OSIUS10

Tenth Anniversary U.S. Programs 2006

Keeping America Open

Chairman's Message

George Soros

George Soros is chairman of the Open Society Institute.

When I first began to expand my philanthropy in the United States in the mid-1990s, America was essentially an open society. But even open societies are open to improvement, and there were two areas in particular where I felt our policies were making matters worse than they might otherwise be: death and drugs.

Death is a fact of life, yet people deny or ignore it, making the experience unnecessarily painful. I created the Project on Death in America to transform the culture of dying, in particular to reduce the pain associated with death. The project was successful and the principles of end-of-life care are now firmly established for the medical profession and, to an increasing extent, for the general public.

The war on drugs was not solving the drug problem. I knew we had to explore ways to reduce the harm caused by illegal drug use and ineffective drug

policies. The Open Society Institute became a leading proponent of harm reduction initiatives, including needle exchange programs to stem the spread of HIV/AIDS.

The Open Society Institute's early programs in the United States were followed by many others, from after-school to criminal justice to reproductive rights. We have been especially concerned with looking at certain professions where the values of the marketplace seem to have eroded professional standards. You can read the details in the pages of this report.

The attacks of September 11, 2001, and President Bush's response to those attacks have brought even more fundamental problems. The apparently limitless "war on terror" has given rise to grave abuses such as torture and warrantless surveillance, justified by an executive branch that appears to recognize no checks on presidential power.

The war-on-terror concept is counterproductive. It stresses military over political approaches, creating innocent victims and thus feeding rage and resentment that reinforces support for terrorists. As an abstraction, it prevents us from dealing with each situation on its own terms, lumping together groups that should be examined individually. In the end, the war-on-terror concept has led to the erosion of the moral authority of the United States and has made the world a more dangerous place.

The Open Society Institute, including its Washington policy arm established in 2002, is doing what it can, but there is still a long way to go. As this report documents, we have made mistakes—and tried to learn from them. Foundations, with all their power and influence, must be especially aware of their fallibility. And governments even more so.

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Foreword: Keeping America Open and Free

Aryeh Neier

Aryeh Neier is president of the Open Society Institute.

The Open Society Institute launched its United States Programs in 1996 to address the flaws that exist in our open society and to counter forces that tend to undermine openness. These are matters of intrinsic importance in the United States, but they are also of importance globally. We believe that OSI's credibility as a foundation promoting open societies worldwide is enhanced by our readiness to address shortcomings in the country where we are based. Helping to keep the American example positive can only assist us in our global efforts.

Among the flaws that OSI focused on from the start were those of the American system of criminal justice. The United States, which in 1996 shared the world's highest rate of imprisonment with Russia, now has the top spot to itself. Many millions of Americans spend significant parts of their lives behind bars. Prison is a routine part of coming of age for a large share of the African-American male population. Yet when OSI began focusing on these matters 10 years ago, we found ourselves the only philanthropic donor spending significant sums in the field. Today, OSI's participation is matched by a newer donor, the JEHT Foundation. Yet it remains the case that very little philanthropic support goes into efforts to address what should be recognized as a situation causing incalculable harm—and as a national disgrace.

Even before we established a broad array of programs in the United States, OSI had initiated projects to deal with two other issues receiving little donor attention. In 1994, we created the Project on Death in America to promote comfort and dignity for the dying and The Lindesmith Center to try to mitigate the harms caused by drug addiction and by punitive efforts to control drug use. Both initiatives were absorbed into the U.S. Programs.

In the mid-1990s, the country went through one of its periodic surges in anti-immigrant sentiment, an important political factor that we are seeing again today. The targets 10 years ago included legal immigrants excluded by legislation from various public benefits. In response, George Soros allocated $50 million to establish the Emma Lazarus Fund. The impact was dramatic. It allowed OSI to assist immigrant groups all over the country in protecting their own rights and, in the case of hundreds of thousands of immigrants, in speeding their acquisition of citizenship. But also the very announcement of the existence of so large a fund and its availability as a quick source of support galvanized those concerned with the rights of immigrants and helped turn the tide. It was an indication of what could be done in the United States by a donor with substantial resources ready to move rapidly to address critical issues threatening the openness of American society.

In subsequent years, OSI's U.S. Programs has confronted challenges that were not anticipated a decade ago. Aside from the ongoing effort to reduce the harm done by the criminal justice system, probably the most significant component of the work of the U.S. Programs has been to address violations of civil liberties in the period following the terrorist attacks of September 11, 2001. These efforts have also been especially important in trying to assure that the influence of the United States furthers our efforts to develop open societies elsewhere.

Unfortunately, it has not been possible to prevent the United States from setting a terrible example. The Bush administration has greatly exacerbated the difficulty of stopping the abusive practices of other governments by its own actions contrary to the rule of law: resorting to long-term incommunicado detention without charges or trial; disregarding the procedural protections of the Geneva Conventions and Protocols; instituting the widespread practice of cruel, inhuman, and degrading treatment of detainees and, in a significant number of cases, of outright torture; and attempting, at the highest levels of government, to legitimize such practices and resist efforts to place legislative curbs on them. More than that, it has largely nullified the capacity of the United States to serve as an effective proponent of the human rights cause internationally.

The Open Society Institute's commitment to the U.S. Programs continues to reflect the dual concerns that led to its establishment a decade ago. Closing the gap between the U.S. claim that it is an open society and the actual experience of its most disadvantaged residents is immensely important in its own right. Helping to ensure that the United States lives up to the standards that it proclaims to others is essential to the cause of promoting open societies globally.

For half its existence, the U.S. Programs has operated in the shadow cast by the events of September 11. Despite the difficulty of working in this climate, the effort has been worthwhile: OSI has helped make America a more open society than would otherwise be the case.

Introduction

The Open Society Institute in the United States fosters debate, helps empower marginalized groups, and strengthens communities. While priorities and strategies have changed, the mission of the U.S. Programs is much the same today as it was a decade ago. If anything, OSI's core values are even more relevant in the current atmosphere of hostility toward differences and opposing views.

As U.S. Programs' Director Gara LaMarche wrote at its founding: "A society in which all ideas are subject to scrutiny and debate is a society more tolerant of dissent and minorities, and one more conducive to progress in social welfare and innovation in scholarship, science, and culture. U.S. Programs works to strengthen public discourse in areas thought to be taboo or on issues where one side of the argument dominates or drowns out the other."

This report attempts to describe the breadth and depth of OSI's work in the United States over its first decade as it sought to open up debate and help community leaders influence government policies. Eight writers and experts, commissioned by OSI, contribute essays that describe and evaluate the foundation's role in the progress (or lack of progress) that has occurred in seven priority areas.

Steven Goodman tells how youth media has brought young people's views to the attention of the general public, improving adult attitudes toward the age group once feared as "super-predators."

Diane Meier tells the story of the Project on Death in America, which helped improve care of the dying and made palliative care a recognized medical specialty—and re-energized her own career as a doctor.

Peter Edelman evaluates OSI's work in civil justice and finds "one grand-slam move" in its support of public interest fellowships and a number of other remarkable achievements.

In the field of immigration, Bill Ong Hing praises the work of OSI and its grantees in restoring essential government benefits to many immigrants in the late 1990s, and criticizes the administration's crackdown on noncitizens in the wake of September 11.

