did echo through citizen participation his call for a new direction for New York City, and have served as a sounding board on several issues including on Riker's (which we will discuss on Day Two of our meeting). We also periodically identify leaders who we believe have the capacity to be transformative, such as San Francisco District Attorney [George Gascon](#). As a Republican, former police chief who is now a major city prosecutor, we have looked to support him through c3 efforts as we develop progressive prosecutors in our work to further advance criminal justice reform. As his support of Proposition 47 demonstrates, leadership of this sort has great potential, and we have provided c3 support to him in other requests to address a recent police scandal as well. But doing so implicates our ability to critique such a figure and places us in the position of appearing as that leaders' surrogate. Other issues involve how and whether we seek out those leaders, and what type of due diligence and relationship-building to pursue.

Looking to the future, we are interested in probing further how engagement with government can be itself a tool to advance our strategies. We are considering operating a fellowship, for example, through U.S. Programs that would give a cohort of leaders leaving appointed, elected or staff-level positions from government the opportunity to write, think, and be an active resource to us and our grantees about how best to move and implement progressive change from within government. This fellowship could play a catalytic role for our staff and our grantees to engage more deeply with how

to couple civil society with government capacity and implementation concerns. All told, especially given the ways in which the attack on government at all levels and increased polarization has decreased the public sector's capacity to generate new ideas and implement them, we welcome the Board's thinking on these and related questions.

Immigration: Updates on White House Executive Action and the Remaining Frontiers of U.S. Immigration Policy

11:00 - 11:45 a.m.

USP's immigration work continues to operate at the intersection of global and domestic realities. In this session, we will provide a brief update on recent work to support our international colleagues who are deeply involved in the Syrian refugee crisis, lessons learned, and observations about the future as we witness the "Trump effect" and move further with implementation of the Emma Lazarus II Fund (ELF2). One highlight involves a remarkably positive response from local funders, typically uninvolved in immigration issues, from the Emma Lazarus Local Challenge, a new grant program ELF2 developed to offer 1:1 matching funds to incentivize new local dollars and funders. We will be joined at the outset by [Cecilia Munoz](#), the head of the Domestic Policy Council, for brief updates from her perspective on both the refugee crisis and the Administration's efforts to move forward its policy agenda.

Response to the Syrian Refugee Crisis

The surge of Syrian refugees coupled with migration of many others from economically devastated and failed states in the Middle East and Africa have caused a fundamental crisis in and around the Mediterranean and Europe. As George Soros and the parts of the foundation that focus on the Middle East, Africa, and Europe direct major resources and attention to that crisis, we have moved to press the United States government to respond at a level consistent with the global crisis. Working in close coordination with our colleagues in the DC Advocacy office, we (in support of George Soros) have pushed for three specific policy objectives: (1) an increase in the worldwide refugee authorization from the pre-existing 70,000 to one commensurate with the need, (2) an increase in resources to the relevant government agencies to expand their ability to process individuals under the existing numbers (noting that the United States has only processed 1,500 Syrians since 2011 even though existing authority allows 10,000 as of now), and (3) an increase in the financing for efforts overseas, recognizing that the United States is and remains the largest funder of support for these efforts. George Soros' letter to President Obama is [included here](#).

We have led an effort that has drawn together the public service sector, faith-based groups, and the immigrant and civil rights communities from civil society, and are encouraging them to take an affirmative stand on the refugee crisis to push the Administration to be bolder in its response. The refugee and human rights groups, while experts in providing resettlement services and advocacy overseas, have limited capacity to conduct broad-based outward-facing advocacy to retake the narrative. Moreover, Pope Francis's visit to the United States gave grantees the opportunity to

highlight the need to welcome refugees and migrants “as persons.” His visit could potentially assist our efforts to push back on opponents’ misplaced national security arguments.

We note that this effort underscores several dynamics that will be of great relevance moving forward. First, even in communities sympathetic to the Syrian refugee crisis, there is substantial concern that this particular focus ignores the substantial plight of Latin American children and others on the U.S. southern border. Second, there is a growing interest, especially as Donald Trump and other presidential candidates advance a fact-free and highly racially-inflamed narrative about immigrants, about whether the humanitarian impulse shown in the response to the refugee crisis might form a backdrop to an affirmative agenda for immigrant and other advocacy groups. Certainly, it is clear that the debate over immigration will be highly visible in the upcoming presidential election and will involve a significant pivot by many groups to a strategy more focused on the campaign season. Finally, we believe that each of these points reinforce that the premises that have informed U.S. immigration policy for over two decades have now broken down in significant measure. In response, one key activity for 2016 will be to engage a multi-sector group of experts and advocates to discuss and develop what the next generation of comprehensive immigration policy ideas might be. This involves not only our historic focus on undocumented individuals but a broader inquiry into the interlocking parts of U.S. immigration and human rights policy.

Emma Lazarus II Fund (ELF2)

Meanwhile, the President’s effort to aid immigrants in the face of Congressional gridlock remains in flux. The case looks likely to go to the U.S. Supreme Court, possibly in time for a spring 2016 decision. A sophisticated, targeted communications strategy designed by SKDKnickerbocker in conjunction with leading immigration and progressive groups is in development to create the climate most conducive to the success of the case.

The ELF2 team continues to work with the immigration field to prepare for the launch of the expanded DACA and DAPA programs. To that end, we are executing an [\\$8 million grant program including “no regrets” investments](#) that have current and enduring value to undocumented immigrants and immigrant-serving organizations; 14 national groups and 20+ local immigration funding collaboratives will receive funding.

In fact, one key finding is that the implementation infrastructure that is needed to implement expanded DACA and DAPA is the same as that required to assist immigrants with legal status improvements that are available now. These include the 2012 DACA program and other visa categories that the Administration has taken steps to address. Hundreds of thousands of undocumented immigrants could be on a path to citizenship now if outreach, education, and quality immigration legal services were ramped up and accessible. When undocumented immigrants normalize their status not only is fear of deportation removed, but they are more likely to integrate into and contribute to America’s social, economic, and civic life. So while the lawsuit has been a set-

back for the Administration and the millions of people who need relief, ELF2 support is building an infrastructure that is of benefit regardless of the ultimate future for DAPA and expanded DACA.

Our work also unearthed a nascent opportunity for expanding immigration funding at the local level. [The Emma Lazarus Local Challenge](#) (a grant program ELF2 developed to incentivize new local dollars and funders with 1:1 matching funds) provides a glimpse of what is possible at the local level as a result of the DACA and DAPA programs and our targeted investments. Even amidst the uncertainty created by the lawsuit, 34 locations responded (some predictable and also a good number of surprises in the Midwest and South), and 20+ will receive ELF2 funding, far exceeding our expectations. George Soros has indicated his support for making available an additional \$1 million to Local Challenge sites, subject to the 1:1 matching requirement, and up to another \$500,000 if matched by another national funder. Requests can be [found here](#).

The ELF2 project has also revealed to us additional insights about the immigration field's assets and challenges. DACA/DAPA implementation readiness shows improvement but remains weak. To optimize those programs, take advantage of the Administration's other positive policy reforms, and provide access to currently available legal benefits and relief for immigrants, much greater capacity is needed at both the national and local levels. Our initial take on the core question of whether we should be pressing for a single center of gravity is that a strong center is needed to implement large programs like DACA and DAPA, but the advocacy that is essential to pressing for reform requires a more pluralistic approach. One strong center will not serve the field well because the diversity of the players -- national and local, insiders and outsiders, grassroots and grass tops, right and left, not to mention regional, ethnic and language differences -- makes it unlikely that one could get productive buy-in to a single strong center. These reflections, among others, are informing recommendations for a second phase of ELF2 in 2016.

Lunch: Racial And Gender Justice in Today's Economy

Ai-jen Poo, Founder and Director, National Domestic Workers Alliance

12:00 - 1:15 p.m.

[Ai-jen Poo](#) is the executive director of the National Domestic Workers Alliance. A MacArthur Award winner, she is also a long-time USP grantee who transformed prospects for the almost 2 million domestic workers, 90% of whom are women and over half of whom are minorities. OSF has supported her as she has grown her work from local efforts as a community fellow to a national leader at the forefront of both regulatory reforms and partnerships with progressive business

OSF has been an early and consistent supporter of Ai-jen and the movement she has created. In 2000, she received an OSF New York City Community Fellowship to support her work as the founder and lead organizer of Domestic Workers United (DWU). DWU is a city-wide, multiracial organization of domestic workers that secured passage of the New York Domestic Workers Bill of Rights. As the leader of NDWA she has been instrumental in the expansion of state protections and

the Department of Labor's recent decision to extend basic overtime and labor protections to home care workers, which will raise the pay for two million home care workers. A 2015 Opportunities Fund grant supported a campaign to ensure the effective implementation of the DOL home care rule at the state level.

Throughout her career, Ai-jen's work has been characterized by a willingness to try new approaches and a deep commitment to collaboration and coalition building. Several aspects stand out. First, she has employed what might be considered a sectoral strategy, focusing on a particular field or business where there are large numbers of low-wage workers of color. The domestic workers' movement is one of the most successful of the sector-based campaigns undertaken in recent years. Second, by employing effective organizing, political, and communications strategies, she has pushed for important, but incremental, legal shifts, such as state laws and new DOL worker protection regulations. Third, she has emphasized the importance of engagement with the private sector and employers to improve wages and work conditions. In 2014, Ai-jen and NDWA launched Faircare Labs with a start-up investment from the Opportunities Fund. FairCare Labs adopts lessons from tech start-ups, using rapid experimentation and testing to produce products or ventures that can be brought to market quickly. This has helped NDWA enter into a partnership with Care.com, the largest online homecare marketplace with over 16 million potential employers in 16 countries, to set higher standards and wages for the almost 4 million workers involved.

U.S. Programs Advisory Board Role

2:00 - 2:15 p.m.

[Gail Scovell](#), OSF General Counsel, will join us to discuss matters relevant to the Advisory Board members, including the OSF Conflicts of Interest Policies. We recently prepared this [Board orientation book](#) which may be of interest to the Board.

[Update] Puerto Rico and our Activities

1:30 – 2:00 p.m.

The severe economic crisis in Puerto Rico (PR) has led to rising poverty and unemployment rates, budget cuts in the nonprofit and public sector, and the emigration of thousands of Puerto Ricans.¹ Without voting representation in Washington D.C., Puerto Rico is not positioned to influence effectively the federal government, including Congress and the Treasury. Although President Obama recently called for legislative reform to allow the island to file for Chapter 9 (bankruptcy protection) like other US municipalities, a conservative leaning Congress makes this unlikely. Even

¹ A recent study reveals that, in 2013 alone, 74,000 people fled the island. Approximately 45% percent of Puerto Rico's population lives below the federal poverty line. The unemployment rate is over 12 %, and only 40% of its labor force works in the formal economy. A mere 27% of its population obtained a high school degree or equivalent, while 17% has less than a ninth-grade education.

if Chapter 9 protection is available, Puerto Rico will still need to [negotiate its debt](#)—mostly comprised of special revenue bonds—with powerful bondholders and has little legal standing to defend itself. Most recently, Hispanic [lawmakers have also turned to the U.S. Treasury](#) to help advance the bill in Congress. Since this action and an [op-ed by economist Joseph Stiglitz](#), the Treasury has shown more interest in being helpful. The island is also affected by federal policies that cap benefits for its residents—such as health benefits under Medicare, Medicaid, and the Affordable Care Act that are entitlements on the mainland—and that exclude its residents from income supports such as the Federal Earned Income Tax Credit. Economic development is compromised by the end of tax incentives that once attracted pharmaceutical companies to the island, the Jones Act (which requires companies to use U.S. vessels for shipping), and the absence of a comprehensive economic development plan that extends beyond the ambition and needs of the political party in power.

The government of Puerto Rico has responded to the crisis with [short term austerity measures](#) and high taxes, [burdening the most vulnerable](#). With a recently proposed allocation from the Opportunities Fund, the Center for a New Economy (CNE) will undertake a project with Stiglitz at Columbia University and others at the Brookings Institution, Brown University, and the McKinsey Global Institute to develop a long term economic development plan. Espacios Abiertos will play an important part in this project, convening a series of “country dialogues” so that small groupings of citizens can comment on proposals, helping to build eventual support for the final recommendations. To complement this strategy, the OPI team is putting together an event in November that will connect the diaspora to this and other initiatives underway on the island. A separate meeting, the following day, will invite U.S.-based foundations to consider investing in Puerto Rico. Greater philanthropic investment is sorely needed as the few local foundations are now strapped as they seek to fill gaps created by cuts in government support for NGOs.

In this conversation, [Michael Soto](#), executive director of the Center for a New Economy and chair of Espacios Abiertos, and [Nuria Ortiz](#), executive director of Espacios Abiertos, will provide an update on developments in Puerto Rico (especially relating to the economic crisis), the launch of the multi-year economic development planning process with Joseph Stiglitz and others, and the activities and momentum of Espacios Abiertos.

[Question] Should USP Focus on Universal Basic Income as a Potential Transformative Idea in Responding to Poverty in the U.S.?

2:15 – 2:45 p.m.

At our last board meeting, several USP board members offered the Universal Basic Income (UBI) as a provocative idea to push given economic dislocation and potential left-right collaboration. This session is intended to allow the full USP board to determine its collective interest in making this an area for concentrated attention in coming months. As reflected in the debates we heard during

Future of Work inquiry, the changing nature of work provoked a desire to explore a new social contract, of which Universal Basic Income could be a leading edge. At our Board meeting, we will discuss the pros and cons of USP engaging on UBI, as well as the questions that should be the focus of any further inquiry.

At its core, Universal Basic Income is an income paid by a government, at a uniform level, to each adult regardless of income or employment status. UBI, which is sometimes used as an umbrella term, relates to a range of income supports including a guaranteed minimum income, earned income tax credits, and the negative income tax. The past several years have witnessed a renewed interest in UBI in the United States from thinkers across the ideological spectrum and in Europe where Switzerland's government will hold a referendum on universal basic income in 2016.

Proponents on the right envision UBI replacing all existing government programs while the left sees UBI supplementing existing protections. American Enterprise Institute fellow, Charles Murray, is the strongest proponent. Murray authored "[The Social Contract Revisited: Guaranteed Income as a Replacement for the Welfare State](#)" in which he proposed a guaranteed \$10,000 a year to all US citizens, over the age of 21, who are not in prison. At the same time, others on the right worry UBI would disincentivize work and promote overreliance on government assistance. On the left, universal basic income is seen as a potentially transformative avenue to addressing poverty and stagnant job growth. The Official 2013 U.S. poverty guidelines fall at approximately \$20,000 for a family of three (\$11,490 for a person living alone). Based on these stats, a UBI of \$3,000 a year could potentially lift 50 million people above the poverty line. Critics on the left hold that while the outcomes for individuals would improve, UBI, by design, would do nothing to address income inequality and the gap between the rich and the poor. If an unconditional, universal cash transfer were to be issued to every US citizen, it would raise everyone's income by the same amount. Progressive critics also worry that UBI could give political cover for the right to defund the social safety net.

A guaranteed universal basic income is not a new concept, nor is it the first time that it has supporters across the ideological spectrum. During President Johnson's "War on Poverty" UBI was one policy option, among many, under consideration, although most of the policies that came out of his administration were enhanced versions of traditional welfare state models. President Nixon endorsed a negative income tax and Milton Friedman supported UBI. Neither a negative income tax or UBI was enacted, but the US adopted incremental steps towards guaranteed income through the enactment of Supplemental Security Income in 1974 and the Earned Income Tax Credit in 1976. Has the potential future unavailability of work changed the feasibility of adopting UBI in the US? How big of a payment is necessary to have an impact? In a [recent piece on Foreign Policy](#), Rosa Brooks suggested a series of experiments to determine what level of cash payments is necessary to have a transformative impact on the life of a person living in poverty. Should the income be paid unconditionally and how would OSF communities of concern, such as undocumented immigrants,

be impacted by a Universal Basic Income? These questions and others will be addressed during a board-led discussion on UBI.

[Portfolio Review] Media and Technology Policy

2:45 - 4:00 p.m.

In this portfolio review, U.S. Programs Program Officer Chancellor Williams will focus on the media and technology policy and the digital rights field's efforts to protect the Internet as an open and nondiscriminatory platform – a concept that has been defined as “network neutrality.” Because the pursuit of network neutrality has long animated the field, the review will span two critical court decisions on this issue, in 2010 and 2014, respectively. [Vera Franz](#) and Jonathan Soros will serve as discussants. Zephyr Teachout will join us.

In 2010, the digital rights field worked together to secure network neutrality rules, and while the FCC did adopt rules aimed at protecting an open Internet, that effort ultimately fell short, and a federal appeals court later struck down the Commission's Open Internet Order in 2014. The field regrouped to take on the challenge again, and this time succeeded with a campaign that secured network neutrality, and more importantly classified broadband access as an essential communications service. This victory marks important progress towards protecting the Internet as a democratic communications platform.

These two markers and the contrasting outcomes represent defining moments for the digital rights field, and it is worth examining each of them to better understand the factors that contribute to a field's ultimate success or failure. We will carefully review the Media and Technology Policy portfolio, and how it evolved from 2009 to 2014 to determine how U.S. Programs' grantmaking decisions during this timeframe ultimately shaped the field.