In criminal justice, Marc Mauer sees encouraging signs of progressive reform—with OSI playing a critical role—but predicts that much more needs to be done to shift attitudes and resources away from excessive reliance on incarceration.

Cynthia Cooper and Ellen Chesler report on OSI's strategies and victories in the struggle to protect the right to choose and on the promise of new options such as emergency contraception.

Prue Brown's story about OSI–Baltimore shows how a city can be turned around by a comprehensive approach to interconnected urban problems.

Other issues and activities are described in the sidebars and conclusion.

Throughout the report, photographs depict some of the issues OSI is working on. Recognizing the power of photography in exposing problems and inspiring change, OSI supports documentary photographers through its Moving Walls exhibitions and the Documentary Photography Project.

In his afterword, Gara LaMarche reflects on the evolving nature of our work and predicts what emerging trends will challenge OSI in the decade ahead as it continues to preserve and expand open society in the United States.

1.
Amplifying Young People's Voices

Steven Goodman

Steven Goodman is the founder and executive director of the Educational Video Center and the author of *Teaching Youth Media: A Critical Guide to Literacy, Video Production, and Social Change*.

Yesterday: Fear of Teenagers

Ten years ago, a deep dread of young people spread through the nation's mainstream public discourse. Many of society's problems—crime, violence, drug and alcohol abuse, unwanted pregnancy—were blamed on youth, particularly urban youth of color. Political leaders and law enforcement officials proclaimed that the United States was on the verge of a crime epidemic perpetrated by "teenage super-predators"—disaffected juvenile delinquents who killed without guilt or remorse. We were warned of a "ticking time bomb" of violent crime as well as

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Education: In School and After

Education in many inner-city schools barely functioned when OSI began operating in the United States a decade ago. In addition to promoting youth media and urban debate, OSI approached problems in education through support for youth organizing, arts projects, after-school programs, innovative curriculum efforts, and school restructuring. ▸

Amplifying Young People's Voices
Steven Goodman

soaring rates of teen pregnancy that would explode in a few years as school enrollment continued to grow.

The trouble was that the crisis of youth crime and teenage pregnancy was misplaced and greatly overstated. During the 1990s, teen pregnancy and abortion rates actually fell sharply, and sexual activity declined. Youth crime also had been steadily dropping since the early '90s.

In spite of these facts, the news media helped create a public panic by shouting that the youthful crime epidemic had already arrived. Adults surveyed believed that young people accounted for 40 percent of the nation's violent crime, a number that was three times higher than the true rate.

The climate was ripe for repressive antiyouth policies to be enacted. In the mid-1990s, states moved to prosecute juveniles as adults, enacting "three strikes" laws and placing kids into an adult justice system with stiffer sentences and harsher jail conditions. School districts adopted "zero tolerance" policies that treated the most minor infractions on the same level as more serious transgressions. These policies ended up pushing disproportionate numbers of youth of color out of school and into correctional facilities. Evidence gathered by the end of the 1990s revealed that in a number of cities, African-American youths had been suspended and expelled at rates many times higher than those of white students: more than three times higher in Denver, San Francisco, and Austin and an astounding 22 times higher in Phoenix. In 1997, the proportion of juvenile prison admissions for drug offenses was three times greater among African-American youth than white youth. Minority youth, who only comprised one-third of the adolescent population in the United States in 1997, made up two-thirds of the over 100,000 youth confined in local detention and state correctional facilities.

The Response:
The Young Define Themselves

The Open Society Institute responded to the crisis by establishing Youth Initiatives, including the Youth Media Program and the Urban Debate Program. The programs supported new opportunities for urban youth to connect to their communities, participate in the national dialogue, and change their negative public

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One of OSI's first grants in education went to the Algebra Project to increase the number of students who successfully complete algebra in high school and take college preparatory mathematics. The Algebra Project reached over 40,000 traditionally underserved middle school students, teaching them algebra by relating abstract concepts to everyday experiences. Java Jackson of Mississippi participated in the program and went on to teach others. "Everything was made physical," she said, "so we could see it and understand it better. That helped me a lot because I was a slow learner. I couldn't catch on just learning from a book."

OSI's Arts Initiative focused on efforts to inspire and nurture the imaginations of young people while exploring the role of the arts in building communities and furthering open society. Supported programs provided arts education and career development for low-income youth in cities such as Boston, Chicago, and New York.

With the Bill & Melinda Gates Foundation and the Carnegie Corporation, OSI created the New Century High Schools Consortium for New York City in December 2000 to transform some of the city's large, low-performing, comprehensive high schools into more effective, smaller schools.

But probably OSI's most important ▸

Radio Rookies trains young people to tell their stories.
Photo: Amani Willett

image while developing critical academic and career skills. The Youth Media Program enabled many new youth video, radio, and magazine organizations to take root across the country, and strengthened existing organizations, including the Educational Video Center (EVC).

Openings for youth media in the schools grew when the Annenberg Challenge awarded the school reform movement a 10-year national $500 million grant to improve urban and rural schools. By the late 1990s, this large-scale support for school reform dovetailed with the DeWitt Wallace–Reader's Digest Fund's four-year national initiative promoting student-centered professional development in reform-minded urban schools. EVC and other youth media organizations worked alongside teachers to facilitate student oral history and documentary projects covering curricular subjects such as immigration, reconstruction, and the civil rights movement.

Youth media programs empowered marginalized young people to investigate conditions in institutions that had long ignored their experiences—homeless shelters, foster care, juvenile detention facilities, and, of course, overcrowded schools.

As founder and director of the Educational Video Center, I have worked closely with young people for more than 22 years. I have watched students in the EVC's Documentary Workshop, for example, create powerful testimonials that bore witness to the daily degradation and abuse experienced by their friends, family, and often themselves. Their documentaries threw a light on those kids who "slipped through the cracks"—the kids who stopped coming to school because they were constantly beat up for being gay or lesbian, and the kids who were caught in police drug sweeps because they were the wrong color in the wrong place at the wrong time. Other programs explored cultural themes such as the hip-hop music scene that had swept the nation and the growing trend in advertising to market urban youth culture back to teens.

Working on their documentaries at EVC enabled many students to overcome their personal obstacles and show incredible resiliency. One bright but angry student, working on a documentary about how youth cope with

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achievement in education reform was the creation of The After-School Corporation (TASC), which has helped transform the quality and availability of after-school programming in less than eight years. Millions of school-age children with both parents or their only parent in the workplace are left on their own when the regular school day ends. TASC has helped expand after-school programs for these latchkey children, giving them a more secure and enriching environment and their parents the assurance that their children are safe, supervised, and engaged. Offering activities from homework help to sports to community service, after-school programs improve participating students' academic scores, attendance, and graduation rates.

Since 1998, programs supported by TASC have reached more than 200,000 kids in New York City, with public funding for these programs increasing from $60 million to $150 million. TASC's training program is the largest and most comprehensive training program for after-school staff in the country. Additionally, TASC played a leading role in the formation of Mayor Bloomberg's Out-of-School Time (OST) initiative; the New York State After-school Network; and the Afterschool Alliance, a national movement that is spearheading the call for universal after-school by 2010.

Power of Words

"Debate is like a link to different places. Half my family didn't graduate high school. I don't want to take the easy way. I wanted to take the hard way."

Rafael Bruno

"The D.C. Urban Debate League provided me with an outlet to express myself and ideas vocally, stand up for what I believe in, and make the right decisions about my future. Because of my involvement with the Urban Debate League, I had the chance to study and debate at some of the most prestigious universities in the United States."

Laura John-Toussaint

Rafael Bruno was a debater at New York City's Franklin K. Lane High School.

Laura John-Toussaint is an Urban Debate League alumna and sophomore and debater at the University of Oklahoma.

abusive relationships, felt safe enough to talk for the first time about her own experience being molested. "I was six when it happened," she said. "It destroyed my sense that I could trust anyone. As we delved into the process of storyboarding, shooting scenes, and interviewing, I felt my own past experiences shaping what I brought to the project. I was surprised how quickly EVC became a place where I could be open. The community of friends and caring adults I found at EVC is still with me." She has since graduated high school and now leads peer counseling groups for other victims of sexual abuse.

The programs also prepared a new and diverse generation of writers, reporters, camera operators, audio technicians, editors, producers, and artists for college and the media field. I remember a student who had been transferred in and out of eight different public schools in the Bronx by the time he came to EVC. When he had the chance to make a documentary exploring the inequities in the New York City school system, he jumped at the opportunity and he never missed a day in the more than 10-month-long project. After his tape was broadcast nationally on PBS, he went on to college and a career in television. "Working on the *Unequal Education* documentary changed my life," he said. "It made me see how unequal and totally unfair my own experience in New York City schools really was and also how video could be used to open up other people's eyes to those inequalities."

Compelling stories were produced by youth media organizations across the country. Youth producers from the Appalachian Media Institute documented the growing addiction to painkillers in rural Kentucky. Youth trained by Radio Arte in Chicago broadcast bilingual stories about their lives in the largest Mexican community in the Midwest. Youth in New York City wrote about life in foster care for the magazine *Represent* and refugees created videos at the Global Action Project about their struggles for survival. In the San Francisco Bay Area, *The Beat Within* published articles by incarcerated youth and Youth Radio reporters used emails from a girl living in Kosovo to produce an intimate war-time radio diary for the world to hear.

Similarly, the Urban Debate Program gave students a platform to look critically at issues of great social and national importance. Urban debaters learned to think critically, form logical arguments, and engage in debates on critical public policy issues—renewable energy, oceans policy, privacy rights, United Nations peacekeeping operations, and weapons of mass destruction. In addition to learning about these issues, high school students in the Urban Debate Program learned analytical skills that opened pathways to college and its debate teams.

Today: Social Change and Personal Transformation

The major social problems urban kids are struggling with now have not changed all that much since OSI first began funding youth media and urban debate. Youth are still writing articles and creating video and radio reports about discrimination against new and undocumented immigrants, police violence, birth control and AIDS, homelessness, foster care, and domestic violence. New topics to the story roster include anxiety about testing pressure in schools, lack of faith in the government in the wake of Hurricane Katrina, and, of course, fear of terrorism and war. Urban debaters are now studying a range of civil liberties policy issues related to the government's war on terror from NSA wiretapping to clandestine detention centers to the Patriot Act to procedures for asylum.

What is really new, however, is that people are now listening to what the young have to say. Youth-generated media is reaching millions of adult listeners, viewers, and readers as media organizations court young reporters and commentators to expand their audiences and diversify perspectives on stories. Youth Radio programs can be heard on NPR and CBS. Youth write columns for the *San Francisco Chronicle*. Youth documentaries are winning awards in the Sundance, Human Rights Watch, and the Tribeca film festivals. The recently established channels Current TV and Uth TV both present television and broadband content by and for youth. The Media That Matters Film Festival streams youth media award winners online. EVC's All That I Can Be footage on military recruitment can be seen in the internationally acclaimed documentary *Why We Fight*. And now iPods, cell phones, YouTube, and Google Video on the Internet are leading to an explosion of potential sites for youth media exhibition.

What is so powerful about youth media is its transformative capacity. Young people change and grow as they closely examine the conditions of their daily lives and meet youth and adult organizers working to change those conditions. As one EVC graduate recalled, "I was a high school dropout. When I was 16, I didn't think I'd make it to 18. I didn't think I'd be alive. I ran away. My mother put me in a group home upstate. When I returned, I came to EVC. The teachers trusted me, they listened to me. No one had really listened to me before." For a documentary on the juvenile justice system, he interviewed kids in detention who were a lot like him, but he also interviewed social workers, judges, and lawyers working to create alternatives for the kids. The experience opened his eyes to a world bigger than his own. He went to college, graduated at the top of the class, and got a job as a peer trainer teaching video to teenagers.

Not only is the process transformative for the youth, but their products can lead to change in the community at large. For example, activists working in school reform, prison reform, and human rights all still use EVC's documentaries on the International Criminal Court, the juvenile justice system, and race and school equity. EVC's documentary currently in production about Katrina evacuees evicted from their hotels in New York City will be used natioally by the NYC Solidarity Committee for Katrina/Rita Evacuees.

In similar fashion, urban debate programs have transformed young people's lives. Over the past nine years, more than 31,000 urban youth have become competitive academic debaters through their participation in one of the 17 urban debate leagues that exist in major American cities. A University of Missouri study of five of these debate leagues found that debaters, after one year of participation, had improved their attendance, decreased at-risk behavior, and increased their literacy scores by 25 percent over nondebaters. Urban debaters have higher grades and higher graduation rates, and they are four times more likely than nondebaters to go to college.

Tomorrow: Awakening America

Sometimes when change seems elusive and times dark, I am reminded of the citizenship schools that helped pave the way for the civil rights movement by teaching black adults in the South how to read and pass the literacy tests for voting. Like those schools, youth media centers and urban debate leagues are teaching literacy and citizenship. They are empowering kids to read, write, and speak with force and eloquence. And if we listen, I believe this generation of young voices can challenge, provoke, and inspire a fresh, open dialogue vibrant and loud enough to wake the sleeping conscience of the nation.

2.
Changing the Way We Die

Diane E. Meier

Diane E. Meier is director of the Center to Advance Palliative Care and professor of geriatrics and internal medicine at the Mount Sinai School of Medicine.

The Way it Was

In 1994, I was seriously considering leaving the practice of medicine. I had been a faculty member in a department of geriatrics at a major New York City academic medical center for over 10 years. Despite objective measures of academic success (grants, publications, promotion), I was frustrated and unhappy with the realities of medical practice and its all-consuming focus on medical technology and the maximal possible prolongation of the dying process. I vividly recall participating in a code—an attempt to resuscitate a man of about 90 who

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Ripples of Influence

The Faculty Scholars Program, in which Diane Meier participated, was the centerpiece of OSI's efforts to improve end-of-life care and transform the culture of dying in the United States. Over the nine years of its existence, the Project on Death in America supported 87 faculty scholars as well as dozens of leaders in social work and nursing. ▸

had died of congestive heart failure. The room crowded with interns and residents and a few attending physicians. The patient's wife stood anxiously outside while we performed vigorous chest compressions, repeatedly shocked the chest with defibrillators, and administered epinephrine and other potent stimulators. This went on for 30 minutes with no restoration of heartbeat and blood pressure. When the code was "called" by the senior resident, everyone shuffled, downcast, out of the room and went back to their waiting work. The patient lay naked on the bed, covered with blood and tubes, with paper wrappings, ECG strips, machines, IV bottles and tubes, and the crash cart littering his room. None of us made eye contact with the patient's wife as we passed by. No one stopped to speak to her because none of the doctors involved in the code knew this patient or his family. Finally the patient's wife asked the nurse who was trying to clean up the room what had happened. "Oh," she said, flustered, "he died. Didn't they tell you?"