You can read the portfolio review summary here beginning on page 42.

DAY TWO: FRIDAY, OCTOBER 2

Report from OSI-Baltimore on Police Reform

10:00 - 10:25 a.m.

The killing of Freddie Gray in April helped spawn weeks of peaceful protests by Baltimore residents and allies from the #BlackLivesMatter movement that were temporarily interrupted by a period of unrest that lasted less than 48 hours and resulted in some injuries and millions of dollars in property damage to neighborhood businesses. While many lamented the damage done, the overwhelming

sentiment is that the uprising has catalyzed a paradigm shift in Baltimore that offers opportunities for major justice reforms.

In particular, recent events offer a unique opportunity to accelerate the dismantling of structural inequality generated and maintained by local law enforcement and to engage residents who have historically been disenfranchised in Baltimore City in shaping and monitoring reform. Building on our existing networks and programs, OSI-Baltimore will focus investments on: 1) creating a culture of accountability for policing in Baltimore, recognizing the pervasive racism, disrespect and lawlessness that gave rise to recent events; and 2) building the capacity of activists in Baltimore to demand and achieve immediate and long-term reforms.

In May, we launched the [Baltimore Justice Fund](#) specifically to support focused interventions to improve police accountability and police-community relationships, reduce the number of Baltimoreans caught up in the criminal system, and engage Marylanders, especially young people, in advocacy for programs and policies to increase opportunity and racial justice. This month, OSI-Baltimore made its [first round of small grants](#) from the fund, 11 of which are going to initiatives founded and managed by Community Fellowship alumni who are already deeply engaged in Baltimore neighborhoods the fund was established to reach. Several of them specifically address police reform, for example: \$25,000 to [Power Inside](#) to organize around improving police accountability, reducing the number of citizens caught up in the criminal justice system, and increasing trauma support and training to residents; \$25,000 to the [Right to Housing Alliance](#) to organize around police violence and economic disinvestment; and \$25,000 to [New Lens](#), who use media as an advocacy tool to engage youth in addressing the issue of improving police and community relations.

Our ongoing work is structured around anticipated developments in the coming year. The trials of the six officers criminally charged in the death of Freddie Gray, currently scheduled for October 2015 and likely to be postponed once or twice, will no doubt be the focus of considerable protests, as we saw during [recent motions](#) in the case.

Among other crucial events on the calendar is the April 2016 primary election, which, in heavily Democratic Baltimore, will decide who will take the mayor's office in January 2017. Mayor Stephanie Rawlings-Blake recently announced that she [will not seek](#) re-election. Thus, the run-up to 2016 elections is an opportunity for Baltimore to test the will of city officials—as well as city leaders in Baltimore's faith, corporate, academic and philanthropic communities—to demand real reforms and initiate change through concrete goals and timelines, technical assistance, and new procedures.

Mayor Rawlings-Blake recently [announced](#) that she would like Interim Baltimore Police Commissioner Kevin Davis to become the permanent commissioner, an action the City Council is likely to approve through December 2016, when a new mayor takes office and is free to make a new appointment. In the interim, we will work with Commissioner Davis as closely as possible. His

temporary appointment also provides leverage: if Davis wants to keep the job, he will have to be responsive to the demands of the community for reform.

There is also an ongoing U.S. Department of Justice pattern-or-practice investigation into the Baltimore Police Department, which is projected to take six to 18 months from May 2015. Consent decrees arising from a pattern-or-practice investigation often result in poor implementation and limited community involvement, and even successful ones are not a panacea. Nonetheless, the investigation provides an unprecedented opportunity to gather data, bring to light untold stories, galvanize public support, and impose accountability measures on policing that will reduce arrests and abuse.

Even with critical matters in flux, we see the opportunity to make initial investments over the next nine months to maintain forward momentum, counter anti-reform efforts, and incentivize both the current and future mayor and police commissioner to take initial steps towards transforming the culture of policing in Baltimore.

The \$1 million Opportunities Fund investment will have two components. The first involves efforts to reform policing in Baltimore by leveraging our relationship with city stakeholders, while being especially mindful of the reality of political turnover in the city. Aware that we may be building engagement for a new mayor and police commissioner, these efforts include funding and technical assistance (as requested or accepted) to help Commissioner Davis identify best policies and practices that can begin a culture shift within the Baltimore Police Department; funding to advocacy groups to maintain pressure for reform and to educate policymakers and others about mechanisms to hold police accountable; and support to the Mayor's Office of Civil Rights and Wage Enforcement to help its new, reform-minded director explore ways to engage the community that could increase police accountability.

The other half of the Opportunities Fund investment would build on the investments of the Baltimore Justice Fund to strengthen activism and community engagement. A number of organizations leading Baltimore's new activist movement have come together to form a coalition called [Baltimore United for Change](#) ("Bmore United"). Many of these groups and individuals have been voluntarily engaged in community-building or justice work for a few years. The majority of them, however, lack any corporate or formal organizational structure. In addition, prior to 2015 they had not organized and advocated for a collective reform agenda. The killing of Gray, however, has drawn these groups into community with one another, and it is possible that their sum is greater than their individual parts.

OSI-Baltimore Board and staff will look for platforms, such as the [One Baltimore](#) initiative established by the Mayor to respond to the Baltimore Uprising (on which Diana Morris serves), to maintain the momentum for police reform and counter the narrative put forward by the police union and others less likely to acknowledge the harm caused to the community and city by structural racism and bias.

Closing Big City Jails: Rikers Island strategy

10:25 - 10:45 a.m.

This session will brief the board on the effort underway to explore whether it is feasible politically, practically, and legally to close three of the largest jails in the United States, starting with Rikers Island in New York, but expanding to Cook County Jail in Chicago, and the Twin Towers Correctional Facility of Los Angeles, with national implications beyond these specific sites. We are briefing the board both because of the interest and potential significance of the issue in its own right but also because it illustrates one approach to addressing several of the national criminal justice issues we are concerned about and a specific inside-outside approach to facilitating government action.

Decades of increasingly punitive criminal justice policies have resulted in unprecedented levels of incarceration, making the United States by far the leading jailer among democratic societies. Pretrial and short term detention accounts for a [significant portion](#) of the incarcerated population in our country, with 11.7 million ²annual admissions and nearly 500,000 people held pending trial. This is a troubling statistic given the violent nature of many jails, the often [excessive periods](#) of time people are detained because of their inability to post low or modest bail amounts, and the many lasting implications of even short-term incarceration on biopsychosocial health.

Pretrial and short term detention is a ripe area for reform – particularly in New York City, where thousands of individuals are detained a year pending trial on Rikers Island, at considerable social and economic cost. Many pose little risk of flight or to public safety, yet they are held in a jail – sometimes for months or years – that is experiencing an [all-time high in violence](#) despite low inmate populations and high staff-to-inmate ratios. Of those convicted, [90% will not stand trial](#). Rather, they will accept plea offers by the court, often trading a conviction for their release on time served. The vast majority are poor people of color, many of whom suffer from drug addiction or [mental illness](#).

State-of-the-art technology could be an effective alternative to incarceration programs when combined with other program elements – case management, community-based services, and monitoring protocols – to become an effective alternative to bail in cities with large pre-trial populations, such as New York, Los Angeles, and Chicago. Utilizing [technology](#) standard in most smart phones to send reminders and confirmations for court dates, confirming locations of participants using GPS, and establishing a reliable line of communication between participants and their case managers may be effective alternatives to pre-trial detention. In New York, where bail determinations are considered only in relationship to the risk of failure to appear, this program has the potential to provide very real assurances to officials that the accused will make court appearances upon release from jail pending trial.

² Vera, February 2015 <http://www.safetyandjusticechallenge.org/wp-content/uploads/2015/02/incarcerations-front-door-summary.pdf>

To aid in this effort, through the efforts of Senior Advisor Herb Sturz, OSF has made a grant to the City University of New York's Institute for State and Local Governance (ISLG) from the Opportunities Fund, and convened a working group, consisting of members of ISLG, OSF staff, Blue Ridge Labs at Robin Hood Foundation, Proskauer Rose law firm, and the Center for Court Innovation. The group has met with representatives from the Mayor's Office of Criminal Justice, the District Attorney's Office of New York County, the Board and Department of Corrections, the City Planning Commission, the Mayor's Office of Operations, and Executive Officers and Administrators of New York State's Unified Court System.

ISLG is developing a strategy to reduce unnecessary incarceration including pretrial and justice system reform. [Michael Jacobson](#) and [Margaret Egan](#) are leading this effort to work with New York City in exploring large scale system reform, including increasing court processing times and alternatives to incarceration for certain people accused of crimes and unable to post bail. Fortunately, supervised release programs are [expanding city-wide](#), community bail funds will soon serve [3 of the 5 boroughs](#), and [diversionary and reentry](#) pilots are working to better serve justice-involved populations with mental health issues.

If these efforts are successful, how can they best be applied to cities which may have different processes and issues hindering reform? We look forward to Board reaction to the project, and thoughts about how such a strategy could be a tool in our broader efforts to reduce mass incarceration.

Black Lives Matter and the Challenges of Supporting Decentralized Movements

10:45 - 12:00 p.m.

Heading into the [2016 Presidential election](#) season, we've seen [increased visibility](#) from several burgeoning social justice movements, each vying to shape the nation's political agenda. Each of these movements, from the [Dreamers](#) in the [immigration](#) context, to [Occupy Wall Street](#) and [#BlackLivesMatter](#), has had varying levels of success. Along the way, philanthropy has grappled with its [historic role](#) in supporting these efforts. The inherent tension between the organic nature of authentic movement-building and the need for institutional infrastructure has often stymied philanthropy in its efforts to effect social change.

This begs the question of what is the [appropriate role for philanthropy](#), in either supporting or defining policy agendas. Does philanthropy undermine the field when it advocates directly in spheres of political influence instead of empowering grantees to do the same? Are there times when philanthropy can use its levers of influence to expedite change as institutional actors mature?

We asked [these questions](#) (and continue to ask) most recently in our support of the #BlackLivesMatter movement to end racial violence and enact police reform. Recognizing the need for strategic assistance, the U.S. Programs Board approved \$650,000 in Opportunities Fund support to invest in technical assistance and support for the groups at the core of the burgeoning #BlackLivesMatter movement. While these emerging groups had mobilized communities with a force that captured the nation's conscience, [behind the scenes](#), they had invested much less time in reflection, strategy development, and future planning. U.S. Programs provided that space through a [grant](#) to the New Venture Fund (NVF), which supported a series of planning convenings for different aspects of the movement. The highest profile events, the #BlackLivesMatter convening in Cleveland and the #Law4BlackLives gathering in New York, yielded a promising critique of efforts to date and a potential blueprint for strengthening the movement going forward.

That support calls into question how we might most appropriately support such efforts; specifically whether we should seek to shape the movement as opposed to facilitate its direct action. How do we confront the reality that such movements frequently flail as they attempt to grow and confront the challenges of institutionalizing themselves sufficiently to extend their reach? To what extent do we believe that we should play a role in helping such movement leaders connect with others that might help deepen policy recommendations or connections to sympathetic, but silent, inside actors? How can we help link such movements to existing grantees and other key actors that provide mutual strengthening? And throughout how do we make sure we follow the first rule of philanthropy in such circumstances, namely to do no harm? (In this vein, it is noteworthy how the Soros name is or can be used to [try and delegitimize](#) such movements).

Our support of the #BlackLivesMatter movement follows other investments that have taken very different paths, including the Dreamers and [Occupy Wall Street](#). USP grantee [United We Dream](#) (UWD) for example, a youth-led organization formed in 2009 by undocumented students and other advocates, changed the narrative about undocumented people and continues to be a major player in the immigration reform field. With the support of philanthropy, UWD became prominent very quickly, harnessed the power of a new generation of activists, and took its place alongside more traditional immigrants' rights groups to enact policy change. The immigration movement we see today would not have happened without UWD. And yet, as evidenced by our continuing review, it has taken [some time](#) for the organizational infrastructure of the group to mature and, in fact, it continues to have institutional challenges that may threaten, or at least limit, its ultimate impact.

During today's session we will discuss the challenges that USP faces while trying to fund decentralized movements. Is there a consensus about any of the lessons learned from Occupy and other movements that can be applied going forward? What happens when you want to throw a lot of money at a moment, but there isn't any place for it to go? Are we ok if our best use of resources is to help people think and plan? After hearing reflections from some of the movement's current architects, we will discuss whether, when, and how it is appropriate to actively engage in

transitioning these fledgling organizations into longer-term institutions and what other considerations should be foremost in our thinking.

Board-led Opportunities Fund discussion

12:15 -1:00 p.m.

Please see the U.S. Regional Reserves report for the latest on the Opportunities Fund. In this discussion, as is now common practice, Geoff will ask board members for their views on emerging opportunities. As a reminder, we consider the following two questions when we think about use of the Opportunities Fund:

1. Does an unexpected event or shift in external dynamics (e.g. a change in election, a Supreme Court ruling) create an opportunity to advance our strategy or to protect open society in the US against further threat?
2. Is there a new idea that merits a bold investment, a seed that can be planted at scale to move forward a new way of advancing our strategy?

Staff will also report back on developments on previously approved Opportunities Fund grants.

Optional Learning Session and Discussion: How Technology is changing the Field: New Solutions to Old Problems

1:30 - 3:00 p.m.

Nonprofits have long depended on narrow sources of funding and struggled to find financial stability, and as a result are subject to the changing whims of philanthropy and struggle to weather financial downturns. Civic organizations have also struggled to meaningfully engage their memberships in their reform agendas, leaving grassroots power bases anemic and organizations' abilities to effect change in both public policy and the private sector limited. While these challenges are not new, a small but growing group of both new and existing organizations are turning to the tools and techniques of the tech industry to solve these problems.

Through the Innovation Fund, we are catalyzing the growth of this small but promising field of tech-based solutions, with the expectation that our grantees' experiments in new tools and strategies will ultimately benefit the work of all of our grantees and the sector as a whole. Each organization's approach and mission differs, but all of them have adopted a "lean startup" approach that emphasizes a series of small market tests, developing services and benefits that are highly responsive to member feedback, and running rapid business model experiments that test key hypotheses about the business and organizing models of the ventures.

This optional discussion will bring four nonprofit entrepreneurs to discuss the problems of the sector they are trying to solve for, the experiments and tools they are using to get there, and more broadly the opportunities and pitfalls of harnessing technology for social good outcomes. The four organizations have each taken a slightly different approach. [Faircare Labs](#) is the innovation-focused arm of the National Domestic Workers Alliance. The lab tests and incubates products and private sector partnerships that have the potential to impact the care market and improve the financial sustainability of NDWA. (We'll hear from Ai-jen Poo during lunch on our first day about NDWA's multi-faceted efforts on behalf of domestic workers, including the lab.) Palak Shah, the founding director of FairCare Labs will share the benefits and challenges of running an innovation lab within a social justice advocacy organization, products under development, and the dramatic impact the existence of the lab has had on NDWA's relationship and engagement with the private technology sector; a sector that is becoming more important to the home care industry. The other three organizations who will join us for the discussion will bring a broader prospective than a single organization. [Workers Lab](#), which supports entities that improve conditions for low-wage workers, and [New Media Ventures](#), which supports progressive organizations, function as funding intermediaries and accelerators that provide technical assistance to start-up ventures that seek to generate revenue to improve the impact. [Accelerate Change](#) provides intensive technical assistance and strategic advice to membership organizations seeking to develop and take to market products that can help them generate revenue and build a larger and more engaged membership base.

This body of work has raised a number of questions for us and our grantees that we will discuss in this session and will continue to explore through the work of the portfolio. Can the revenue ventures be scaled sufficiently to achieve the organizations' goals? Should the entities seek private capital investment and what are the consequences of seeking or forgoing private capital? For organizations that would benefit, what is best way to grow the capacity of the non-profit sector to use technology and lean start-up principles? Finally, what can we learn about effective private sector engagement from these experiments. For example, a number of organizations in the field, including FairCare Labs, Workers Lab, and Accelerate Change, are experimenting with certifications as a way to raise standards for workers, partnerships with industry leaders, and participating directly in the market. The experiments these organizations are undertaking either on their behalf or through their support of other organizations will help to begin to answer these questions for us and the field.

- - Please Note: Tentative Date for Next Board Meeting, February 18 – 19, 2016 - -

THE STATE OF U.S. PROGRAMS

TO: USP Advisory Board
FROM: Ken Zimmerman and Andrea Batista Schlesinger
DATE: September 23, 2015

The beginning of fall has ushered in a remarkable set of activities, issues, and engagements for U.S. Programs (USP) and our extended networks: seismic shifts related to immigration triggered by the European refugee crisis and the nativist rhetoric of Donald Trump; the Pope's visit embracing issues from death penalty abolition to economic inequality; the broadening of the criminal justice reform coalitions and agenda even as cracks emerge between the widely disparate players; the novel attacks on leading non-profits such as those that have upended Planned Parenthood. All told, the roller coaster that is always involved in advancing open society has been particularly vigorous in recent weeks. And it comes at a time which is always a busy one for USP in terms of our core operational issues: the completion of our proposed 2016 budget, the significant personnel process known as "role alignment," and ongoing grant making which has involved 111 grants totaling \$25m that we have made since the last board meeting. These, of course, reflect longer-term strategies that inform, but are not captive to the ups and downs of the moment.