At the time I accepted this method of hospital care for the seriously ill and dying because I did not know any other way. As doctors we were doing exactly what we had been taught. When a code was called, you erred on the side of life, attempted resuscitation, and asked questions later. The patient's primary attending had not discussed with the family the possibility of allowing a natural death and avoiding cardiopulmonary resuscitation. I knew this doctor—an excellent and caring physician—but no one had taught him how to approach these difficult conversations, and not knowing how, it seemed appropriate not to try. The violence of his patient's death was the consequence.

I could see all that, but I could not see a way to change it. On the surface, it was easier to go along with the old routines, but my inner distress and sense of helplessness about what was happening to the practice of medicine and to doctors and their patients made it difficult to get out of bed in the morning and go to work.

This story illustrates the usual care in U.S. hospitals in the mid-1990s. The technology imperative and the growing number of older and chronically ill persons led to widespread and often reflexive application of every possible technology to every identifiable medical

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The faculty scholars, representing disciplines from general medicine to geriatrics to psychiatry to medical ethics, continue to lead efforts to improve textbooks on end-of-life care, give support for grieving family members, and provide palliative care for young people, African Americans, Native Americans, and people in jails and prisons.

PDIA Faculty Scholars Charles von Gunten, Frank Ferris, Kathleen Puntillo, Marianne Matzo, Deb Sherman, and their colleagues have provided basic training in palliative care to over 18,000 physicians and nurses. In addition to providing training to 394 of the nation's medicine residency programs, David Weissman developed a web-based resource center for palliative medicine curricular resources to catalyze effective teaching across the country.

Susan Block and Andy Billings have established the leading mid-career palliative care education program in the nation, training over 300 physicians and nurses over the last four years. Tony Back, Bob Arnold, and James Tulsky have developed a unique National Cancer Institute–funded communications skills training program for oncologists in training and have conducted groundbreaking research on improving doctor-patient communication. J. Randall Curtis and Judith Nelson are among the ▸

After I'm Gone

"I definitely think about after I'm gone. When I was younger, I used to try and plan my funeral, where I'd want it, how many people I'd want to be there, what it would be like. I've always been scared that people would forget about me. Eight years go by and, you know, someone who dies isn't the first person you think of when you wake up. But I'll find a way so that people won't forget about me. You know, I'll give friends things of mine that they'll always have."

Laura Rothenberg

Laura Rothenberg, who died of cystic fibrosis at the age of 21, recorded her thoughts about living and dying in "My So-Called Lungs" as part of the *Radio Diaries* series on National Public Radio. OSI supported the series produced by Joe Richman.

problem, regardless of the likelihood of meaningful recovery to an acceptable quality of life. Distress with this situation resulted in surprising public support for Jack Kevorkian's methods of gaining control over the timing and circumstances of death, passage of Oregon's Death with Dignity Act legalizing physician-assisted suicide, and a flurry of efforts to restore patient control through the use of advance directives and living wills.

A New Career Path

The medical profession, seeking a way to deal with the disconnect between its services and patients' wishes, developed the new field of palliative care, which OSI's Project on Death in America (PDIA) then championed into a transformative medical specialty.

That same year, 1994, at the encouragement of Robert Butler, my department chair at the Mount Sinai School of Medicine and a PDIA board member, I and three colleagues applied and received a PDIA Faculty Scholars award for a faculty education series on palliative care. Knowing just slightly more than our colleagues about palliative medicine, we learned along with them and, by 1997, were confident enough to begin a palliative care consultation service. Expecting 50 patients our first year, we were quickly overwhelmed by referrals and hit the 250 mark instead. Every patient connected us to a whole team of health care professionals ready to learn another way of approaching medical care for the seriously ill. This experience allowed me to stay in the profession of medicine by giving me a method and a platform to contribute to needed change. Now there was a career path that reflected my beliefs about what constitutes good medical care for seriously ill and dying patients.

Early in our palliative care service (1997–1999) we were known as the "death" service, and indeed most of our patients were within hours or days of death. One day, however, the medical house staff called me for help with a 24-year-old woman with newly diagnosed acute leukemia, whom they described as a "manipulative drug-seeking patient." K., a beautiful young woman with severe bone pain, was undergoing induction chemotherapy with every hope of cure for her leukemia. Her pain medicine was ordered for every six hours. She reported adequate relief for

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leaders of a nationwide effort to improve the quality and availability of palliative care in the intensive care unit, where over 25 percent of Americans die.

Deb Sherman created an advanced practice nursing palliative care training program, one of only two in the nation, at NYU. Sean Morrison is leading a newly established Kornfeld Foundation–funded National Palliative Care Research Center. Urgently needed research on fundamental aspects of palliative care practice and services has been conducted by Susan Miller (nursing home patients and access to palliative care), Joanne Wolfe (pediatric palliative care), Holly Prigerson (grief and bereavement), Lewis Cohen (palliative care in end stage renal disease), and William Breitbart and Harvey Chochinov (psychiatric aspects of palliative care), among many others.

Kathleen Foley, who directed PDIA and is an expert on pain management, sums up the program this way: "Each PDIA faculty scholar creates a ripple of influence within his or her institution and profession and each will affect many other people in the course of his or her career."

three hours, but then the pain began to escalate. With increasing urgency and panic, she would ring the call bell, then yell for help, then scream with pain. The nurses would tell her she had to wait until the six hours were up. The house staff could not understand why the dose was insufficient for the pain. Her parents were worried she would become a drug addict, like one of their other children. Everyone seemed to blame K., the patient, for having more pain than she should, less tolerance for it than she should, for failing to respond properly to the treatment. No one seemed to know that the duration of action of the prescribed analgesic was only three hours, not six. Once the prescription was changed to every three hours, the problem was solved. K. became, once again, the sweet and funny person she remained throughout the course of her one-year battle with her disease. She later said that the worst part of her entire experience with leukemia was that no one believed she was in pain.

K.'s case, and its successful resolution, was the beginning of our reputation as a service to call for difficult pain and symptom management, even for patients who were not dying, patients for whom the expectation and hope was cure or significant life prolongation.

Transformation of Health Care

The recognition that palliative care was appropriate for anyone with complex or serious illness, independent of their prognosis and based instead on need, marked a major departure from the hospice approach to palliative care, which required both a prognosis of six months or less to live and a willingness on the part of the patient to forgo further curative or life-prolonging treatments. This new definition has the potential to transform the health care system, allowing people at all stages of chronic illness, to receive genuinely patient-centered care.

Recognizing the importance of our hospital palliative care consultation service, the Robert Wood Johnson Foundation asked me and Christine K. Cassel, who was then my chairperson in the Department of Geriatrics, to establish a center for providing technical assistance to other hospitals seeking to build their own palliative care programs. The Center to Advance Palliative Care, begun in 1999, has contributed to an 80 percent growth in the number of programs over the last three years.

My experience as a PDIA Faculty Scholar has been far from unique. PDIA's creation of a new career path through recognition and monetary support for these national leaders unleashed enormous creative energy and resulted in the rapid establishment of a new field of medical practice. With rare exceptions, the current major leaders in the field of palliative medicine are PDIA Faculty Scholars. The competition for scholarships helped legitimize the field and gave the scholars time away from their day jobs to focus on building new clinical, teaching, and research programs. Despite the early professional loneliness of work in palliative medicine at our respective institutions, the annual retreats reminded us that we were not alone in this commitment, and that our peers were remarkable people whom we could be proud to be numbered among.

In concert with the Robert Wood Johnson Foundation's support for the development of educational content for the field, the PDIA Faculty Scholars Program and its investment in a generation of effective leaders can rightly be credited as a primary building block for the field. Today, more than 1,200 hospitals report a palliative care program, and programs exist in more than 50 percent of U.S. teaching hospitals, which are the critical clinical platform for training the next generation of physicians and nurses.

As a recipient of support, I can report that PDIA's investment was well spent. Where before there was no specialty, now palliative care has the approval of the American Board of Medical Specialties, with its associated legitimacy and

dollar support for physician training. Where before doctors and nurses received no training in palliative care, now education in pain and symptom management, communication skills, and systems-based practice is mandatory. Where before most hospitals had never even heard of palliative care, now the majority of teaching hospitals and hospitals with over 100 beds report a program. Where before there were only a handful of fellowship-training programs in palliative medicine, now there are over 60 programs. Where before palliative care received no National Institutes of Health grants, now proposals for palliative care research are receiving hundreds of awards: over 443 grants totaling $128 million dollars between 2001 and 2005. Strategic private sector investment from OSI and other funders has made all the difference.

In the 11 years since I became a PDIA Faculty Scholar, my career and my life have been transformed. I am now a full-time palliative medicine specialist, and I can honestly say that I love my job and look forward to going to work every morning. This work is the reason I became a doctor. I have been privileged to observe and to participate in powerful and positive change in the health care system and in the way that our patients, our families—and, soon enough, ourselves—experience illness and the health care it requires.

Culture of Death in America

Our social and cultural environments shape how we experience loss. The images in this portfolio depict personal responses to dying, traditional rituals of mourning, and modern observances that have emerged to cope with premature deaths

Schmidt and Cheng received an arts and humanities grant from the Project on Death in America to explore and document the evolving culture of death in America. Their work was featured in the first Moving Walls, OSI's documentary photography exhibition.

Bastienne Schmidt

Philippe Cheng

Bastienne Schmidt

Philippe Cheng

Bastienne Schmidt

Philippe Cheng

Bastienne Schmidt

3.
Opening Doors to Justice

Peter Edelman

Peter Edelman is professor of law at the Georgetown University Law Center.

Changes in the Profession

When my father began his law career in Minneapolis in the late 1920s, he joined a profession that was still very much a craft. By the time he retired in the mid-1980s, he was fortunate enough to have remained in a relatively small firm representing clients who sought his personal help. But the practice of law had changed around him. By the second half of the 1990s, the law, especially in large firms, had become more like the business of investment banking. Lawyers were free agents moving from firm to firm for sweeter and sweeter deals.

Leading the Way

In addition to support to the Equal Justice Fellowships, OSI awards its own fellowships in various areas of justice work. Some 200 lawyers, community activists, academics, photographers journalists, and filmmakers have received Soros Justice Fellowships over the past decade. The fellowship program focuses on OSI's criminal justice grantmaking priorities. ▸

Partner compensation was increasingly based on how many clients one had brought in. Too many law firms paid token homage at best to fulfilling a responsibility to improve access and fairness in the administration of justice. Contributing significantly to support full-time lawyers for the poor and civil society causes was viewed as a drain on the profession's bottom line, and, in too many places, judging was becoming more and more politicized.

OSI's Program on Law and Society took the measure of the situation and came up with a thoughtful program to address it. Reading over the founding documents and the reports and plans put forth along the way, the picture that emerges is one of advice obtained from wise people, value added by an excellent staff, grants made to sound organizations, and new initiatives stimulated by OSI where there was no appropriate entity in place to do the work in question. OSI became an important convener and leader in the field.

It is always difficult to assess the contribution of one funder, even one as significant as OSI, to outcomes of initiatives directed at major problems in society. The work tracks a moving target, and evaluation is imprecise. The world does not offer a parallel universe as a control group. Even when there is success, it is generally the work of multiple grantees, and other forces that have come into play.

So how are we to judge OSI's work? Certainly the legal profession is not in observably better ethical condition or otherwise more attractive qualitatively than it was 10 years ago. Judicial politics have not been radically revamped. Low-income people's access to justice is not significantly improved. The number of public interest lawyers, while probably somewhat larger, has not mushroomed.

OSI's Contributions

And yet OSI has made a difference with one grand-slam move, a number of other remarkable achievements, and a long list of thoughtful grants for important work that continues on.

The grand slam is the vast expansion of the Equal Justice Works (EJW) Fellowships. In my experience it is rare that a foundation can say, about something that is so significant, "We made that possible." I have the good fortune of

These include the death penalty, indigent defense, the challenges facing people returning home from prison, sentencing reform, and alternatives to incarceration. The program has also supported projects relating to the detention of immigrants, drug policy, and juvenile justice.

One fellow, Heather Barr, worked with the Urban Justice Center in New York City to raise public awareness of the increasing number of mentally ill people housed in city jails and prisons. She won a court ruling ordering the city to provide discharge planning for the 25,000 people with mental illness who are released annually from city jails.

Christa Gannon, one of the earliest Soros Justice Fellows, ran a program called Fresh Lifelines for Youth in San Jose, California. The program, sponsored by the county public defender's office, offered an alternative to incarcerating youthful offenders. Gannon taught the teenagers about rights and responsibilities and managing conflict.

One teenage boy arrived in the program saying, "If a cop gives me attitude, I'm going to give it right back. That's what you do on the streets." Gannon assigned him to play the police officer in role-playing exercises. Before long the boy realized that cops didn't like

seeing the program from multiple vantage points: as a professor who recommends students for fellowships and as a board member and participant-observer in the public interest field who sees the great contributions these talented young lawyers make as fellows and as they continue their careers. Nina Dastur is one fellow I know well, because she was my colleague in running a legislation clinic at Georgetown University. She is now doing pathbreaking work with the Center for Community Change, connecting the worlds of organizing and policy advocacy as she tries to help make D.C.'s housing trust fund more responsive to low-income people.

At a time when students are leaving law school with huge loan debts and public interest law organizations are struggling to survive, the EJW Fellowships are a major force, well beyond the dollars invested, in refreshing and continuously revitalizing the field.

The Justice at Stake Campaign, another worthy program, has raised awareness of the fact that state supreme court seats are just as much for sale as seats in Congress. As part of its larger judicial independence initiative, OSI made complementary grants to other national organizations and connected state programs, and supported an important PBS documentary film. The Justice at Stake Campaign supplied the leadership and the glue to bring all of the interested national and state groups together into a coordinated whole.

Justice at Stake built relationships with OSI grantees in a number of areas: with the American Bar Association (ABA) on sentencing reform; with gay and lesbian rights groups on responding to attacks on "activist judges" following rulings on marriage; and with the American Constitution Society on federal judicial nominations. Its reports showed how money and special interests were turning state judicial elections into political free-for-alls and outlined how effective communications strategies could protect a fair and impartial judiciary.

OSI has made many grants that promote access to justice, but there are some that strike me particularly:

•The promotion of increased pro bono activity by law firms and corporate counsel, especially through the work of the Pro Bono Institute

to be disrespected either and, if they were, they had the power to do something about it.