Consistent with our recent practice, this memo provides an overview of the state of USP and its operations with a focus on items that are not otherwise covered in the upcoming board discussions. We begin with several "reports from the field" which, in conjunction with the USP Updates by Goal, beginning on page 52, provide information about select developments informing activities of USP and our grantees. Starting on page 34, we provide an overview of both our programmatic grant making and the summary of the use of the Opportunities Fund since our last meeting. The final section covers finances, personnel, and other matters.

I. SELECTED REPORTS FROM THE FIELD

The Domestic Engagement around the Syrian Refugee Crisis. Drawing on our founder's deep engagement with the European refugee and migration crisis, USP and our colleagues at the Open Society Policy Center (OSPC), have moved quickly to turn domestic sympathy into policy change consistent with OSF's international efforts and to see over the longer term whether the crisis might help push back on the deeply nativist rhetoric emerging from the Republic primary candidates. Over the course of several weeks, we, along with our colleagues in the Washington office led by Stephen Rickard, combined to undertake very active efforts to support a request to the Administration to provide a special allocation of an additional 100,000 refugee slots for Syrians and significantly expanded resources for international aid efforts. George Soros made such a request to President Obama in a [recent letter](#), and [18 mayors](#) across America are committed to welcoming refugees to their cities in numbers surpassing the administration's proposal. We used the extensive networks we

have developed to help engage an array of actors, most of whom were sympathetic to the cause but had not focused on the issue. In part, our active role reflects our observation that the refugee advocacy community, while long-standing and sophisticated in the inner workings of refugee policy, does not have a strong advocacy capacity or deep grassroots ties. In the course of our work, we were able to generate engagement by a group of mayors through Emma Lazarus II Fund grantee [Cities United for Immigration Action](#); the civil rights and immigrant rights community, through long-time grantee the Leadership Council for Civil and Human Rights; liberal and conservative former national security and state department officials with the help of grantee Human Rights First; and some conservative voices, such as evangelical Christians and Southern Baptists through grantee National Immigration Forum. In the face of this pressure, the Obama administration announced Sept. 20 that by 2017, it would raise to 100,000 the total number of refugees the U.S. takes worldwide each year. While we applaud this development, it falls short of the proposed special allocation. We and allied advocates believe the U.S. can and should do more.

In undertaking this work, the domestic political complexities of the situation are notable. On one hand, there is a critique that the infusion of Syrian refugees implicates national security concerns, and thus leads to a politicization of the issue from the right. On the other, immigrant and African-American leaders, while sympathetic to the plight of the Syrians and ultimately willing to support expansion of refugee admissions for them, note that their communities are conflicted as Latino children from Central America and African-American children in deeply poor parts of the U.S. do not receive equal attention. We remain in close contact with the field to monitor the reaction to this situation as it unfolds.

Pope Francis's Visit. OSF placed a bet earlier in 2015 that two faith-based grantees—the PICO congregation- and community-based organizing network, and Faith in Public Life, a faith strategy and communications center—would be able to make the most of his trip. Both are using the papal visit to inspire more sustained participation in movements to challenge over-incarceration, confront economic inequality, and expand immigrants' rights while also bringing new energy into the 2016 presidential conversation. PICO's "40 Days of Faithful Action" campaign will organize participation from tens of thousands of its members nationwide through 56 (and counting) vigils and community actions in 15 states, as well as online petitions and Twitter actions. The events will occur in places that inspire reflection and action – in lofty cathedrals, more humble local houses of worship, and outside of immigrant detention centers, ICE offices, city jails, and state prisons – and will complement the participation of hundreds of PICO's national leaders in papal events in Philadelphia. OSF is co-hosting a "Francis Effect" briefing for funders (with the Ford Foundation, on November 10) that will feature PICO, Faith in Public Life, labor unions, and the National Domestic Workers Alliance.

Planned Parenthood. USP is working with longtime grantee Planned Parenthood Federation of America, to determine how we might support c3-related efforts in response to the well-publicized attack on Planned Parenthood by the Center for Medical Progress. As of this writing, the funding of

Planned Parenthood is expected to be at the center of federal budget battles, even though an end to that funding would mean that 630,000 women would be [cut off from basic preventive services](#). While it is highly unlikely that the politics will allow an end to federal Medicaid funding, the long-term consequences involve the substantial eroding of Planned Parenthood's credibility and reputation. (According to a [recent NBC News/Wall Street Journal poll](#), Planned Parenthood is viewed positively by 45 percent of respondents—two points higher than the National Rifle Association, and well above any of the 2016 presidential candidates.) Planned Parenthood is mounting a vigorous defense, supported by a \$1.5m OSPC grant, in the face of four Congressional investigations and a cyber-attack that closed its website (used by patients to get services), which required the hiring of security for many of its doctors, and otherwise distracted it from its core mission.

Money in Politics. On the day before Labor Day, Harvard Law Professor Larry Lessig [announced](#) that he had successfully raised \$1 million in contributions, triggering his campaign for the Democratic nomination for President in 2016. Lessig has been an influential, if iconoclastic, money-in-politics activist through [Mayday.US](#), his self-described “crowd-funded Super PAC to end all Super PACs and the corruption of private money.” Lessig stepped down from Mayday.US prior to making his announcement (OSF's Information Program Board Member Zephyr Teachout is the organization's new CEO). If elected, Lessig says he would serve only long enough to secure passage of a set of voting and campaign finance reforms, after which he would resign immediately, handing over the reins to his Vice President (he is asking for supporters to “vote” for people who might serve as his Vice President [here](#)). Lessig's candidacy has attracted little attention thus far. Advocates in the field plan to make the most of Lessig's ability to keep campaign finance reforms front and center in the race, but there is [substantial cynicism](#) about his [personal motives](#) for entering the field—as well as some of his more outrageous remarks (e.g., he would be [open to running on a ticket](#) with Donald Trump, if Trump agreed to sign on to Lessig's package of reforms). In an effort to ensure the issue penetrates beyond Lessig's candidacy, reformers from 12 organizations joined forces in late July to release a presidential platform blueprint that details a robust variety of solutions available to curb the distorting influence of big money in politics and improve our democracy.

Grantees including the Brennan Center, Common Cause, Demos, Democracy 21, Every Voice, and Public Citizen developed [Fighting Big Money, Empowering People: A 21st Century Democracy Agenda](#), which has since been shared with every current candidate. *Fighting Big Money* calls for jurisprudential change, small donor public financing of elections, and increased disclosure of political spending. The plan also includes endorsement of a constitutional amendment to overturn *Citizens United*, though not all of the coalition's organizations actively support such efforts. On September 8th, Hillary Rodham Clinton's campaign published its [policy document on campaign finance and democracy reforms](#). The Clinton platform mirrors the *Fighting Big Money* recommendations, and includes a commitment to appointing federal judges who would overturn both *Citizens United* and *Shelby County*. While a number of other candidates [have embraced some or all](#) of the *Fighting Big Money*

agenda, Clinton's proposal is currently the most comprehensive and far-reaching, outpacing even Lessig's.

The money in politics movement has made some important, early progress in expanding its reach in recent months. We view this as especially critical to the long-term success of the movement because while a June [New York Times/CBS poll](#) demonstrated deep bipartisan support for changes to the way we finance our campaigns and for regulation that would curb the effect of big special-interest money in politics, the same citizens have little idea how to connect their discontent to real reform. In the past, advocates focused on reducing the outsized influence of money in politics as a good in and of itself. Now, recognizing that money in politics issues rise in importance when connected to other issues that affect Americans' daily lives, the movement has begun to focus on how large, secret donations distort our democratic process and affect policy. In Iowa, a new, truly bipartisan organization, [Iowa Pays the Price](#), has focused attention on the ways that big special-interest money distorts outcomes on the issues that Iowans of both parties [care about most](#) (e.g., policies related to farming renewable energy, for-profit colleges that prey upon veterans, and affordable prescription drugs). Leaders of diverse movements are also starting to connect their struggles with the need for reforms: over the summer, Deepak Bhargava wrote about [the fight for \\$15](#), Cristóbal Alex of the Latino Victory Project connected it to the [struggles of Latinos for fair representation](#), Wade Henderson of LCCHR and Michael Waldman of the Brennan Center wrote together of the disproportionate impact on [communities of color and criminal justice policy](#), and Jim Dickson, Former Vice President for the American Association for People with Disabilities, wrote about the connection between big money in politics and chronic unemployment in the [disability community](#).

Putting these ideas to work to win campaigns, Seattle advocates (including OSPC grantee [Every Voice](#)) have built an especially diverse coalition of allies, drawing on Demos partner organization [Washington CAN!](#), the [Win/Win Network](#) of voting rights advocates, the [Progress Alliance of Washington](#) and others, to push for public financing through vouchers. While this campaign has faced significant opposition in recent days, all recognize that the ballot measure would have been unlikely to succeed on the backs of traditional good government reformers alone.

National Security & Human Rights. Over the coming months those working on accountability for rendition and torture will continue to see progress in connection with the role of psychologists in facilitating and covering for torture policies, following a damning independent [investigation](#) of the American Psychological Association, the resulting [departure](#) of three APA top officials, and the Association's landslide [vote](#) in August to ban psychologists from assisting national security interrogations. (A related ACLU case is expected to be filed this fall.) This development comes after years of steadfast work by OSF grantees to obtain the release of information about torture, and efforts inside the APA to demonstrate the association's complicity. The field's challenge will be to extend these advances to the larger debate about the U.S. use of torture, as former CIA officials

[release a new publication](#) in September to counter the Senate’s Torture Report, even as some Presidential candidates hint at putting [torture back on the table](#). European and American accountability advocates will meet in mid-October to share updates and to coordinate efforts. USP grantee Physicians for Human Rights, working in concert with the ACLU and members of the health professions, will challenge the tension between the military chain of command and ethical duties, and address the need for improved accountability in the medical profession more generally. Meaningful change within professional associations regarding the role its members play in counterterrorism investigations and detention could help make this sector a bulwark against torture occurring in the future.

Democracy Funding. The MacArthur Foundation is exiting from its investments in the democracy field. We are working to understand the impact of this development, as are our mutual grantees. Based on our conversations with MacArthur, we know that most, if not all, of our mutual grantees will be given final 2-year (or, in a small number of cases, 3-year) support grants that are generally commensurate with existing support levels. While this will delay the immediate impact, MacArthur’s departure from the democracy field will have substantial ripple effects on several of our portfolios, including our work on money in politics and voting. In the campaign finance reform jurisprudence portfolio, for instance, current OSF grantees receive over \$1 million in annual support from MacArthur. We are working with grantees like the Campaign Legal Center to provide technical and other support to help them prepare for this loss of income, and may need to reevaluate some investments to provide additional USP support, identify new foundation partners and/or tie off grants to organizations for which the loss of MacArthur’s support changes our assessment of organizational health and impact.

Crime Rates and Mass Incarceration. While criminal justice reform remains a public priority and figures squarely into most of the 2016 Presidential candidates’ platforms, we expect to face challenges related to upticks in crime in a handful of American cities in recent months. In [Los Angeles](#), some opponents of Proposition 47 have attributed, at least in part, that city’s recent increase in violent crime to the passage of the referendum, leaving supporters of the reform compelled to suggest other causes for the uptick, such as the growing low-wage income disparity, [gentrification and homelessness in L.A. County](#). Similar alarms about increases in violent crime in the nation’s Capital must be monitored for their effect on continued efforts to [advance further federal reform](#). With the concept of the “[Ferguson Effect](#)”—the idea that heightened tension between police and communities has caused officers to refrain from vigorous enforcement, thus resulting in higher crime having gained traction in some quarters -- advocates like [The Sentencing Project](#) have pointed out that in some places the increase in crime began before the unrest sparked by the killing of Michael Brown and others, while the [Marshall Project](#) questioned the reliability of the analysis itself. [Others](#) have attributed the rise in violent crime – particularly homicides – to causes as varied as a statistical blip, a “reverse Ferguson effect” (lack of community trust and cooperation makes it harder to solve crime) or the greater availability of handguns. What is clear, however, is that advocates and funders will need to be vigilant in responding to these concerns –

particularly if the trends continue – as well as the powerful impact of arguments that such increases can be attributed to a retreat from the aggressive use of incarceration as the best way to ensure public safety.

Residential Segregation and Connecting Communities of Color to Opportunity. In the last few months, several events have converged to create a [renewed focus](#) in the field and among policymakers on improving the economic prospects for people living in segregated high-poverty neighborhoods. A [sophisticated communications campaign](#) supported by the Opportunities Fund and spearheaded by NAACP LDF and the Opportunity Agenda used the Supreme Court’s favorable decision on disparate impact to connect housing discrimination and segregation to the conditions that led to the police abuse this summer in Baltimore. At the same time, [new research](#) showed the lifetime benefits for children who grow up in higher opportunity communities. The Department of Housing and Development released a [new “Affirmatively Furthering Fair Housing” rule](#) to help cities adopt plans to counter decades of policies that either caused or exacerbated residential segregation. While there are federal funds for technical assistance to the jurisdictions that must comply with the new rule, there are no funds for participation in the process by non-profits and community groups. USP, along with partners at other foundations, is actively engaged with the field as they craft a strategy to take full advantage of this unprecedented opportunity.

Program Related Investment for Your Health Network. At this time last year, Your Health Network (also known as Evergreen Health Clinics) was [close to financial insolvency](#). OSI-Baltimore, along with the Annie E. Casey Foundation and the Abell Foundation, stepped in to increase their loan guarantee from \$5 million to \$6.3 million dollars. We also provided grant funding to fill in some marketing and operations deficits that the organization was facing. Evergreen instituted austerity measures that included downsizing staff and modifying clinic hours. Evergreen also identified some stopgap measures to address the fact that it was not getting as many members or patients as projected. By making contracts with Medicaid, the Veterans Administration and local employee health benefits programs to provide their members primary care, Evergreen acquired a better well-patient balance while obtaining more stability and revenue. In 2014 Blue Cross, which held well over 90% of the market share, received permission to raise its premiums by 16%; and in 2015, it has received permission for a further increase of its rates by 24%. With these increases, Evergreen Insurance CO-OP is now very competitive with much lower prices in the Silver category, which is the most popular. OSI-Baltimore is very optimistic that Evergreen Insurance CO-OP will have a strong enrollment season this fall and that will translate into a good patient mix for Evergreen Clinics, allowing them to expand.

II. U.S. PROGRAMS 2016 PROPOSED BUDGET

With the support and approval of the USP board budget committee (Geoff, Rosa, and Andy), we have developed our proposed 2016 budget and it is now included in the OSF Global Board budget approval process expected to conclude by the end of the year. Overall, the proposed budget remains at the same level as the 2015 budget with \$100m in programmatic (\$87m) and operational (\$13m) funds, plus the availability of up to \$25m in Opportunities and Reserve Funds. In an accounting shift, these Reserve Funds will not appear in the USP budget but in a form consistent with how other reserves at OSF are handled.

Notable programmatic highlights in the 2016 budget include: (1) the next step in the 2020 initiative which we will be discussing at this board meeting, (2) a new approach to (and shifting composition of) “anchors” to provide multi-year core support to transformational organizations, (3) next steps in criminal justice reform strategy including “deep end” efforts and promising drug policy programs, and (4) recognition of the election-year dynamics of 2016, highlighting economic issues, racial dynamics, voting rights and systems, campaign finance and areas of potential bipartisan consensus (criminal justice, surveillance).

Equally significant operational developments include reorienting our grant making toward (1) fewer overall grants with more multi-year general operating support for both multi-issue and core organizations, and (2) increased focus on identification of new voices, approaches, and actors. We will continue to use the Opportunities Fund to respond to unexpected developments (e.g., the current moment on race, the pending bankruptcy of Puerto Rico) and to seed new ideas, such as the need to develop Spanish-language investigative reporting or new models to engage the private sector in improving the quality of the low-wage jobs.

This [chart](#) explains the overall budget in the new OSF taxonomy of “themes” and compares 2016 to our previous year.

More specifically, the 2016 budget includes the following:

- ***Criminal justice and drug policy reform.*** Noting growing bipartisan support, the potential of legacy actions by the Obama Administration (such as extended clemency), and the profile of the issue in next year’s election, as well the \$9.5m of c4 funds provided by OSPC to the ACLU in 2016 for state-based criminal justice reform, the proposed USP budget continues its existing level of funding for efforts with a focus on maximizing the effectiveness of state-level initiatives. Specific efforts include our substantial investment in California, which now promises to be a leader in the efforts to revamp the “deep end” of the system, and extended work with victims, targeted media, and national networks. In addition, we propose to expand the promising programs related to drug policy—one to promote

Medicaid enrollment for those admitted to local jails and the other as an “alternative to arrest” program that allows active drug users to engage directly with social services rather than the criminal justice system.

- ***Racial and immigrant justice.*** We continue to take steps to institutionalize the field of “black male achievement” through our support for the spun-off CBMA (which will receive \$2.5m in 2016 as part of OSF’s \$10m commitment over five years), and through the philanthropic Executive Alliance to Expand Opportunities for Boys and Men of Color (to which we are lending Damon Hewitt as director and providing infrastructure support). Other major racial justice investments include prior commitments to the field of school discipline reform (\$3.3m), racial narrative (\$1m), and a continued effort to move a number of core grantees (e.g., Opportunity Agenda, Color of Change and the Southern Center for Social Justice) to two-year grants. In immigration, even as we continue the Emma Lazarus II Fund’s work related to Executive Action programs in an ever-evolving landscape, we are developing, in conjunction with experts, a progressive vision of U.S. immigration policy as well as ongoing support to core organizations in the field (\$3.5m).
- ***Voting rights and campaign and election systems reform.*** Especially given the election-year backdrop, we will continue to provide leadership in voting rights and affirmative election reforms. We have led the creation of a fund to support voting rights (Shelby Fund), which is now showing its value by recruiting new money and is coordinating the litigators and organizers’ work and is especially important since the Supreme Court will take up the issue of “one person, one vote” and voter ID in the coming year. In addition, we are in our second year of the effort to set the stage for a change in money-in-politics law, which will ultimately require a new justice but which demands ample lead time to do the necessary empirical and theoretical work. We will in 2016 be the first funder (with the Bauman Foundation) to make c3 advocacy investments to support adequate funding for a full and fair census count and begin in-depth anticipation of redistricting.
- ***Media and Technology Policy.*** We will continue to fund a core set of groups which were instrumental in the Federal Communications Commission vote to reclassify broadband as a telecommunications service under Title II of the Communications Act. This decision creates new opportunities to address key issues of privacy and affordable Internet access, including protections that limit corporate use of sensitive user data and a subsidy for internet access.
- ***Economic advancement.*** As we continue to explore our role and most effective long-term strategy, we will continue to seed several of the key think tanks and policy organizations in the field (such as Roosevelt Institute, the National Employment Law Project, and the Economic Policy Institute), as well as new actors or approaches such as the National

Domestic Workers Alliance’s project to develop a certification for employers that will potentially benefit of thousands of domestic workers.

- ***Local Places.*** Ongoing funding for our local places work includes both the recurrent commitment to OSI-Baltimore (\$4m in core support plus \$600,000 in overhead) and the next year of funding for technical assistance for the Open Places Initiative sites. For OPI, this funding (and grants awarded in 2015) will complete the minimum level of commitment we made, so that we will be evaluating if/how to extend that funding into the future. In addition, as reflected by the crisis in Puerto Rico, we are finding that other issues in these places may be warranting support.
- ***New voices and approaches.*** Even as we continue funding for the Soros Justice Fellowship program, we are considering several other ways to promote “new” voices and approaches, such as support for the most effective local officials spearheading inclusive economic development, entrepreneurial approaches to develop sustainable models for organizations focused on the interests of immigrants and new workers, and the nascent efforts to make more effective emerging leaders in the MASA, immigrant and local activist communities. We have also set aside a modest amount of funds related to a new big idea “inquiry” and new data and analytics to constructively assess our grantees’ advocacy strategies and tactics.

This budget also reflects tough choices to phase out areas of work and tie off certain grantees. In the past year, this required substantial attention as the Campaign for Black Male Achievement (CBMA) was spun off (and a number of former CBMA grantees did not receive ongoing funding) and as Atlantic Philanthropies wound down their support to grantees we also funded. This proposed budget anticipates (1) winding down the stand-alone “transparency” portfolio, which focused on federal transparency work, by tying off most grantees while retaining key expertise, (2) eliminating over two years the set of grants to state-level “fiscal equity” grantees as stand-alone efforts, although we will continue to fund the Center on Budget and Policy Priorities and its well-regarded State Priorities Partnership network of state-based fiscal policy think tanks, and (3) reducing the immigrant rights portfolio, which we had supplemented in anticipation of passage of comprehensive immigration reform, and (4) continued reduction in the NYC donor-advised fund specifically devoted to the NYC stop and frisk work as we look toward a national police reform strategy.

For 2016, OSF introduced a new budget taxonomy that includes themes, subthemes, and revised categories of work. This will help us provide more effective budget presentations in the future and assist OSF as a whole in comparing work across the network. For USP, it has meant shifting our budgeting from traditional categories into 10 themes and 30 subthemes. Within each theme or sub-theme, we have two ways of working: we pursue our own theories for how to make change, and we support organizations and individuals whom we trust to pursue their own ideas for achieving goals

we share. We call the former “*concepts*,” and we call the latter “*fealty to the field*.” For USP, the revised budget categories will result in our budget being categorized as reflected in the [attached chart](#). For a remarkable and very helpful overview of OSF’s budget, please read this [memo](#) by Chris Stone.

III. 2015 GRANT MAKING

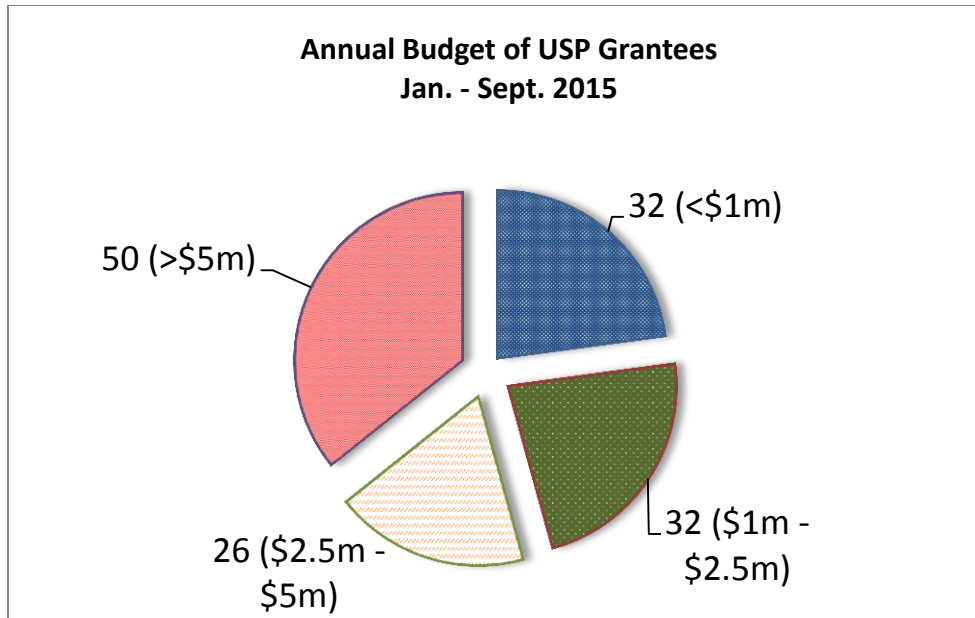
As of August 28, 2015, USP has made 136 grants totaling \$31.2m, approximately 30% of our programmatic budget, and remains on track to spend our grant making budget.³ The heavy concentration at the end of the year is in large part attributable to the majority of grants over \$1m for Anchor and Civic Core grantees, and grantees receiving multi-year general support, which are set for renewal in the last quarter.

Jan - Sep 2015 Grants by Amount Range		
Amount Range	# Grants	Total \$ Amount
\$0-50K	25	\$670,500
\$50K - \$250K	62	\$9,433,806
\$250K - \$400K	31	\$10,310,000
\$400K - \$1M	18	\$10,755,000
\$1M+	0	\$0
Total	136	\$31,169,306

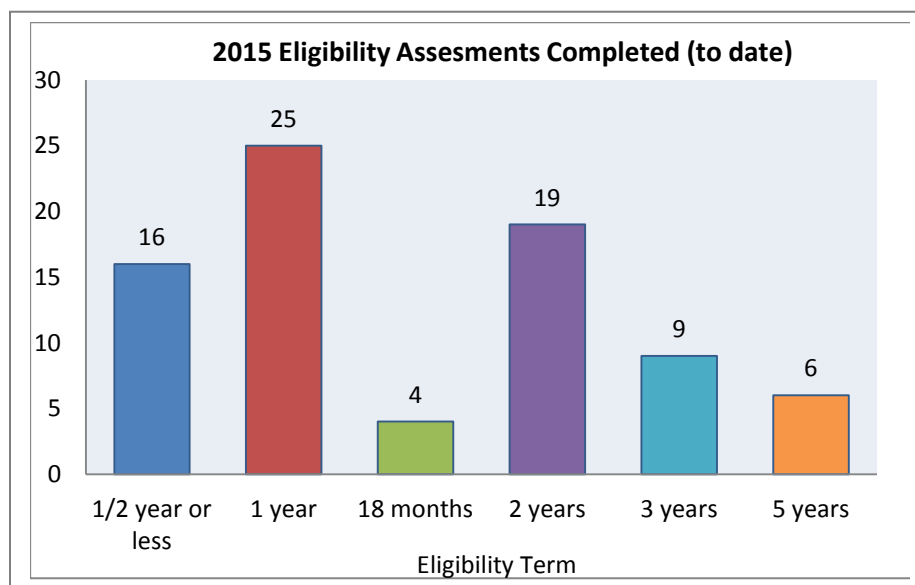
To date, over 40% of our grants are for general operating support, with roughly half of our grants for more than a single year. As we move to increase the number of general operating support (GOS) and multi-year grants in 2016, we expect to collaborate with the Ford Foundation and its [new initiative](#) to significantly expand its GOS grants going forward.

We continue to monitor several aspects of our grant making, including the size of the grants we are making and the size of the organizations that are receiving our grants. This year, almost 36% of our grants are over \$250,000 and are equally distributed between organizations with budgets over \$5m and under \$2.5m. In our ongoing assessment of new vs. existing grantees, 20 of 107 unique grantees are first-time recipients, a modest increase over last year’s figures. Of the first-time grantees in 2015, almost 25% came to us via the Opportunities Fund.

³ This analysis excludes grants processed through the Opportunities Fund or individual grants (e.g. fellowships).



The new eligibility assessment process has also been a major area of effort, with nearly 80 eligibility assessments approved in 2015 and a total of 150 organizational eligibility approvals expected by the end of the year. The chart below shows the term length of eligibility approved for the organizations that have obtained some form of eligibility. The significant number of terms under two years suggests that many grantees face issues in the coming years we will want to monitor. This also informs the expected workflow for staff, as we will complete new assessments of these groups before their eligibility expires.



Portfolio Reviews

Portfolio reviews are OSF's primary accountability mechanism, allowing staff to reflect on their work, to assess decisions and allow any lessons that emerge to influence future strategy. It is, and will continue to be, our practice to conduct at least one portfolio review during board meetings, and to also summarize interim portfolio reviews for your information. Hyperlinks will take you to the summary memos.

[Constitution and the Courts:](#) This portfolio review considers three facets of USP's work to support a progressive understanding of the U.S. Constitution: OSF's decision to create and fund progressive legal infrastructure in the wake of the Supreme Court's decision in *Bush v. Gore*; the impact of the election of Barack Obama in 2008 on the composition and ideology of the federal courts; and, the progressive malaise of 2010-12, during which funders played a key role in a strategic shift to elevate the courts' importance in political dialogue and increase pressure to prioritize judicial nominations.

[Mass Incarceration:](#) This portfolio review considers the initial assumptions made by staff to develop USP's work to reduce the U.S. incarcerated populations, such as an assessment of field dynamics, including: a shift from the "get tough" rhetoric; a political interest in economic savings from deincarceration; the consequences of initial decisions strengthening the capacity of the field to focus on lengthy sentences for serious offenses; and the building national infrastructure for reform while also strengthening advocacy infrastructure in key jurisdictions.

[Fiscal Equity:](#) This portfolio review considers three defining characteristics of the Fiscal Equity portfolio. First, the original goals of providing important symptom relief to low-income families by supporting the social safety net and addressing structural issues related to taxation. Second, a critical look at the political and funding dynamics including powerful opposition and congressional dysfunction, ineffective advocates and lack of charismatic leadership, and foundation shyness to fund tax policy efforts. Third, grant making decisions such as the combination of federal- and state-level policy, advocacy, communications, and field-organizing with a strategic mix of inside/outside tactics.

Grant Making Skills

We have significantly developed our capacity to provide support to staff as they learn the craft of grant making and navigate the particular opportunities and challenges of USP (e.g. access to c4 grant making). We've organized several efforts since our last board meeting along these lines, including sessions on how to effectively and gracefully tie off grantees. We're tapping into our experience by organizing dialogues with our more senior grant makers and those new to philanthropy. Of critical importance to us, though, is that we understand the experience of grantees in interacting with USP. Over the summer, we brought together a group of grantees to discuss their perspectives on our procedures which led to real insights. Grantees actually value our new "organization-centric" approach, but our grant budget templates and OSF reporting procedures inspire frustration. Our

internal “docket design team” has begun planning the 2016 grant making summit, where we will focus on strategy for the upcoming year and skill-building.

IV. USP PEOPLE

The process of [role alignment](#) within OSF to level staff across all of our national foundations and programs is actively underway. We are currently reviewing the process parameters and expect to be in a position by the end of the year to offer our staff titles and levels based on the new OSF architecture.

New Hires since May 2015

Karina Claudio Betancourt comes to USP as program officer for the Open Places Initiative from the New York City Council, where she served as senior director of the Community Engagement Division in the Office of Speaker Melissa Mark-Viverito and oversaw a staff of 30.

Adriana Sanchez joins Nancy Youman and Rebecca Carson as a program coordinator for the Emma Lazarus II team. For the last two years, Adriana has worked as a program assistant in the Global Drug Policy Program at OSF. Jarrah O’Neill started in July as program associate for the Democracy Fund. Jarrah most recently worked in Delhi, at a reproductive rights legal advocacy organization and at a parliamentary research organization. Angelea Selleck also started in July as a program associate with the National Security and Human Rights team. Angelea comes to us most recently from Fenton Communications, where she had been the executive assistant to David Fenton.

August brought two new additions to the Baltimore office. Evan Serpick, whose previous experience includes serving as editor of Baltimore’s weekly City Paper, was hired as the new Strategic Communications Director. Michael Walter is the Program Coordinator for the Drug Addiction Treatment program and the Criminal and Juvenile Justice program. Michael just completed his MSW in macro-level social work at the University Of Maryland School Of Social Work, with a focus on management and social policy.

New Opportunities

- Gladys Lopez retired in August, capping a 19-year career at OSF.
- Samantha Lee is opening up a brewery called Hopewell Brewing Co. in Chicago.
- Emma Greer was accepted into the MFA Writing program at Sarah Lawrence.
- Stephanie Ramirez-Burnett has started a job at the Mayor’s Office of Criminal Justice.
- Patricia Jerido is venturing out to start her own consulting business.
- Allison Brown accepted a position as executive director at the Community for Just and Fair Schools at the New Venture Fund.

Sabbaticals. The new OSF sabbatical policy was implemented in 2014 and allows eligible full-time employees who have completed at least five years of continuous service to apply for a sabbatical to pursue professional growth opportunities for up to four months at full pay. Sabbaticals are not granted automatically—a review committee, which consists of eight OSF staff members, meets twice a year to review and select among eligible requests, and recommend which sabbaticals should be approved. Our USP colleagues who have been awarded sabbaticals include:

[Kimá Joy Taylor](#) (July - October, 2015). Kimá has spent her sabbatical performing an in-depth study on programming that supports women of childbearing age who use substances with the intent of improving health, maintaining family integrity and decreasing/eliminating criminal justice and child welfare involvement.

[Jamie Wood](#) (November, 2015 - February, 2016). Using his training in epidemiology and biostatistics, Jamie will seek to answer the question: Does Medicaid enrollment improve health outcomes and reduce recidivism rates for populations leaving prisons and jails?

[Laleh Ispahani](#) (March - April and July - September, 2016). Laleh will spend her sabbatical researching and writing a series of articles, including “A Letter to My Daughter,” that will address the interwoven questions of identity and belonging with which first-generation immigrants wrestle, perhaps especially those of Muslim heritage. She will draw on her own background to contribute to the growing national dialogue about immigration and Muslim identity as well as the conversation on inclusion underway at OSF.

USP Program Coordinator [Maggie Corser](#) was chosen as one of thirteen staff members from across the network to participate in the inaugural Contested Spaces trip to India in October. This site-based learning and professional development program is designed for staff to broaden their intellectual and geographical horizons through a week-long trip.

We look forward to further discussing the State of USP with you at our board meeting.

REPORT ON U.S. REGIONAL RESERVES

As of September 25, U.S. Programs has committed \$12,105,500, and proposed an additional \$1,200,000, from the 2015 US Opportunities Fund. The Open Society Policy Center has committed \$790,000 and proposed \$625,000 from the fund.⁴ The following is a summary of approved and proposed requests since our meeting in May. A detailed tracking sheet of the U.S. Opportunities Fund and the U.S. General Reserves for 2015 [can be found here](#).

Approved Opportunities Fund Grants from USP

Baltimore: Response to the Uprising (\$1,000,000) - OSI-Baltimore requests \$1 million to use the recent uprising in Baltimore to accelerate the dismantling of structural inequality generated and maintained by local law enforcement and to engage residents in shaping and monitoring reform. Building on our existing networks and programs, we will focus investments on: 1) creating a culture of accountability for policing in Baltimore, recognizing the pervasive racism, disrespect and lawlessness that gave rise to recent events; and 2) building the capacity of activists in Baltimore to demand and achieve immediate and long-term reforms. The request focuses on actions that we can take in the near term so that we can influence and, later, take full advantage of two upcoming and pivotal events in Baltimore: the appointment of a permanent police commissioner by the new mayor, and the Department of Justice pattern-or-practice investigation of the police force. We will also build on the momentum of the mayoral elections to focus on key issue areas.