The next time the boy was stopped by police officers he got it right. "I did exactly how we practiced," he said. "I stayed calm, I was respectful, I didn't lie—and they didn't arrest me."

More recently, another justice fellow, Vanita Gupta, helped score a larger victory that changed the lives of dozens of people and contributed to the debate on racism in the criminal justice system.

In Tulia, a small town in the Texas Panhandle, 46 men and women, mostly African Americans, were arrested on drug charges on the word of a white undercover officer. At trial, 38 were convicted despite the lack of any physical evidence. Working with the NAACP's Legal Defense and Educational Fund, Gupta helped correct this miscarriage of justice and obtain pardons for those convicted.

"Tulia is the tip of the iceberg," Gupta said. "Everything that allowed Tulia to develop, all those symptoms are present in the death penalty, drug policy, and the criminal justice system across the board."

and the Association of Corporate Counsel, and the creation of Pro Bono Net, an invaluable tool for expanding pro bono work and using the Internet to communicate issues, opportunities, and techniques to advance quality services for low-income people.

— The focus on the most underserved regions of the country, the South and the Plains states, through support for new offices of the Appleseed Foundation, committed to organizing the bar to address systemic problems of the poor, and an initiative by the Project for the Future of Equal Justice (the Futures Project) in the South where legal service and public interest lawyers are particularly scarce.

— Equal Justice Works' promotion of public interest careers and activities among hundreds of law students each year, and the group's organization and administration of the Legal Services Corporation of the federal Americorps program, adding more lawyers, paralegals, and others to serve isolated, underserved people.

— The judicial challenge, by the Brennan Center for Justice and the American Civil Liberties Union, to some of the stultifying congressionally imposed restrictions on critical services previously provided by legal services attorneys funded by the federally chartered Legal Services Corporation.

— Superbly timed support to the Futures Project and Pro Bono Net for the development of technological approaches to expand the scope of legal services, reach more people, and provide isolated communities with access, as well as support to the Advancement Project, the Asian American Justice Center, and the Futures Project for the development of systemic approaches of "community lawyering" and "community justice" to the underlying problems of low-income people, immigrants, and people of color.

— The Law School Consortium Project, which started slowly but with time has acquired momentum, continues to promote innovative uses of law school resources to encourage new lawyers to establish or join small community-based firms serving low- and moderate-income people.

— OSI also helped get the newly formed American Constitution Society and the Equal Justice Society up and running to promote a progressive perspective on law school campuses concerning legal and constitutional issues.

Lessons Learned

Somewhat less successful was Law and Society's grantmaking aimed at promoting higher ethical and professional standards among lawyers. OSI funded the ABA, for example, to ensure high standards of conduct by lawyers and judges and to enhance the profession's role in serving and protecting the public interest. In fairness, OSI staff said from the beginning that such grants were a long shot, and that a long-term investment would be required for there to be a fair chance of success. With limited resources and pressing needs in the legal services and judicial independence areas, however, the effort had to be cut short. In retrospect, it is reasonable to conclude that this task—essentially to change the very culture and values of the legal profession—was qualitatively beyond what financial resources or other initiatives emanating from outside the profession could achieve.

I make these comments (with the benefit of hindsight, of course) to underscore the need for grantmakers to measure as best they can the magnitude of the task of institutional change they have undertaken (and that is what the professionalism strategies were—strategies to change

Deserving Justice

"Low-income people deserve justice—safe, clean affordable housing, quality education for their children, clean air and water—instead of a disproportionate share of pollution, health problems and costs, unemployment, and public benefits. Low-income communities know what they need and, with resources and support, they can craft the solutions to address the systemic problems that directly affect them.

"With access to quality legal services, communities can develop the assets, infrastructure, and networks to ensure safe and healthy neighborhoods—and low-income clients can protect themselves against exploitation and rebuild their lives to provide a strong foundation for their children's futures."

Camille Holmes

Camille Holmes is director of training and community education at the National Legal Aid and Defender Association.

the behavior of large sets of institutions), and compare it to the funding they are going to invest toward achieving the desired changes. In retrospect, the strategic analysis that underlay the legal profession reform grants may have been flawed.

Suggestions for the Future

I would suggest four areas for possible exploration by OSI and other funders:

Loan repayment assistance. The mountain of debt that students take with them as they graduate from law school is a barrier to selection of public interest law as a career. The best answer would be federal legislation providing for forgiveness of at least federal loans. However, I think a major foundation matching initiative could help law schools raise funds from alumni, law firms, and others specifically targeted to loan forgiveness.

Civil Gideon. There is a growing move—not quite a movement yet—to push for a guarantee of counsel on the civil side for people who cannot afford to retain a lawyer. Care needs to be taken in the design of such a right, to apply it to situations where counsel is otherwise unavailable and perhaps to categories of cases where there is widespread agreement on the importance of representation. OSI has funded the Maryland Public Justice Center in its efforts toward a civil Gideon in that state, but more foundation support to pursue this broader guarantee of counsel should be considered.

A national organization of state access to justice commissions. Its mission would be to contribute to organizing more extensive advocacy for funding for the Legal Services Corporation and other federal funding for legal services for lower-income people, and higher visibility nationally for this set of issues. I chair the District of Columbia Access to Justice Commission. Such commissions now exist in about 20 states. A national organization could complement the work of the American Bar Association, the National Legal Aid and Defender Association, and the Center for Law and Social Policy.

Support for career services offices. This support would assist career services offices in larger law schools to help students seek jobs in small and medium-sized firms and the handful of private firms that do public interest work, such as employment discrimination litigation, for profit. I note at Georgetown a disproportionate emphasis on recruitment by large firms. Many of our students are not interested in these firms, but have no understanding of how to navigate their way to smaller firms that have openings but no time or resources to conduct on-campus recruiting. A three-year grant to support the creation of career services offices would result in such positions being continued after the foundation support runs out.