#BlackLivesMatter (\$650,000) - Per Board consensus at our May board meeting, U.S. Programs supported a series of convenings across the country over the summer organized in response to the immediate outrage and the escalating community mobilization to save black lives following the numerous killings of black men, women, and children by police. The largest of these events took place in July, when activists participated in the Movement for Black Lives convening in Cleveland, Ohio. In November, the Funders Collaborative on Youth Organizing will engage younger activists in Durham, North Carolina. In addition to supporting these convenings, US Programs has provided the groups and attendees of the convenings described here with technical assistance.

Countering ALEC's push for a Constitutional Convention (\$500,000) - In July 2015, the U.S. Programs Board approved this request to counter the American Legislative Exchange Council's aggressive 2015-2016 push for a constitutional convention and federal Balanced Budget Amendment to the U.S. Constitution. A constitutional convention would leave the Constitution vulnerable to a host of harmful and far-reaching changes that could affect nearly all Open Society issues. The grant was awarded to anchor grantee the Center on Budget and Policy Priorities (CBPP), which has an

⁴ The USP board chair, Geoff Canada, reviews and approves all c3-related requests. OSPC requests are approved by Jonathan Soros and undergo an independent approval process overseen by OSPC leadership and board members.

excellent track record in rolling back regressive policies at the federal and state level, to work with national and state partners on a coordinated message campaign.

Crime Survivors Engagement (\$375,000) - The grant will capitalize on a significant increase in federal funding to: 1) expand access to victim services for crime survivors of color, particularly young men; and 2) lay the groundwork for the greater engagement of crime survivors in efforts across the country to reduce the reliance on incarceration. Informed by the success of Californians for Safety and Justice and their ability to engage victims of color and demonstrate their support for reform agendas, this grant is will contribute to our broader criminal justice reform agenda.

Jail Population Reduction (\$400,500) - The Institute of State and Local Governance (ISLG) at CUNY will assist New York City, Los Angeles and Chicago in reimagining pretrial detention by partnering with city agencies to develop a smaller, holistic system of incarceration, while researching the implications of state-of-the-art technology as an alternative to incarceration. In New York, ISLG is developing this idea with the Mayor's Office of Criminal Justice and the Executive Officers and Administrators of the New York State Unified Court System, among others, to reduce significantly the jail population of Rikers Island. ISLG will seek to create an executive forum in all three cities to demonstrate implications of this issue beyond the current work in New York.

Three Strikes Federal Clemency Project (\$250,000) - This request would support reentry services to individuals recently granted clemency by President Obama in reaction to the overly harsh three-strikes laws of the 1990s. Specifically, it would support the Stanford Three Strikes Project's plan to provide such reentry services to up to 100 individuals. Our support for this phase of the work would be used as a step toward a more systematic approach that continues to explore how we can work together with the White House to best ensure a robust array of services and policy reforms to maximize successful reentry of both those granted clemency and others eligible for release later this fall as a result of federal sentencing reforms.

Opportunities Fund Grants from USP in Development

Puerto Rico Economy (\$975,000 over two years) - In June of this year, Puerto Rico Governor Alejandro García Padilla announced that the island's public debt of \$72 billion – equivalent to 103% of its Gross National Product – is unpayable and needs to be restructured. The creation of a viable economic plan for Puerto Rico must be spearheaded by an entity other than government that develops a process that is rigorous, generates genuine multi-sector participation and buy-in, and seeks to develop recommendations that are comprehensive and focused on long-term economic development. To address the pending economic crisis in Puerto Rico, we propose supporting the Center for the New Economy to: 1) engage top analysts and officials on the project and widening the public debate to encourage new approaches; 2) craft strategies and solutions that will serve as the starting point for a new economic framework through a series of expert-led convenings on industrial policy design and economic development;; 3) facilitate dialogues that are structured to galvanize

broad buy-in for the proposed economic reforms and provide a foundation for their implementation and long-term sustainability.

Fair Workweek (\$225,000) - Today 75 million people, or three in five Americans, are paid by the hour—and these workers have little to no input in their work hours and very few workplace protections, working schedules that vary wildly week-to-week and demand constant availability. Over the past year, increasing attention to this new economic reality has highlighted the plight that workers face – disproportionately they are women and workers of color – and seemingly overnight demands for a new policy regime and new bargaining strategies for workers have emerged from state and local policymakers, thought leaders, worker organizations, and some employers. We propose support to national staffing and targeted field resources to build out the corporate accountability campaign strategy; advocate for high road scheduling practices in the private sector; undertake public education to further the campaigns; and refine and push out more aggressive communications and digital strategies to leverage upcoming victories.

MEDIA AND TECHNOLOGY POLICY PORTFOLIO REVIEW⁵

U.S. Programs' Media and Technology Policy portfolio supports a field of organizations⁶ that work together to ensure that the rules governing media and communications infrastructure promote free expression, access to information, and civic engagement. The public's rights to free speech and to access information are the essence of an open society. Free speech is a founding tenet of this Constitutional democracy; and promoting access to an information network – the postal service – was an early American policy priority.⁷ The people's freedom to use this network allowed for the widespread availability of information, creating greater opportunity for individuals to shape the public sphere and influence democratic practice. These rights have been extended to our communications laws in a manner meant to preserve these principles even as communications technologies and markets evolve.

The Telecommunications Act of 1996, the modern legal framework for communications policy, affirms that every U.S. resident should have access to communications services that allow them to transmit information of their choosing without discrimination. However, due to a series of decisions by the Federal Communications Commission, legal protection to communicate without discrimination via broadband – today's primary mode of communication – is threatened. For nearly a decade, the digital rights field has worked to protect the Internet as an open and nondiscriminatory platform – a concept that has been defined as “network neutrality.” Network neutrality preserves our right to communicate freely online and ensures that Internet service providers who own broadband infrastructure cannot block or discriminate against information, content, and applications available online.

For this portfolio review we will focus on the pursuit of network neutrality because it has long animated the digital rights field. In particular, this review will focus on two major campaigns to establish network neutrality, in 2010 and 2014, respectively. In 2010, the field worked together to secure network neutrality rules, and while the FCC did adopt rules aimed at protecting an open Internet, that effort ultimately fell short, and a federal appeals court later struck down the Commission's Open Internet Order. In 2014, the field regrouped to take on the challenge again, and this time succeeded with a campaign that secured network neutrality, and more importantly classified broadband as an essential communications service. This victory marks important progress towards protecting the Internet as a democratic communications platform.

These two markers and the contrasting outcomes represent defining moments for the digital rights field, and it is worth examining each of them to better understand the factors that contribute to a

⁵ Chancellor Williams has managed The Media and Technology Policy Portfolio since July 2014 and prepared this document with the assistance of Laleh Ispahani, who supervised Lori McGlinchey's work on the portfolio during the period under review.

⁶ Chancellor Williams was previously employed by grantee organizations Free Press and the Media and Democracy Coalition.

⁷ The Postal network was so vital to our embryonic democracy that Ben Franklin served as the first Postmaster General under the Continental Congress, and the Postal Service Act was one of the first pieces of legislation adopted by the new federal government. See Richard R. John, *Spreading the News*, Cambridge: Harvard University Press (1995).

field's ultimate success or failure. We will carefully review U.S. Programs' Media and Technology Policy portfolio, and how it evolved from 2009 to 2014 in an effort to assess the impact of grantmaking decisions on the field.

CONTEXT OF REVIEW

The environment: Today, media and communications infrastructure in the United States is dominated by corporate interests that threaten the potential for the Internet to be a broadly available means of communication and information. While the rapid spread of technology offers new and necessary platforms for information, innovation, and civic engagement, it is not equally accessible to all. A small handful of companies with enormous political power shape our communications laws and the regulatory environment, effectively controlling access to the Internet. So even as the Internet increasingly assumes the hallmarks of an essential public utility, many U.S. households still don't have access to it or cannot afford it, especially in rural areas, and among low-income populations and communities of color.⁸ For all its benefits, corporations and the government can (and sometimes do) take advantage of technology in ways that endanger civil liberties, invade privacy and chill the exercise of First Amendment rights, through data mining and intrusive surveillance (or the threat of it).

History of portfolio: U.S. Programs began funding in the area of media policy reform through a general grants program in 1997, then in 2001 it was absorbed into the Governance and Public Policy Program where it was reoriented towards policy issues that were related to the effective functioning of democracy in the United States. When that program was closed down, US Programs continued to fund media policy reform through a Strategic Opportunities Fund. In 2008, this work was developed into a Media and Technology Policy portfolio as part of the then-Transparency and Integrity Fund. This portfolio and our commitment to media and technology policy was most recently reaffirmed in U.S. Programs' 2015-2018 strategic framework.

Goals: The overarching goal of U.S. Programs' Media and Technology Policy portfolio is to ensure that the public interest is vigorously represented in policy arenas that determine the structure of the U.S. media and communications system. Over the years U.S. Programs' grantees have focused on urgent battles related to Federal Communications Commission rules on media ownership, reviews of industry mergers, the expansion of affordable access to high-speed Internet connections, protecting the open Internet, and the impact of the Telecommunications Act of 1996 (which launched major deregulation and consolidation of telephone, cable and media companies). In addition, our grantmaking aims to solidify the civil society organizations that work to protect digital rights into a field of mutually supporting, well-coordinated groups that can connect to broad and diverse constituencies.

⁸ Pew Research Center, *Offline Adults: 14% of American Adults Don't Go Online. Who are they?*

Field strategy: U.S. Programs has developed a field strategy for the Media and Technology Policy portfolio because we believe that successful public interest advocacy in this area requires a combination of legal, technology/engineering, and policy expertise, combined with robust messaging and communications capacity and grassroots, netroots, and constituency engagement. We support a small number of highly-coordinated, mutually-reinforcing, largely Washington, D.C.-based organizations that each excels in one or more of these critical field capacities. We also support grassroots leadership and organizing on media/Internet policy to strengthen the field's efforts and to build a broader base of support. Together, they work to ensure that rules developed to govern the Internet aren't dominated by special interests, and do protect and advance free expression, privacy, shared economic opportunity, and civic participation. Civil society's capacity to advocate – including with regulators – is essential to our goal of protecting the Internet as a secure and open platform for free expression, and expanding affordable access to it.

MEDIA & TECHNOLOGY POLICY PORTFOLIO

Total spending from 2009 - 2014: \$11,175,000*

Primary grantees in both periods under discussion: A key grantee of the portfolio is **Free Press**, a national organization that employs a combination of policy expertise, press outreach and organizing to engage and mobilize the public on Internet and media policy issues. New America's **Open Technology Institute** is a think tank that provides research and policy analysis that is informed by technology/engineering expertise. **Public Knowledge** works on Internet policy and cutting edge intellectual property issues. The **Center for Media Justice** maintains a national network of grassroots organizations that link media and technology policy to movements for social justice. U.S. Programs was a founding member of the **Media Democracy Fund**, a funders collaborative designed to attract new resources to media and technology policy and to re-grant funds to the field.

U.S. Programs Anchor Grantees: ACLU, Leadership Conference on Civil and Human Rights, NAACP**

* For detail, see appendix B, *Annual Media Policy grantmaking, 2009 – 2014*

**While the NAACP engages on media and technology policy, its position on these issues is most often aligned with cable and telecommunications companies and it has historically opposed network neutrality.

Collaborators: We collaborate with OSF colleagues within U.S. Programs (national security-focused colleagues), with OSF’s Information Program, and as of recently, with the Open Society Policy Center. Outside of OSF, we work particularly closely with the Ford Foundation and the Media Democracy Fund⁹ – a donor advised fund that OSF has funded since its founding in 2006 – to build and resource the field. The Voqal Fund, a Democracy Alliance member, has also recently begun to make more significant contributions to the field, and looks to us for advice and counsel in developing its strategy and grants. We also collaborate with other, smaller funder members of the Media Democracy Fund steering committee. They represent a range of fields, from arts to the environment, underscoring the importance of media and technology policy to many arenas.

Resources: While there is more funding for media and technology policy than when U.S. Programs began funding in this area, the digital rights field remains thinly resourced. OSF is the field’s second largest funder, after the Ford Foundation, which now has a \$10 million annual grantmaking budget dedicated to Internet Rights in the United States.

THE FIRST CAMPAIGN: 2009 TO 2011

Many in the digital rights field believed that the election of President Barack Obama held the promise of significant progress on critical technology policy issues, including network neutrality. The public interest community had forged a strong working relationship with Barack Obama during his time in the Senate, and a number of digital rights advocates helped to craft the Obama campaign’s technology policy platform which identified protecting the open Internet as a top priority.¹⁰ During a 2007 campaign stop at Google headquarters Obama remarked that he would “take a backseat to no one” in his commitment to net neutrality. President-elect Obama’s FCC transition team included Susan Crawford and Kevin Werbach – academic leaders well-known to the public interest community.

The 2008 presidential campaign also coincided with the sharp decline of the news industry, raising serious concerns about the future of journalism. At about the same time, the expansion of the Internet began to seriously disrupt the distribution and advertising models of legacy news organizations. In 2008 nearly 6,000 newsroom jobs were lost, and in 2009 numerous metropolitan daily newspapers shut down or significantly scaled back operations.¹¹ This marked an economic and technological transformation of a commercial industry with social value, and there was a sense at the time that investigative journalism– the least profitable and most democratically important aspect of the news industry – might be lost forever.

⁹ See Appendix D for a summary of the Media Democracy Fund’s donor’s and grantees, and see Appendix E

¹⁰ “Obama supports the basic principle that network providers should not be allowed to charge fees to privilege the content or applications of some web sites and Internet applications over others. This principle will ensure that the new competitors, especially small or nonprofit speakers, have the same opportunity as big companies to innovate and reach large audiences.” Barack Obama, *The Blueprint for Change: on Technology* (2008).

¹¹ State of the News Media 2009: An Annual Report on American Journalism, Pew Project for Excellence in Journalism (2009)

Access to information had always been a significant driver of U.S. Programs' work on media policy, and Program Staff were encouraged by then-president Aryeh Neier to expand this work so that it addressed the decline in journalism. U.S. Programs therefore developed a complementary strategy to preserve and expand access to accountability journalism. In 2009, the U.S. Programs board approved new funding for a journalism strategy and Program Staff began grantmaking in this area while continuing to fund media and technology policy.

This expansion of the access to information work to embrace journalism was not immediately accompanied by an allocation of additional funds. As a result, there was less funding for media and technology policy in 2010. With fewer grantmaking resources available, Program Staff made a judgment to make tie-off grants to the Media Access Project and the Media and Democracy Coalition. While the Media Access Project provided valuable mentorship to early-career lawyers, its legal counsel and representation work was less necessary to the field, as most organizations had hired legal staff to handle these matters. The Media and Democracy Coalition had been created by the Arca Foundation to coordinate field activities, and there were questions about whether it was the proper vehicle for this function.

OSF's shift in strategy occurred just as the United States Court of Appeals for the District of Columbia was preparing its decision in *Comcast Corp. v. FCC* that would determine the Commission's authority to make net neutrality rules – a very precarious time for public interest media and technology policy. However, the Ford Foundation's support for the digital rights field grew substantially from \$3 million annually to \$10 million in 2010 and Program Staff hoped increase would adequately meet the field's needs .

As 2010 came to a close, the FCC adopted an Open Internet Order that put net neutrality rules in place for the first time. The Order, however, was a compromise that the public interest community criticized for failing to fully protect wireless Internet users – and other shortcomings. Verizon immediately sued the FCC to overturn the rules, and there was significant concern that the FCC's failure to have reclassified broadband Internet access as a telecommunications service increased the probability that Verizon would ultimately win the court case. The optimism that marked the early days of the Obama administration began to fade.

Even these weak net neutrality rules provoked Verizon's response and additional backlash from others in the cable and telecommunications industry. As a result, the digital rights field spent much of 2011 in the difficult position of defending imperfect rules from attack and supporting their implementation. The assaults on the rules were particularly worrying as they propagandized against the role of government in protecting the public interest in communications policies.

Summary of Grantmaking during the First Campaign:

2009

The portfolio consisted of six grants totaling \$1.41 million, in line with the 2008 grantmaking budget. This included grants to the Center for Media Justice, Free Press and Public Knowledge, all of which are still part of the portfolio today. There were also final grants to the Media Access Project, the Media and Democracy Coalition, and the New America Foundation's Wireless Future project that noted "funding for media and technology policy has been reduced in order to shift funds to work that addresses the crisis and opportunities in the field of journalism."

2010

The portfolio made just four grants totaling \$1.175 million. An effort to harmonize media and technology policy with the new focus on journalism emerged with \$425,000 in project support grants going to the Berkman Center and the New America Foundation to expand work that might yield solutions to the ongoing crisis in journalism. The Berkman Center's Online Media Law Project was funded to provide legal support to emerging online investigative news organizations and the New America Foundation was funded to "define a pragmatic and politically plausible campaign to strengthen public media," as it remained one of the few critical sources of accountability journalism standing. Just \$750,000 of support went to digital rights grantees that were actively working on critical technology policy issues.

2011

The portfolio made six grants totaling \$1.33 million. This included renewal grants to Free Press and Public Knowledge, and an initial grant to support the newly formed Open Technology Institute at New America Foundation. The portfolio also included a first grant to Native Public Media to support its work to establish an Office of Native Affairs and Policy at the FCC that would address the unique media and technology concerns on tribal lands. There was a small grant to Arts Engine to support the Internet Must Go (a satirical documentary film about the open Internet), and a contribution to a USP grant to the Electronic Frontier Foundation.