A Time for Progress

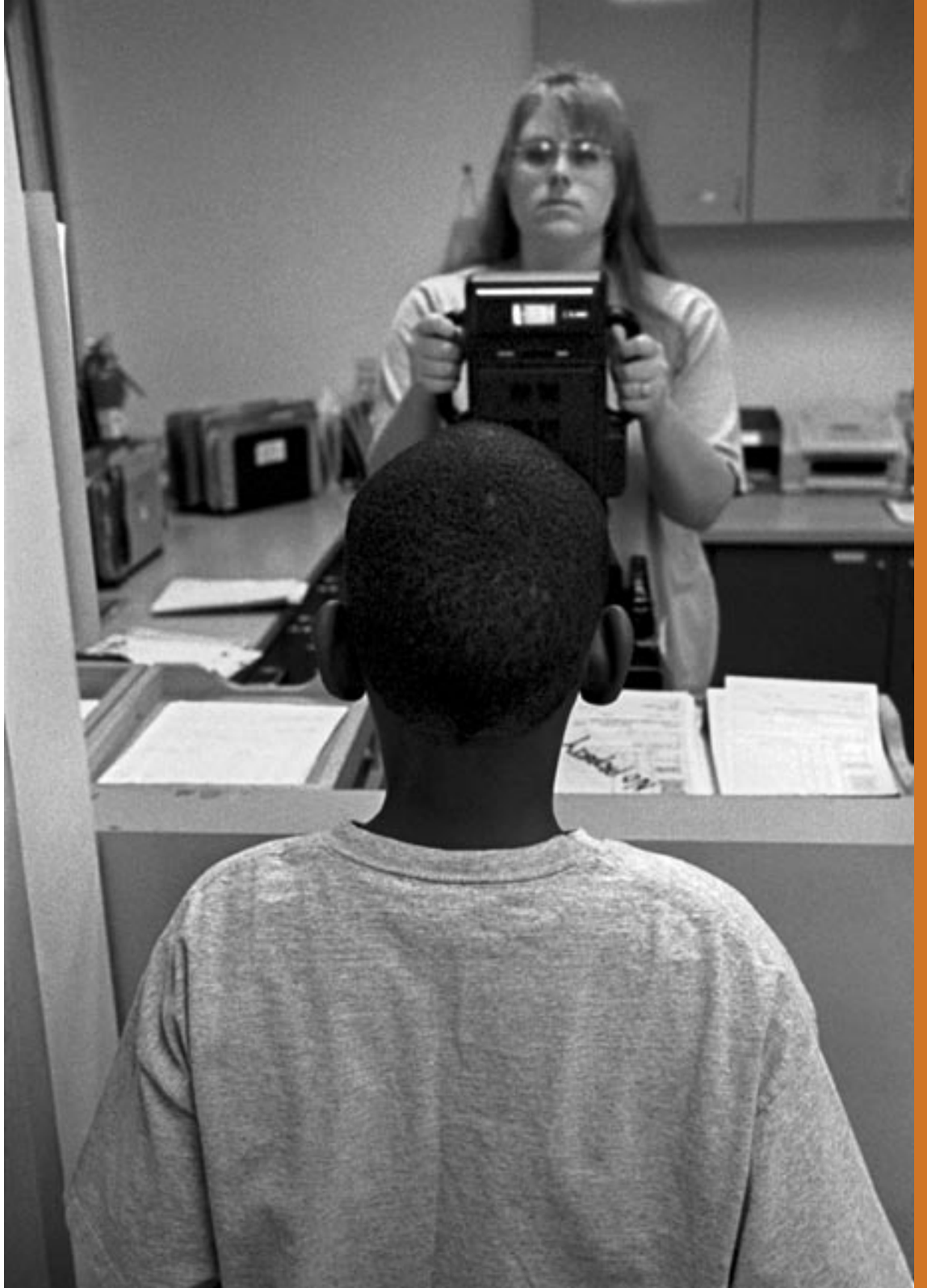
There is in fact a slight renaissance of interest in access to justice for lower-income people. We are still headed in the wrong direction regarding judicial independence, although that will change nationally when and if the political winds change, and of course it varies state by state. Nor am I sanguine about the direction the profession is taking, speaking very generally. But the situation for lower-income people feels a bit better. This shows up not only in the 20 access to justice commissions that have been created mainly by the initiative of the Access to Justice Support Project and the leadership of state chief justices, but in the recent increases in state funding for civil legal services for the poor. Some 43 states now provide funding, which totaled $163 million last year, including a $24 million increase. Total funding for legal services for the poor, counting federal funds, IOLTA (Interest on Lawyers' Trust Accounts), local foundations, and state funding, is now close to the level (taking inflation into account) of 1980. Although state and other nonfederal sources are playing an increasingly important role in supporting the delivery of critical legal services, the field is still grossly underfunded. A recent Legal Services Corporation report confirms that at least 80 percent of the civil legal needs of poor people are not being met. OSI, as a leader these past 10 years in the area of access to justice, is well situated to respond to this continuing challenge.

Juveniles

Joseph Rodriguez

These children of the crack/cocaine era face tremendous obstacles growing up in a world with gangs and easy access to guns. And, they face a criminal justice system with a decreasing interest in offering second chances.

In 1999, Joseph Rodriguez received a Soros Justice Media Fellowship to document the lives of juvenile offenders. This work was featured in OSI's documentary photography exhibition Moving Walls 4.



4.
A Nation of Immigrants, Unfinished

Bill Ong Hing

Bill Ong Hing is professor of law and Asian American studies at the University of California, Davis.

Cutting Off Food Stamps

In the United States of America, 1996 was a bad year for immigrants. In April, Congress passed the Anti-terrorism and Effective Death Penalty Act. In September, the Illegal Immigration Reform and Immigrant Responsibility Act was enacted. These laws expanded the list of aggravated felonies that barred convicted felons from discretionary deportation relief. The laws created new "special exclusion" proceedings and stricter requirements for asylum seekers, making it more difficult for certain aliens to win release from detention and

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Civil Liberties after 9/11

Abuses of civil liberties in the United States soared following the terror attacks of September 11. The government enacted administrative and regulatory changes that facilitated the miscarriage of justice and erosion of rights experienced largely by immigrant communities and members of Arab, Muslim, and South Asian communities.▸

gain judicial review of their cases. Moreover, the Illegal Immigration Reform Act bars aliens who are unlawfully present in the United States for 6 to 12 months from reentering the country for three years, while those who are in the United States unlawfully for more than a year are barred for 10 years.

It was the Personal Responsibility and Work Opportunity Reconciliation Act, signed into law by President Bill Clinton on August 22, 1996, that did not sit well with George Soros, chairman of the Open Society Institute. In its final incarnation, this "welfare reform" law concerned itself more with immigration policy reform and budget savings than with improving the country's welfare system. The reform meant that millions of legal immigrants and refugees would be cut off from food stamps, Supplemental Security Income, and other transitional programs despite the fact that welfare use by immigrants and refugees is indeed transitional. (Immigrant families are not disproportionate users of welfare benefits; refugees have strong equitable claims to welfare; and the numbers of second-generation offspring of refugees and immigrants among welfare recipients is minuscule.) Soros recalled relying upon government-subsidized health care for a job injury he suffered while an émigré from Communist Hungary in England after World War II and was appalled that, instead of offering immigrants a helping hand, the new law would strangle them.

In response, Soros made a clear statement in opposition to the anti-immigrant mood that was spreading through the houses of Congress. Through the Open Society Institute, Soros donated a staggering $50 million to the cause of seeking equitable treatment for refugees and immigrants. The new program, the Emma Lazarus Fund—named in honor of the Jewish-American poet whose verse is inscribed at the foot of the Statue of Liberty—had two priorities: to assist the naturalization process of those immigrants who were eligible and to support advocacy and educational efforts to show the unfairness of the welfare reform toward immigrants and dampen the law's impact.

Asked whether she was embarrassed by Soros's action, then INS Commissioner Doris Meissner answered: "Why should I find it embarrassing? It's a fabulous and noble thing

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To combat this antidemocratic trend, OSI made a series of grants for advocacy work, public education, and support to civil rights groups in three related areas: the impact of September 11 on immigration policy and immigrant communities, racial profiling and other forms of discrimination directed at people perceived to be Middle Eastern, and challenges to the civil liberties of all Americans. OSI funded many immigrants' rights advocacy groups that had previously received funding from the Emma Lazarus Fund.

One grantee, the Center for National Security Studies, was the lead plaintiff in a federal case that successfully challenged the secret roundup and detention of immigrants following the attacks. Another grantee, the Mexican American Legal Defense and Educational Fund, participated in a lawsuit challenging the citizenship requirement that resulted in the firing of many legal permanent residents who worked as airport baggage screeners.