THE SECOND CAMPAIGN: 2012 TO 2014

The year 2012 began with promise after a successful campaign to stop SOPA/PIPA – legislation that threatened free speech and innovation online. A number of media and technology policy grantees were deeply engaged in this campaign. Just as this victory began to create a sense of renewed optimism, the digital rights field experienced the loss of both the Media Access Project and the Media and Democracy Coalition (organizations that OSF stopped supporting in 2009) due to an inability to raise funds. Both of these organizations were meant to provide field-wide supports, but at this point many of their critical functions were embedded in other organizations. At the same time, new organizations like Demand Progress and Fight for the Future – each of which played a critical role in the campaign to stop SOPA/PIPA – began to emerge as innovators that brought enhanced online mobilization capacities to the field.

In 2012, the U.S. Programs board led a set of Working Groups to help U.S. Programs staff think through priorities. In a conversation of the Public Sphere Working Group which included U.S. Programs board members Yochai Benkler, Leon Botstein, Steve Coll, and Sherrilyn Ifill, the Media and Technology Policy portfolio was discussed as an area of near-term promise and long-term importance. It was noted that even though this portfolio averaged roughly \$1.5 million per year, OSF was still a very distant second to the Ford Foundation in our level of investment in the field, and resources to the field overall were relatively low.¹²

Based on the guidance of that Working Group, U.S. Programs staff recalibrated its access to information strategy, now emphasizing funding for media and technology policy and reducing funding for journalism. Program Staff and the board noted myriad threats facing the field and the fact that few funders recognize the importance of media and communications policies that govern the flow of information, and that determine who has access to the means to speak and be heard in the public sphere. A budget of \$4.1 million was recommended by Program Staff for media and technology policy in 2013 as compared with a 2012 budget of \$1.5 million.

In 2013, Program Staff used this larger grantmaking budget to make larger multi-year grants to key grantees, and made a significant bet by increasing funding the Media Democracy Fund so it could better support field-building activities. The Media Democracy Fund used 2013 as a strategic planning year, and to transition fiscal sponsorship from the Proteus Fund to the New Venture Fund in order to reduce overhead costs and to improve capacity and fundraising flexibility. OSF Staff believed that additional support for the Media Democracy Fund would pay off in the long-term as it could leverage its expertise to raise additional funds. OSF's added support also came at a good time for the Media Democracy Fund as the Ford Foundation – a major contributor to MDF – shifted fiscal years and was thus unable to make a grant to MDF in 2013.

In January 2014, the threats that the Working Group foresaw materialized when the United States Court of Appeals for the Third Circuit overturned the FCC's Open Internet Order, sending the agency back to the drawing board to establish new rules to maintain an open Internet. FCC Chairman Tom Wheeler initially bowed to industry pressure by putting forward a proposal that would create Internet fast lanes and slow lanes, but a small, networked campaign emerged to keep that from happening. This distributed, but coordinated, campaign included policy advocates, technology companies, main street businesses, new civil rights groups, online/offline organizers, legal experts, and grassroots activists. The Media Democracy Fund catalyzed this collaboration through funding for campaign infrastructure and project support for participating organizations.

The campaign organized and mobilized people from across the country and across the aisle who became deeply engaged. In all, more than four million comments were sent to the FCC, breaking records for all other issues. The term net neutrality itself became more broadly understood, and the

¹² Page 42 August 2, 2012 Public Sphere Working Group Meeting

campaign sparked multiple viral events on the Internet throughout the year, including an historic “Internet Slowdown” involving tens of thousands of websites.

The campaign organized a sophisticated and tightly-coordinated inside/outside organizing strategy to pressure President Barack Obama to come out publicly in support of reclassification of broadband under Title II, which he ultimately did do. In February 2015, the Federal Communication Commission followed suit and voted to approve strong network neutrality rules grounded in Title II of the Telecommunications Act, defining Internet access as an essential communications service.

Summary of grantmaking during the second campaign:

2012

The portfolio made five grants totaling \$1.83 million. This included renewal grants to the Berkman Center, the Center for Media Justice, the Media Democracy Fund, and the New America Foundation’s Open Technology Institute. There was a new grant to the Center for Social Inclusion to support its research on race and broadband access.

2013

The portfolio made seven grants totaling \$3.68 million allowing for increased multi-year support to digital rights organizations that would play a critical role in anticipated policy fights. This budget also allowed for a new and explicit commitment to municipal broadband issues including a meeting of Mayors to explore a new initiative and an initial grant to the Institute for Local Self-Reliance’s Broadband Initiative – a leader on local broadband choice.

2014

The portfolio made seven grants totaling just over \$1.8 million. This included a renewal grant to New America’s Open Technology Institute, a project support grant to the Media Democracy Fund for the Open Internet Defense Fund (a fund established to support the net neutrality campaign). There was also a grant to establish Next Century Cities, a new organization that supports municipal efforts to expand broadband access. We made a new project support grant to the Berkman Center for research on municipal fiber, and an exploratory grant to Data & Society to support their Big Data and Civil Rights conference.

WHAT MADE THE DIFFERENCE?

In reflecting on these two junctures for the digital rights field and U.S. Programs’ grantmaking to support it, it is difficult to know precisely how our decisions contributed to the ultimate success or failure of the two campaigns, especially in light of the rapid pace of technological and cultural change during this time. In 2010, smartphones and online streaming video were not nearly as ubiquitous as they have now become, which gave more people a sense of what was at stake if the open Internet was not fully protected. In 2010, the Internet held *promise* as an organizing tool that could accelerate social change, but that had not been demonstrated in a way that was visible to most.

By 2014, activism that was driven by social media had become common, and the digital rights field was able to leverage this activity to explain the importance of net neutrality.

In 2010, President Obama was early in his first term and much more cautious in his approach to policymaking. However, the field was very trusting of the relationship it had formed with many administration officials and opted for an inside game from the outset. After Democratic Party losses in the mid-term election, the administration was less risk averse. Also, many public interest advocates were skeptical of the new FCC Chair, Tom Wheeler, from the beginning as he was a former lobbyist for the wireless and cable industries. The field took nothing for granted and pushed Wheeler with creative organizing and protests from the very beginning.

Our decision to focus on building a complementary journalism strategy and to temporarily reduce funding in 2009 likely contributed to the closure of two organizations, but we were strategic in that we continued to support the institutions we believed to be the most effective and useful to the field. While there was a need for deeper coordination in 2010 given that field collaboration was somewhat ad hoc, there was not an entity that could play that role effectively.

Our decision to increase funding in 2013 and to make larger multi-year general support grants likely created stability for the organizations in the portfolio. The supplemental grant that we made to the Media Democracy Fund in 2014 to support the net neutrality campaign made a big difference in the field's capacity and desire to collaborate, and to intentionally engage new constituencies. Each organization was funded to participate in the coalition, which created accountability. The unified strategy that resulted certainly contributed to the success of the campaign.

GOING FORWARD

The FCC's decision to reclassify broadband access as an essential communications service creates a solid legal foundation for net neutrality, but it also creates new opportunities to expand broadband access and to protect online privacy, which the field will pursue. However, Internet Service Providers sued the FCC to overturn the net neutrality rules so public interest organizations will focus on litigation and have intervened to support the FCC in court. After suffering a loss at the FCC, industry is pushing for a Congressional rewrite of the Telecommunications Act which poses a significant threat that will be a challenge for the digital rights field.

Government and corporate surveillance, particularly of communities of color and other oppressed populations, remains an existential threat to democracy and civil society. Research has revealed that data from online activities has been incorporated into decisions regarding criminal justice, employment, finance/debt, and housing, and that vulnerable populations often suffer as a result. The expansion of big data, machine learning, and algorithmic decision-making creates concerns about discrimination, with special attention given to the implications that "big data" has for historically marginalized communities and protected classes, signaling the emergence of big data as a critical technology policy issue.

In 2015 President Obama signed a Presidential Memorandum creating the Broadband Opportunity Council (BOC). The BOC includes 25 federal agencies and departments that will work with industry and other stakeholders to identify barriers to broadband deployment and adoption. The BOC has already resulted in the ConnectHome program, an initiative of the Department of Housing and Urban Development that aims to improve broadband access in public housing, and other programs are expected that could create new opportunities to expand broadband access.

While technological change creates opportunities, it also creates continued and evolving threats that civil society must address in order to establish a media and communications system that serves the public good, protects and promotes fundamental rights, and strengthens democracy. To bring greater attention and resources to digital rights issues OSF joined the Ford, Knight, MacArthur and Mozilla Foundations to launch the *NetGain Challenge*, a partnership meant to enable collaborative grantmaking that responds emerging challenges.

This leads to a set of questions concerning the work going forward:

- Given concerns about a congressional rewrite of the Telecommunications Act, how should OSPC-enabled staff engage with the Open Society Policy Center in order to strengthen the field's lobbying capacity?
- Should we consider incorporating more organizations into the media and technology policy portfolio with expertise on big data and algorithmic decision making or should we support our current grantees to add capacity in this area?
- Should we adjust our grantmaking to leverage the White House's Broadband Opportunity Council?

Appendices are [available here](#):

- Appendix A: Media Policy Grants, 2009 – 2014
- Appendix B: Annual Media Policy grantmaking, 2009 – 2014
- Appendix C: Funding for key portfolio grantees, 2009 – 2014
- Appendix D: Media Democracy Fund Summary
- Appendix E: OSF Grants to Media Democracy Fund vs. Media Democracy Fund's annual grantmaking

U.S. PROGRAMS UPDATES BY STRATEGIC GOAL

May 2015 – September 2015

The 2015-2018 Strategy for U.S. Programs organizes our work around four goals:

1. An American democracy strengthened through greater inclusion, participation and accountability
2. A fair criminal justice system that uses punishment appropriately; does not rely on incarceration to address issues of poverty, mental illness and drug addiction; and promotes community safety and well-being
3. Full political, economic and civic participation of immigrants and communities of color achieved by dismantling the barriers and strengthening the conduits to opportunity
4. An economy governed by policies at the local and national level that promote equitable growth and high-road development

What follows are notable activities and updates —not otherwise highlighted in the board meeting memos—related to these goals since the May meeting of the U.S. Programs Advisory Board.

1. Goal: An American democracy strengthened through greater inclusion, participation and accountability

Voting Rights

The battle to restore voting rights protections gutted by the 2013 U.S. Supreme Court decision in *Shelby County v. Holder* continues. In mid-July, advocates from the litigation collaborative created by the Shelby Response Fund spent two weeks in North Carolina arguing against the state's infamous voter suppression “[monster bill](#)”, which included cuts to early voting and the elimination of same-day registration and out-of-precinct voting. The trial drew international attention, coming on the heels of the 50th anniversary of the Voting Rights Act. Just days before the anniversary, on August 2, 2015, the U.S. Court of Appeals for the Fifth Circuit ruled that Texas' voter ID law violated Section 2 of the VRA by discriminating against minority voters. The lower court had gone further, agreeing with *Shelby* grantees who described the law as purposefully discriminatory and akin to a poll tax. The Fifth Circuit was unwilling to go so far as to call the state of Texas's actions intentionally discriminatory and ordered that the issue be reviewed further in the lower court. Still, advocates were pleased with the favorable ruling from one of the most conservative appellate courts as they continue to litigate in other Shelby states.

U.S. Programs, its grantees, and allies are also taking the fight beyond the four corners of the courtroom, seeking to change the harmful narrative created by the *Shelby* ruling and the punitive policies that followed it. We commissioned a study to explore the current communications and messaging terrain, and to analyze the challenges and opportunities to help campaigns protect and expand the franchise. Following discussion about its findings with advocates and funders, we have

outlined a plan to implement its recommendations, one that addresses the field's infrastructure needs, ways to develop new narratives, and how to increase communications capacity in various states. We're now in active talks with funders including the Wyss Foundation and Wellspring, about how to collaborate and align funding to implement this plan. (OSPC is in talks with the State Infrastructure Fund and the c4 Civic Participation Action Fund.)

As we head into the 2016 election, voting rights issues—voter suppression litigation, election administration reform and voter registration—will continue to draw media attention. In June, Hillary Clinton expressed her support for federal legislation mandating automatic voter registration and early voting. Voting cases [have been filed](#) in battleground and Shelby states with political support from George Soros. This approach has caused concern among Shelby litigation advocates, who worry that these suits could distract from grantees' goal: having cases decided on grounds of unconstitutional racial discrimination or violations of the Voting Rights Act.

Journalism

While the Spanish-speaking population of the U.S. continues to surge, many native and bilingual Spanish-speakers do not currently have access to high-quality, credible investigative journalism. U.S. Programs will host a convening to explore media consumption habits of Hispanic and Latino populations in the U.S., emerging platforms that serve these communities, journalism education and the Spanish language gap, and strategies news organizations are using to drive impact in bilingual communities. Reporters and editors will share lessons learned through recent Spanish-language and bilingual investigations, and industry representatives from both nonprofit and commercial media organizations will explore what they see as current opportunities and challenges in the Spanish language media space. On a recent trip to Arizona, several USP staff spoke with local Univision affiliates, who said they would enthusiastically welcome support to help fuel investigative reporting to complement their community engagement work.

OSI-Baltimore continued its Talking About Race series, now in its sixth year, with a session on media bias featuring Rashad Robinson, executive director of ColorOfChange; Stacey Patton, reporter for The Chronicle of Higher Education and winner of the inaugural prize for black journalism supported by US Programs; and Joseph Torres, senior external affairs director of the Free Press. This session of the series, which routinely attracts over 250 people, explores how dehumanizing media coverage can reinforce bias and negatively impact black communities.

Redistricting

In 2000, voters in Arizona approved the creation of an independent redistricting commission, taking the power to draw legislative districts away from partisan elected officials. This June, the U.S. Supreme Court upheld the electorate's authority to do so via ballot initiative. Advocates, who eagerly anticipated this ruling, are now proceeding with similar redistricting reform efforts in other states, including Ohio. The Supreme Court also announced plans to review *Evenwel v. Abbott*,

examining whether the “one person, one vote” principle allows states to use total population, as opposed to voting population, in drawing up legislative districts. (Drawing lines based on total population would tend to favor large urban centers, with sizable numbers of immigrants, children, and the incarcerated, none of whom can cast ballots; basing districts on voting population would empower rural—and more Republican—areas). This case has implications for other states with large numbers of immigrants and young people such as California and Arizona. Districts drawn based solely on numbers of registered or eligible voters in those states would likely lead to fewer districts in which a majority of voters are Latino. Those districts, generally, would be older, contain fewer people of color—and be more likely to vote more conservatively.

Media & Technology Policy

The Federal Communications Commission’s net neutrality rules—designating the internet as a common carrier--went into effect on June 12th, after a court rejected a stay requested by Internet Service Providers. These ISPs have now sued to overturn the rules and retained former U.S. Solicitor General Ted Olson as counsel. The public interest community has, for its part, retained Tom Goldstein of Goldstein, Russell, an experienced litigation firm that has successfully argued cases before the Supreme Court.

National Security & Human Rights

In our efforts to strengthen the rule of law in national security counterterrorism policy, we convened staff, policy analysts, and legal experts from national security, humanitarian law, and human rights fields to discuss “the counterterrorism war paradigm and the protection of rights.” While participants weren’t ready to set new standards for a state of “[perpetual war](#),” they did suggest other avenues to address the continued problem of civilian harms caused by unaccountable and covert programs. Working with six other OSF programs on a Shared Framework to constrain the use of armed drones for targeted killing, USP made six grants aimed at making U.S. lethal drone policy more transparent and accountable, including for the [Stimson Center](#) to amplify the voices of military, intelligence, and industry experts concerned about the U.S. approach.

Grantees successfully defended equal rights of American Muslims, Arabs, and South Asians, with victories that allowed cases to move forward challenging post-9/11 [detention abuses](#) and [employment discrimination](#), while the FBI was [forced to back down](#) from using the “no fly” list to coerce Muslims to inform. (In the latter case, plaintiffs were dealt a setback September 3rd, when a U.S. District Court [ruled](#) that there was no legal claim to damages.) Consistent with our goal to build trust between communities of color and Muslim groups, grassroots Muslims raised over \$100,000 to help [rebuild Black churches](#) in the South that had been burned post-Charleston. Many USP grantees were heavily involved, in both organizational and personal capacities.

State Courts

The field has been very effective over the last year at highlighting the problems associated with judicial elections and campaign spending. These groups are attempting to capitalize on both

heightened media attention to these issues, and the Supreme Court's April ruling in *Williams-Yulee v. Florida Bar*, which banned the direct solicitation of campaign contributions by judicial candidates. Advocates are exploring what new opportunities for affirmative reform of judicial elections and campaign finance may be created by the *Williams-Yulee* decision. These opportunities were the subject of much discussion when Justice at Stake hosted its annual Fair Courts State Summit in July 2015, with record attendance by a diverse array of organizations. Another topic of keen interest at the summit was judicial selection methods. While Justice at Stake is concentrating on the development of a gold standard merit selection process, the Brennan Center has begun new research to develop innovative state court reform measures. According to a recent field survey, state coalitions consistently rely on both groups for a variety of resources including advocacy, research and policy review and development. Research by these grantees into the most effective fair courts reform measures is much needed, as concern remains that merit selection may not yield as many judges of color as judicial elections.

Justice at Stake's efforts may be affected by a significant leadership transition. Both JAS's longtime executive director and its deputy executive director for development left this summer to take positions at current and past OSF grantee organizations. Another key actor, the Lawyers' Committee for Civil Rights Under Law, lost longtime executive director Barbara Arnwine in June. And Tanya Clay House, the group's policy director, who supervises the judicial diversity and federal nominations work, recently announced plans to leave in September for the U.S. Department of Education.

These changes come against the backdrop of yet another change with significant implications for our broader work: the MacArthur Foundation's exit from its investments in the democracy field. We are working to understand the impact of this development, as are our mutual grantees. Based on our conversations with MacArthur, we know final grants will expire in two or three years. While this will delay the immediate impact, MacArthur's departure from the democracy field will have substantial ripple effects on several of our portfolios, including our work on money in politics and voting. In the campaign finance reform jurisprudence portfolio, for instance, current OSF grantees receive over \$1 million in annual support. We are working with key grantees, like the Campaign Legal Center, to provide technical and other support to help them prepare for this loss of income, and may need to reevaluate some investments to provide additional OSF support, identify new foundation partners and/or tie off grants to organizations for which the loss of MacArthur's support changes our assessment of organizational health and impact.

2. Goal: A Fair Criminal Justice System That Uses Punishment Appropriately; Does Not Rely on Incarceration to Address Issues of Poverty, Mental Illness and Drug Addiction; and Promotes Community Safety and Well-Being

Clemency

As the Obama administration nears its end, the President has become more aggressive in his commitment to push for significant criminal justice reform, specifically in the areas of federal sentencing, and commutations for individuals serving long sentences in federal prison for nonviolent drug offenses. OSI-DC played a key role in the advocacy leading up to Deputy Attorney General James Cole's 2014 announcement of the administration's plan to commute the sentences of people who would have likely served less time if sentenced today. And with OSF funding, [Clemency Project 2014](#), a working group composed of lawyers and advocates, and the [NYU Law School's Clemency Resource Center](#), a pop-up law office with the sole purpose of preparing and submitting federal clemency petitions, were established to ensure the successful implementation of the Administration's commitment. Obama has thus far commuted the sentences of 68 people, and with the above-noted projects now active, we expect hundreds more petitions for clemency to be made and are hopeful that additional individuals will be granted relief. Noting the need for reentry services for those who receive clemency – services that have historically been subpar or unevenly distributed throughout the country – the White House tapped the [Stanford Three Strikes Project](#), which spearheaded reentry efforts in California after the release of hundreds of incarcerated individuals following the passage of Proposition 36, to coordinate reentry for federal clemency recipients. We have expressed our concerns with primary reliance on this small California-based project to meet the needs of individuals who, when released, will return to homes in many different parts of the country, but given the importance and time-sensitive need for some additional reentry services, U.S. Programs is in the process of recommending Opportunities Fund support to the project in its efforts and to ensure that it has sufficient capacity to scale its services to the national level. We continue to engage with the White House to advocate for reallocation of existing federal resources and for policy reforms the administration can make through various federal agencies to remove barriers, such as to housing and employment, that will enhance the prospects for successful reentry for those receiving clemency, as well as the approximately 3,000 individuals entitled to release this fall as a result of federal sentencing reforms.

OSI-Baltimore, drawing on its experience providing re-entry services to individuals who have been incarcerated for long periods and on evidence clearly showing that re-entry services reduce recidivism, issued a Request for Proposals to secure re-entry services for individuals who receive clemency and are returning to Maryland.

Drug Policy

This summer, the Drug Policy Project partnered with the Ford and Arnold Foundations, the Drug Policy Alliance and the White House Domestic Policy Council to host a reception and one day convening highlighting the success of the Seattle-based Law Enforcement Assisted Diversion program (LEAD) and to provide guidance and directions to twenty-five jurisdictions from around the country considering launching their own arrest diversion programs. U.S. Programs staff was simultaneously making final selections of sites to be awarded planning grants to support their efforts to launch pilot arrest diversion projects, and ultimately selected 7 sites to be considered for funding from among 24 proposals received in response to its request for proposals: Atlanta, GA; Bangor, ME; Camden, NJ; Fayetteville, NC; Los Angeles, CA; Milwaukee, WI; and Philadelphia, PA. This cohort was chosen using a list of criteria, including, but not limited to: the strength of the coalitions, commitment or willingness to incorporate harm reduction principles into the diversion paradigm, sufficiently articulated long-term sustainability planning, and demonstrated awareness of existing resources to fund such an initiative over the long term. We are satisfied that this cohort meets most of our aspirations for diversity of geography, political orientation, Medicaid expansion status, gender representation, and leadership structure. We are less satisfied with the representation of different races and directly affected populations from most of these coalitions' leadership structures, and we hope there will be broader inclusion along these lines as the planning in each jurisdiction evolves. In two jurisdictions, DPP's decision to engage was partially informed by a political-moment-in-time context (Los Angeles: Post-Prop 47; Camden: Economic Revival). We look forward to soliciting and benefitting from our colleagues' expertise and guidance where initiatives intersect with other US Programs and OSF-wide themes, including criminal sanctions reform, police reform, housing, sex work, and employment.

OSI-Baltimore has convened the Baltimore Police Department, Office of the Public Defender and Baltimore State's Attorney to replicate LEAD; post-Freddie Gray, the group was motivated to act and has chosen to coordinate through the quasi-governmental NGO responsible for behavioral health in Baltimore.

Five hundred Baltimore city police officers were trained and then equipped with the life-saving drug Naloxone, which reverses opioid overdoses upon ingestion. The pilot program, made possible through an OSI-Baltimore grant to [Behavioral Health Systems of Baltimore](#), focuses on three communities hardest hit by the recent spike in opioid overdoses, with an eye toward expanding the program citywide. OSI-Baltimore staff led an effort to bring together officials from Maryland Department of Health and Mental Hygiene, the Governor's Office of Crime Control & Prevention, Behavioral Health Systems Baltimore and the Baltimore City Police to conceptualize the pilot program. And the Baltimore City Heroin Treatment and Prevention Task Force, on which Scott Nolen, director of OSI-Baltimore's Drug Addiction Treatment Program, served, released its final report with many useful policy suggestions that the city is now implementing to address the heroin overdose epidemic in the city.

OSI-Baltimore is co-sponsoring a half-day conference with State Delegate Dan Morhaim and the Johns Hopkins Bloomberg School of Public Health to develop strategies to address drug use and addiction outside of the criminal justice system as well as drug-related violence in Maryland. The conference will include over 50 leaders from Maryland and several national experts.

Death Penalty

In response to Nebraska's legislative repeal of the death penalty earlier this year – a hard fought for victory for partners in the national abolition campaign – a group called Nebraskans for the Death Penalty has launched a signature drive to put reinstatement on the 2016 ballot. The group has opened offices in Omaha and Lincoln. They will need to collect 115,000 valid signatures by the end of August (5 percent of voters) to put the issue on the ballot, but to suspend the death penalty ban from becoming law, they will need 10 percent of Nebraska voters to sign their petition. The OSF-supported 8th Amendment Project, which is coordinating the national effort to abolish the death penalty, has identified maintaining repeal in Nebraska as a key campaign priority and critical to the goal of demonstrating that there is a growing national consensus against capital punishment. There is simultaneously an effort to build support for 2016 ballot initiative in California to end the death penalty there, but that effort does not have support of many leaders in the abolition movement. While California has the largest death row in the nation, it has not executed anyone since 2006, and pending legal issues related to its lethal injection protocol and Gov. Brown's ambivalence with the death penalty makes it highly unlikely that it will do so within the next 2-3 years. As such, abolition campaign strategists consider California a state that does not fit readily into their Supreme Court litigation strategy. Based on our assessment, we do not believe this effort should be a priority.

Baltimore Police Accountability

In response to the death of Freddie Gray and the subsequent uprising, OSI-Baltimore established the Baltimore Justice Fund to support focused interventions to improve police accountability and police-community relationships, reduce the number of Baltimoreans caught up in the criminal justice system, and engage Marylanders, especially young people, in advocacy for programs and policies to increase opportunity and racial justice. The Baltimore Justice Fund was chosen by music-streaming service TIDAL to receive donations during the stream of Prince's May 10 "Rally 4 Peace" concert in Baltimore. We received hundreds of small donations from across the globe totaling \$17,323 which TIDAL matched, for a total of \$34,646. Appeals to loyal OSI-Baltimore donors and new donors have yielding approximately \$750,000 to date in gifts to be used over the next three years for Baltimore Justice Fund grants.

The first grant from the Baltimore Justice Fund, established in response to the death of Freddie Gray and the subsequent uprising, was to Baltimore NPR affiliate WYPR to launch a year-long series called "On the Watch: Fixing the Fractured Relationship Between Baltimore's Police and its

Communities,” which explores the practices and culture of policing in Baltimore. Three segments [have aired so far](#).

Of the next 12 grants from the Baltimore Justice Fund, totaling \$325,000, 11 are to organizations founded by our Community Fellows, many of whom are already deeply engaged in relevant work in Baltimore neighborhoods the Fund was established to reach. These grants leverage the work being done by this existing network of activists, such as supporting the efforts of Men of Valuable Action to reduce recidivism, encourage economic and family stability, and facilitate community engagement among previously incarcerated men in the Sandtown-Winchester neighborhood, where Freddie Gray lived and was arrested; supporting local neighborhood youth in food security and community health issues following the Baltimore Uprising; and supporting Young Life GEMS’s work to foster nurturing mentor relationships that encourage emotional well-being and community engagement for girls ages 12-18 in the Sandtown-Winchester community. In addition to the 11 grants to organizations affiliated with Fellows, a \$50,000 grant to the Baltimore Action Legal Team supports legal observation and representation as well as community education to advance police reform and accountability.

Youth Justice

Effective October 1, 2015, youth charged as adults in Maryland will no longer be automatically held in adult jails. Rather, most youth, with a few exceptions, will be held in a secure juvenile facility while awaiting trial. This statewide shift in policy was supported by the public education efforts of OSI-Baltimore grantee Community Law in Action and its Campaign to End the Automatic Prosecution of Youth as Adults and complementary staff advocacy. Effective on that same date, individuals convicted of certain minor offenses in Maryland will be eligible to have their convictions and previous non-convictions expunged from their records. OSI-Baltimore grantee Job Opportunities Task Force led the educational effort to achieve this statewide shift in policy, called the Maryland Second Chances Act.

3. Goal: Full Political, Economic and Civic Participation of Communities of Color and Immigrants

Immigration and the 2016 Campaign

The [legal limbo](#) has created fear and anxiety among many of the [11.3 million undocumented immigrants](#) living in the U.S.—sentiments compounded by the [toxic tone](#) of the 2016 presidential campaign (disparaging comments about Mexicans, talk of “sealing the border,” attacks on long-established principles such as [birthright citizenship](#)) and the prospect of a [xenophobic backlash](#) to the [Syrian refugee crisis](#) overseas. Congress has contributed its own anti-immigrant measures. In July, the House and Senate both held hearings on state and local law enforcement cooperation with federal immigration authorities in the aftermath of the murder in San Francisco of [Kathryn Steinle](#)

by a Mexican national with a criminal record who was in the country illegally. It looks likely that legislation will follow, potentially jeopardizing years of progress made by immigration advocates supporting so-called “sanctuary cities”—the more than 300 communities around the country that have limited cooperation between local law enforcement and the federal Immigration and Customs Enforcement (ICE). Groups such as grantees United We Dream and the Immigrant Legal Resource Center this summer distributed information in immigrant communities, advising undocumented persons on their rights in fighting close collaboration between ICE and local police, which can lead minor offenses to escalate to deportation.

There is disagreement in the field about the Department of Homeland Security’s role in these tensions. Last fall, DHS formally ended its [Secure Communities program](#), the vehicle for ICE to obtain fingerprints from local police department arrests and request that the locals hold immigrants they suspected might be deportable. Its successor, the Priorities Enforcement Program, [has won praise](#) from groups such as USP grantee the Migration Policy Institute (MPI), which projects that PEP will provide relief for 87% of the 11.3m undocumented immigrants from deportation. Other grantees, such as the Immigrant Defense Project (IDP) and the ILRC outwardly criticized MPI for prematurely blessing the new program before it is fully implemented. Groups such as grantees National Day Laborers Organizing Network (NDLON), National Immigrant Justice Center (NIJC), and others [have critiqued PEP](#) as the same old practices dressed up with a new acronym.

Despite these tensions, there has been some progress on immigration integration at the national level. The Administration launched an initiative to naturalize the almost nine million lawful permanent residents (LPRs) who are eligible for naturalization. Enhancing these efforts is the [New Americans Campaign](#), a USP-funded initiative that promotes integration and naturalization efforts. Further, the Administration announced the expansion of the family unity waiver program, which could potentially provide relief to more than one million spouses and children of LPRs who are subject to three and ten-year bars to re-entry into the U.S. The U.S. Department of Homeland Security also announced changes to detention for [LGBTQ immigrants](#), who are especially vulnerable to assault in detention. And the government announced [Temporary Protected Status for Nepali nationals](#), in the aftermath of the earthquake that displaced almost three million people.

There have also been some promising state-level developments on more inclusive policies toward undocumented immigrants. Five years after passage of Arizona’s SB 1070, states and municipalities across the country are considering or have passed multiple pro-immigrant bills—allowing undocumented immigrants to obtain [driver’s licenses](#) and state/municipal IDs, professional licensing, tuition equity and public benefits. California has implemented new policies expanding immigrant access to low-cost health care, for example. Hawaii and Michigan have joined a list of 14 states allowing [in-state tuition](#) for certain students, regardless of immigration status.

School Discipline

On August 4, a grantee of the Communities for Just Schools Fund (formerly the Just and Fair Schools Fund), the Urban Youth Collaborative, appeared on Nickelodeon News to discuss school discipline and the school-to-prison pipeline. The segment, entitled ‘[School Crime and Too Much Punishment](#)’, was hosted by Linda Ellerbee and highlighted organizing efforts to address disparities in school discipline. On August 22, USP participated in the White House and Department of Education [Rethink Discipline](#) summit for school and district leaders on ways to curb exclusionary discipline, eliminate racial disparities in discipline, and create healthy school climates. Several of our grantees participated, including the Dignity in Schools Campaign and the American Institutes for Research. In July, we co-hosted with the Ford Foundation “Building a Movement for Education Justice through Organizing,” a discussion between grantees and funders about why and how to [resource organizing efforts related to justice in education](#). USP has worked to help coordinate messaging among grantees on these issues and to help place and keep the issue on the Obama Administration’s radar.

Baltimore Schools

In 2012, OSI-Baltimore embarked on a five-year effort, supported by Bloomberg Philanthropies, to create four engaging, supportive and accelerated high school options in Baltimore that would significantly increase graduation rates and post-secondary success, particularly for African-American male students. All four High Value High Schools are officially up and running as of August 31, 2015. Frederick Douglass (situated across the street from the recent riots) and Bard High School Early College provide opportunity for high school students to earn college credits. Ben Franklin and Megenthaler Vocational Technical high schools offer job readiness training and employment opportunities to students enrolled in alternative options programs.

Racial Narrative

In August, USP hosted the second part of the [Solidarity Summit](#) to bring together racial justice leaders with Muslim, Arab, and South Asian national security leaders to discuss building and supporting bridges between their communities. At the Summit’s first local learning session in Nashville, communities of color discussed how they are working together across culture, race, ethnicity, language, and religion to build solidarity and advocate for justice in their communities. Several grantees, including Race Forward and the Leadership Conference for Civil and Human Rights, participated. Also in August, the Equality Fund co-hosted, with the Opportunity Agenda, ‘[Changing the Script: Media, Culture, and Black Lives](#)’ on Martha’s Vineyard featuring Danny Glover, Patrisse Cullors, Alan Jenkins, and Issa Rae. The event was an example of how OSF can help grantees beyond merely providing dollars, as staff connected the Opportunity Agenda with technical assistance providers (Black Robin Media) to help them connect with high-profile influencers for future projects, as well as identify new potential funders.

In July, the Movement for Black Lives and Law for Black Lives held convenings, following on a June Black Lives Matter chapter retreat—providing a safe space for disparate elements of the [movement for black lives](#) to compare notes on local actions, share best practices, and coordinate on strategy development. USP provided opportunity fund resources to support these three events and the upcoming November event hosted by the Funders Collaborative on Youth Organizing. Additionally, the Equality Fund participated in the first in-person meeting of a philanthropic group it supports, Funders for Justice (FFJ), hosted by the Ford Foundation and Neighborhood Funders Group. FFJ is a group of funders supporting or interested in providing support to the movement. These events also provide an opportunity for philanthropy to better understand the decentralized nature of the movement, how to build trust with activists who may harbor skepticism about the civil-rights establishment and its institutional supporters, and how to engage in ways that respect the organic and still-evolving nature of these groups, as they develop policy agendas and contemplate how to sustain momentum. We have also worked to [combat false narratives](#) on the right about the extent of OSF's financial support for the movement, as we are still evaluating the state of the field and how best to turn this moment into a movement. These organizations played a significant role in helping to surface implicit bias and structural racism in communities like Ferguson—as confirmed in the recently released report of the [Ferguson Commission](#)—and their future efforts may bear on whether such reports translate into meaningful and lasting change.

OSI-Baltimore continues its well-attended Talking About Race series at the central library with two programs this fall: a discussion on the rights of domestic and day laborers in the face of discrimination with Ai-jen Poo, director of the National Domestic Workers Alliance, and Gustavo Torres, director of CASA; and an in-depth look at Baltimore's history of segregation with Elizabeth Nix, a professor of legal, ethical and historical studies at the University of Baltimore and co-editor of *Baltimore '68: Riots and Rebirth in An American City*.

In the wake of the Campaign for Black Male Achievement and related boys and men of color initiatives around the country, a challenge has emerged, in the form of a critique from women of color who fault these efforts for focusing solely on males. In perhaps the most visible criticism, legal scholar [Kim Crenshaw lambasted President Obama's My Brother's Keeper](#) initiative for its gender exclusivity, acknowledging racial disparities among men and boys while ignoring similarities among women and girls. Our efforts have been both substantive and political, even as we seek to move the conversation beyond this zero-sum aspect. Last fall, we worked with grantees the NAACP Legal Defense Fund and the National Women's Law Center to help them publish [a report on women and girls of color](#). This summer, USP co-hosted a listening session with Girls for Gender Equity and the NWLC to hear from young women and girls of color about their experiences with various systems that routinely deprive life opportunities to them and their families and communities. This is the first in a series of such sessions that will occur in various cities over the course of the next year.

4. Goal: An Economy Governed by Policies at the Local and National Level that Promote Equitable Growth and High-Road Development

Economic Equality

A number of important milestones occurred in the fight for economic equality over the past 4 months, with incremental but nonetheless real progress being made in expanding and strengthening the labor market regulatory regime. An August decision by the U.S. Court of Appeals for the DC Circuit upheld the Labor Department's home care rule extending minimum wage and overtime protections to almost two million workers who provide home care to the disabled and the elderly. The National Domestic Workers Alliance (NDWA), National Employment Law Project (NELP), and Paraprofessional Homecare Institute had, with the support of an Opportunities Fund grant, been waging campaigns and providing technical assistance to a number of states in anticipation of this victory, paving the way for more states being ready to implement the law in a way that does no harm to either workers or disabled and elderly consumers. In June, the Labor Department promulgated a new rule extending overtime pay to most salaried workers earning less than \$50,440, significantly more than the current salary threshold of \$23,660, which adds protection from employer schedule abuses and promotes higher take-home pay for an estimated 5 million additional workers. NELP, the Center for American Progress, the Center on Budget and Policy Priorities, the Economic Policy Institute, and many other OSF grantees have been hard at work garnering support for the administration's proposal.

Two recent decisions indicate an awareness of and willingness to tackle the challenges of the sharing economy and pave the way for workers to have new tools to hold employers accountable. In June, the California Labor Commission issued a ruling classifying an Uber driver as an employee, not a contractor, requiring the ride sharing company to pay expenses. The decision was limited in its immediate impact—applying only to the driver involved in the complaint—but it opened the door to the possibility that Uber could become responsible for health care or Social Security benefits for its many drivers down the road. August, the National Labor Relations Board rejected McDonalds' attempt to avoid being classified as a joint employer, meaning unions can more readily negotiate with the burger chain on behalf of contract employees. A number of OSF grantees have been at the forefront of challenges to the “on demand” economy, in particular NELP, which has used legal strategies and advocacy to push for increased oversight and regulation. While the Federal Reserve will not take action on interest rates until its September meeting, advocacy in August in Jackson Hole in conjunction with a meeting of elite financial and economic policymakers, organized by Center for Popular Democracy's (CPD) Fed Up campaign, ensured Fed Chair Janet Yellen and others heard advocates' arguments for keeping interest rates low ahead of that decision.

USP grantee The Roosevelt Institute contributed an influential report that has helped catalyze debate among progressives on the merits (or perils of economic populism. Entitled “[Rewriting the](#)

[Rules of the American Economy: An Agenda for Growth and Shared Prosperity](#),” and authored by Joseph Stiglitz (identified as Roosevelt’s chief economist), the report drew impressive media attention and uptake from leading political figures. Introduced at a Washington, DC release with Stiglitz, Massachusetts Senator Elizabeth Warren, New York City Mayor Bill de Blasio and others, it was described as “an aggressive blueprint for rewriting 35 years of policies that...have led to a vast concentration of wealth among the richest Americans and an increasingly squeezed middle class” by the New York Times. [Roosevelt](#), a NYC-based think tank that seeks to have its ideas inspire action and advocacy, developed a 37 point [agenda](#) that it will now seek to implement with labor unions and other economic justice advocates. John Judis’s article in The National Journal, “[Dear Democrats: Populism Will Not Save You](#),” provides an interesting counter-perspective, citing – and challenging – the thinking of many, including the Democracy Alliance and a number of OSF grantees.

Opportunity Housing and Access to Credit

Three events had a significant positive impact on fair housing and community equity this summer, contributing to the debate around racial segregation and concentration of poverty: the Supreme Court’s landmark decision affirming the existence of disparate impact under the Fair Housing Act; the Department of Housing and Urban Development’s long-awaited issuance of the “affirmatively furthering fair housing rule” that requires jurisdictions to provide for diverse, inclusive, and thriving communities; and the release of research from Raj Chetty of Harvard University that demonstrated better outcomes for children whose families moved from high-poverty communities into low-poverty communities, pushing aside older research that dismissed better outcomes. USP grantees were instrumental in the public debate around the Supreme Court decision through an Opportunities Fund grant to support messaging and communications for the NAACP Legal Defense and Educational Fund and The Opportunity Agenda. Among the USP grantees that have worked for the past six years to push HUD to release its rule and are working now for its implementation nationwide: the Lawyers Committee for Civil Rights Under the Law, the National Fair Housing Alliance, the Poverty and Race Research Action Council, among others. Many of these organizations, along with the Urban Institute and others, helped to publicize the Chetty research and assure its impact in the debate.

Economic Advancement in the New Economy

Now that USP’s Future of Work learning inquiry has come to a close, we will work with partners – including the Roosevelt Institute, Institute for the Future, and others – to explore some of the most resonant themes to come from the inquiry, including contingent work, fast growing industries and implications of automation on our communities of concern, and what new social contract may now be needed as the structure of work continues to evolve. The new social contract includes initial research into Universal Basic Income, a proposal that seems to gather momentum once a decade and draws interesting bipartisan support (albeit for different reasons). We expect significant continued attention to focus on the challenges facing workers in the new on-demand economy, and many of our grantees are poised to contribute significantly to that conversation. The changes in the

nature of work and the more dramatic changes likely to occur in the future have significant ramifications for traditional safety net protections for workers: unemployment insurance, workers' compensation for injuries, or pension and retirement planning. Conversations have been initiated about [needed reforms](#) (prompted by Senator Mark Warner) at the federal level to address this fundamental shift in the economy. State and local campaigns, as well as continued action from employers [voluntarily reforming](#) scheduling practices, will continue to grab headlines, thanks in part to the work for CPD's Fair Workweek Initiative. Palak Shah of the National Domestic Workers Alliance was invited to participate in the influential and invitation-only Food Conference in Silicon Valley to discuss FairCare Labs' work pursuing strategies that establish alternative employment models and push the private sector to improve standards in the fragmented homecare industry. The White House and the Department of Labor are both hosting summits in the coming months on the future of work and the challenges of the gig economy, and OSF grantees including Coworker.org have been invited as thought partners in the planning for these events. A number of organizations in the field, including FairCare Labs and the Fair Workweek Initiative, are considering certifications as a way to raise standards and fund monitoring of working conditions by independent third parties. For example, OSF-grantee Coalition of Immokalee Workers (CIW) has developed a very successful [fair food certification](#) that has dramatically improved conditions for workers in Florida and provided funding for a robust monitoring system. CIW is planning to expand its model to additional crops and states.

Open Places Initiative

All three Open Places sites (Buffalo, Puerto Rico and San Diego) are making considerable progress on their substantive goals as they continue to strengthen their organizational structures. Espacios Abiertos played a central role in convening over 100 NGOs that mobilized to counter a proposal from the Puerto Rican government to cut \$89 million in allocations to non-profit organizations; the collaborative successfully advocated to restore nearly all of the funding to the NGO sector. Open Buffalo launched its inaugural Emerging Leaders class, which is designed to prepare community residents to become effective advocates and to equip a cadre of those participants to take seats on various municipal/regional work groups and authorities. The newly named Partners for Progress San Diego was successful in pressuring the San Diego Police Department to release demographic data on vehicle stops and in persuading the City Council to fund an independent analysis of the data.

Our team has done two rounds of site visits between July and September to review the sites' plans and advise them on ways to strengthen their work. We have also used OSF resources and connections to enhance their work. For example, we contracted with Cecilia Estolano and the Los Angeles Alliance for New Economy (LAANE) to assist Open Buffalo in its work on high-road economic development, and enlisted the help of OSF staff Terrence Brown and Tara Huffman to connect the sites – all of which are working to promote community policing – to our grantees active in that field.

MINUTES OF THE MEETING OF THE U.S. PROGRAMS BOARD OF THE OPEN SOCIETY INSTITUTE

May 7-8, 2015

A meeting of the U.S. Programs (“USP”) Advisory Board (the “Board”) of the Open Society Institute (“OSI”) was held at the offices of OSI in New York, New York on May 7 and 8, 2015. There were present Board members Yochai Benkler, Deepak Bhargava, Rosa Brooks, Geoffrey Canada, Steve Coll, Eli Pariser, Jonathan Soros, Andy Stern, Bryan Stevenson and Christopher Stone.

Attending portions of the meeting by invitation were: Tiffani Brown, Maria Cattai, Caroline Chambers, Leslie Gross-Davis, Eric Halperin, Damon Hewitt, Sherrilyn Ifill, Laleh Ispahani, Susanne James, Diana Morris, Lenny Noiset, Andrea Batista Schlesinger, Charis Shafer, Gail Scovell, Laura Silber, Alexander Soros, Herbert Sturz, Michael Vachon, Bill Vandenberg, Tom Watson, and Ken Zimmerman. Guests invited to present were: Judith Browne-Dianis, Taifa Butler, Rebecca Carson, Maggie Corser, Adam Culbreath, Phil Goff, John Henneberger, Patricia Jerido, Emily Martinez, Andrew McAfee, Analilia Mejia, Larry Mishel, Mike Soto, Roxana Tynan, and Felicia Wong.

Steve Coll welcomed the Board members and announced that Geoffrey Canada would serve as Board Chair in his absence. He introduced the main issues of the meeting: economic advancement and criminal justice. At this time, previous US Programs Board meeting minutes from May 7 and 8, 2015, were approved unanimously.

Chris Stone then framed the discussion of economic advancement work at OSI by referencing the history of the work starting with the work of the Institute of New Economic Thinking (“INET”) and the more recent work of other programs such as the Open Society Justice Initiative, as well as the new Economic Advancement Program being developed with SEDF.

Ken Zimmerman then introduced Eric Halperin with the question of how this economic advancement work fits into the USP program strategy and how we can pull some of the existing work together to potentially increase their impact. They discussed some key considerations in economic advancement work including: the importance of partnering with local and national efforts to address crises; the complexities of timing; field dynamics; and capacity inside and outside the field.

Next, Steve Coll welcomed the guest speakers invited to discuss the Future of Work. Bill Vandenberg, Director, Special Initiatives and Partnerships, Open Society Institute, noted the end of the Future of Work learning inquiry and posed questions about how emerging technologies could impact employment. He introduced Yochai Benkler as moderator who then pointed out two competing frameworks for viewing the impact of technology: that as an independent force it is

changing the future of work, or that it is part of a package of changes but not the dominant part of changes to the future of work. Yochai Benkler then introduced Andy Stern; Larry Mishel, President of the Economic Policy Institute; Andrew McAfee, Research Scientist, MIT Sloan School of Management; and Felicia Wong, President of the Roosevelt Institute. Andrew McAfee shared research to illustrate how technological progress has led to a decline in routine occupations. Larry Mishel presented findings that demonstrated the general degradation of occupations independent of technology along with a decrease in bargaining power of workers and that that could lead to employment displacement in the future. The Board questioned Larry Mishel on what grounded interventions flow from the framework he posited and he suggested targeted programs, ending misclassification, improving overtime rules and wage enforcement. Felicia Wong commented that despite differences in the above presentations, there are points of agreement in the ways that technology is shaping human lives and human employment, such as the rise of contingent workers. The Board questioned the guests further about the structure of employment, labor's role, wealth concentration, comparison with European policy, behavioral economics, and the rate of change.

Next Ken Zimmerman reported on the state of US Programs with specific reference to My Brother's Keeper, the expansion of work in Puerto Rico through the Open Places Initiative, and Medicaid expansion for justice-involved populations. He also welcomed Rebecca Carson, Project Director, US Programs, Equality Fund; Nancy Youman, Co-Director for Grant-making for Emma Lazarus II, US Programs, Equality Fund; and Mike Soto, President of the Center for the New Economy. Rebecca Carson discussed the challenges of implementing the President's Executive Action on immigration. The board has allocated USP up to \$25 million to support implementation of the executive action. They are looking for projects that will have longer term impact on capacity of the field even if the executive action is not implemented.

Mike Soto discussed the current economic situation in Puerto Rico and opportunities for Open Places Puerto Rico.

After the break, Diana Morris, Director Open Society Institute-Baltimore, introduced Joe Jones, Advisory Board Vice Chair, Open Society Institute Baltimore Advisory Board; Andre Davis, Advisory Board Member, Open Society Institute Baltimore Advisory Board; and Tara Andrews Huffman, Director of the Criminal and Juvenile Justice Program at OSI-Baltimore. Joe Jones discussed his work with the Center for Urban Families and how the elevation of people of color in the political sphere in Baltimore and community engagement, particularly with faith-based groups, served to stave off greater outrage by the public in charged situations. Andre David discussed police brutality, the reluctance of judges to prosecute police officers, and the militarization of the police as a result of the 'War on Drugs.' Tara Andrews Huffman discussed how OSI Baltimore has divided its goals into four areas: organizing a base of educated and mobilized citizens; ascertaining what systemic reforms are required to improve citizen/police relations and dismantle structural racism; changing the narrative around policing; and community engagement and employment opportunities. The Board commented on recent Supreme Court decisions concerning policing protocol, political

dynamics that have fueled the current situation, the difficulties of culture change within policing, and the need for a future national strategy. It was emphasized that this is yet another area where OSF needs to follow the leadership of local knowledge and those on the ground.

Next Lenny Noisette framed the topic of policing reform in a national context and introduced Judith Browne-Dianis, Advancement Project and Phil Goff, Center for Police Equity. Judith Browne-Dianis discussed the school to prison pipeline and crisis management. Phil Goff presented work on creating a national database of police behavior, on the school to prison pipeline, and on his relationship with police departments. Bryan Stevenson discussed police militarization, the culture of police aggression, community policing, incentivizing reforms, and the Black Lives Matter movement. The Board examined the issue considering factors such as community accountability, ‘warrior versus guardian’ mentality, sustainability, and national scalability. The Board also commented on the potential in this area for building infrastructure, greater public multimedia communications, and targeting young organizers and/or police chiefs. They likewise discussed the chasm between activists and institutions, how retired police officers might be visibly involved, the education of television journalist, and employing surveillance tools as well as the need for research and evidence based practices and community based accountability.

On day two, Geoffrey Canada welcomed the group back and Ken Zimmerman gave introductory remarks about the portfolio review process. He introduced Adam Culbreath, Program Manager, Soros Justice Fellowships; Tom Watson, Senior Communications Officer; and Emily Martinez, Director, Open Society Human Rights Initiative. Adam Culbreath discussed programmatic critiques including the opportunity to involve those who applied but were not accepted to the program and questioning the use of the Fellowship as a vehicle to sustain or start an organization. Emily Martinez noted three broad issues: goals, approaches, and agency. She discussed factors such as the ways to engage Fellows, providing leadership, and whether or not a focus on advocacy is correct. The Board discussed the strategic importance of engaging with those involved in the criminal justice system and what the engagement of the families of the formerly incarcerated might be. The Board raised questions about community engagement, the funding relationship with Fellows, the importance of fellowships generally, encouragement of social entrepreneurship, and the strategy around Fellowships for formerly incarcerated people.

After the break, Andrea Batista Schlesinger introduced the topic of economic advancement and introduced the invited guests: Analilia Mejia, Executive Director, New Jersey Working Families Alliance; Taifa Butler, Executive Director, Georgia Budget and Policy Institute; Roxana Tynan, Executive Director, LAANE; and John Henneberger, Texas Low Income Housing. Analilia Mejia discussed local political momentum and the adoption of mandated sick days in New Jersey. Roxana Tynan discussed changing politics in Los Angeles, California and the power of cities. Taifa Butler discussed her fiscal policy work in Georgia, barriers to movement towards equality, and underfunded public schools. John Henneberger discussed local leadership, community organizing,

inequality, and public policy in Texas. The Board asked about systemic change in Georgia, about scalability, tactics moving towards 2020, and who holds power at the state level.

Steve Coll adjourned the meeting and the Executive Session commenced.