Organizations like the National Immigration Forum, the Arab Community Center for Economic and Social Services, and the Asian American Justice Center (formerly the National Asian Pacific American Legal Consortium) worked with a broad coalition of civil and immigrants' rights advocates, faith-based groups,

Feeding Off Outrage

"I believe that a little outrage can take you a long way. Anger has a way, though, of hollowing out your insides. In my first job, if we helped 50 immigrant families in a day, the faces of the five who didn't qualify haunted my dreams at night. It's like that every day.

"I am deeply familiar with that hollow place that outrage carves in your soul. I've fed off of it to sustain my work for many years. But it hasn't eaten me away completely, because it gets filled with other, more powerful things like compassion, faith, family, music, the goodness of people around me—and a deep sense of gratitude that I have the privilege of doing my small part to make things better."

Cecilia Munoz

Cecilia Munoz is vice president of the Office of Research, Advocacy, and Legislation at the National Council of La Raza, a longtime OSI grantee.

he has done. I'm distressed and sorry that the circumstances are such that there's a need for such a step." Frank Sharry, executive director of the National Immigration Forum in Washington, D.C., noted: "It sends a real signal of hope to immigrants who are feeling under siege. This may be the beginning of a turning point in the debate."

Sharry's remarks proved to be prophetic. By the end of 1999, the Emma Lazarus Fund had distributed support to organizations that helped more than 500,000 immigrants negotiate the naturalization process. Millions more received counseling and information that enabled them to apply on their own. The combined efforts of Emma Lazarus grantees helped to win the restoration of Supplemental Security Income and food stamps for the most-eligible immigrants in the United States at the time the welfare reform law was enacted. Individual states also responded by filling some of the gaps created by welfare reform.

Helping with Naturalization

The challenges presented by the large numbers of clients and the bureaucracy of the Immigration and Naturalization Service were daunting to Emma Lazarus Fund grantees.

In Northern California, naturalization assistance included English as a Second Language instruction, legal counseling for problematic cases, case management, and outreach to serve homebound and geographically isolated individuals. In Florida, hundreds of homebound and institutionalized immigrants, particularly elderly and disabled people, were served through special outreach efforts, utilizing home visits and visits to nursing homes and other institutions. Grantees conducted client intake at hundreds of community sites, including schools, homeless shelters, churches, health clinics, community centers, and meal sites.

One program in Boston served clients from 77 different countries. Groups in Los Angeles worked with local INS officials to expand an outreach program that enabled applicants to have their naturalization interview at a community location rather than at INS offices. Emma Lazarus grantees served Latinos in Boise, Spokane, Yakima, Portland, Eugene, Corvallis, and Seattle; Japanese and Chinese senior citizens in the Seattle and Portland metropolitan areas; Filipinos, Samoans, Hmong, Vietnamese, and other Southeast Asian peoples in cities on the West Coast and in the resort communities of Sun Valley and Jackson Hole.

Service providers funded through Emma Lazarus grants offered direct services to thousands of naturalization applicants as well as outreach materials and presentations to millions. The vast majority of direct service cases involved applicants who were ready and eligible to apply. Many of the other applicants, however, were challenged by the naturalization process due to English literacy problems, disabilities, old age, lack of transportation, lack of money for filing fees, minor criminal problems, and other issues. For example, Emma Lazarus funding helped persuade the INS to accommodate hearing-impaired applicants, a stroke victim, a blind applicant, and elderly individuals.

Outreach efforts were necessary to raise awareness about naturalization and public assistance rights. News of the inequities in the welfare reform law had triggered panic in many communities. The public information campaigns of Emma Lazarus Fund grantees set the record straight for millions of immigrants and refugees.

Funds reached small and large immigrant communities throughout the United States as well as many new programs that otherwise would not have caught the attention of more centralized funders. New donors were brought to the table. Philanthropists and local leaders took the time to learn about the changing communities in which they were living. Collaborations emerged; small grassroots organizations were teamed with larger, more established programs. New networks of service providers, technical assistance groups, and advocacy groups developed. Service provider and technical assistance expertise was sharpened and expanded. As a result, the capacity to serve immigrant communities was markedly enhanced. Immigrant rights advocates were energized. And thousands of immigrants and refugees were assisted in their naturalization efforts, while millions more were again able to rely on a safety net of partially restored public benefits and food stamps.

Targeting Noncitizens

A crackdown on noncitizens in the United States after 9/11 was probably to be expected. After all, the 19 hijackers were foreigners who had managed to enter the country under false pretenses. The United States government implemented new procedures and reorganized administrative institutions to ensure that all immigration visa processes and enforcement would be screened through the lens of national security. And, since the hijackers were Muslim extremists, the authorities in the United States resorted to profiling to target Arabs, Muslims, and people from South Asia.

The USA PATRIOT Act, enacted with near unanimous support and signed into law a mere six weeks after 9/11, gave the government expanded authority to search, monitor, and detain citizens and noncitizens as well as the wider authority to detain, deport, and file criminal charges against noncitizens. Enforcement efforts have most heavily affected Arabs, Muslims, and Sikhs who are not United States citizens.

On November 25, 2002, as a part of the biggest government reorganization in 50 years, the INS was transferred from the Justice Department to the new Department of Homeland Security (DHS), a cabinet-level entity that merged all or parts of 22 federal agencies and had a combined budget of $40 billion and 170,000 workers. INS functions were separated into two divisions: U.S. Citizenship and Immigration Services (USCIS), which handles immigrant visa petitions, naturalization, and asylum and refugee applications; and the Under Secretary for Border and Transportation Security, which includes the Bureau of Customs and Border Protection along with Immigration and Customs Enforce

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and unions on comprehensive immigration policies that are fair and equitable.

The Immigrant Legal Resource Center combated the treatment of civil immigration violations as criminal offenses and addressed the harsh consequences of criminal convictions. Heartland Alliance, Human Rights First, and the Catholic Legal Immigration Network worked to ensure due process, access to counsel, and humane conditions for immigrants in detention and those facing deportation.

The National Immigration Law Center, the National Council of La Raza, and other grantees fought proposals to use state and local police to enforce federal immigration laws.

With OSI support, the New York State Defenders Association's Criminal Defense Immigrant Project sued to curtail the U.S. government's practice of categorizing relatively minor offenses as "aggravated felonies" and citing them as grounds for deporting noncitizens and permanently barring deported noncitizens from returning to the United States.

ment units, for handling enforcement matters.

Targeting noncitizens of certain ethnic, religious, or racial backgrounds is a national security strategy that does not make the United States any safer. In fact, this strategy narrows the opportunity to engage immigrant communities in the effort to assist law enforcement agencies in protecting the public. Because the 9/11 hijackers were foreign born, cracking down on noncitizens—especially those who looked like or were of the same religion as the hijackers—made sense to some. But no terrorists were apprehended using this approach. By falling for the temptation of profiling, we actually sacrificed the fundamental values of openness and inclusion that we ought to have been guarding. We shamed ourselves and damaged America's reputation in the world.

Confronting New Challenges

The recent debates over immigration policies have not addressed the inequities brought about by the vestiges of the 1996 legislation and post-9/11 clampdowns. In 2006, the battle is between the House enforcement-only approach (more border fences and enforcement funds) and the Senate comprehensive approach (more enforcement along with guest worker visas and a path to citizenship for the undocumented). Neither approach addresses post-9/11 ethnic profiling and deportation due process barriers erected in 1996.

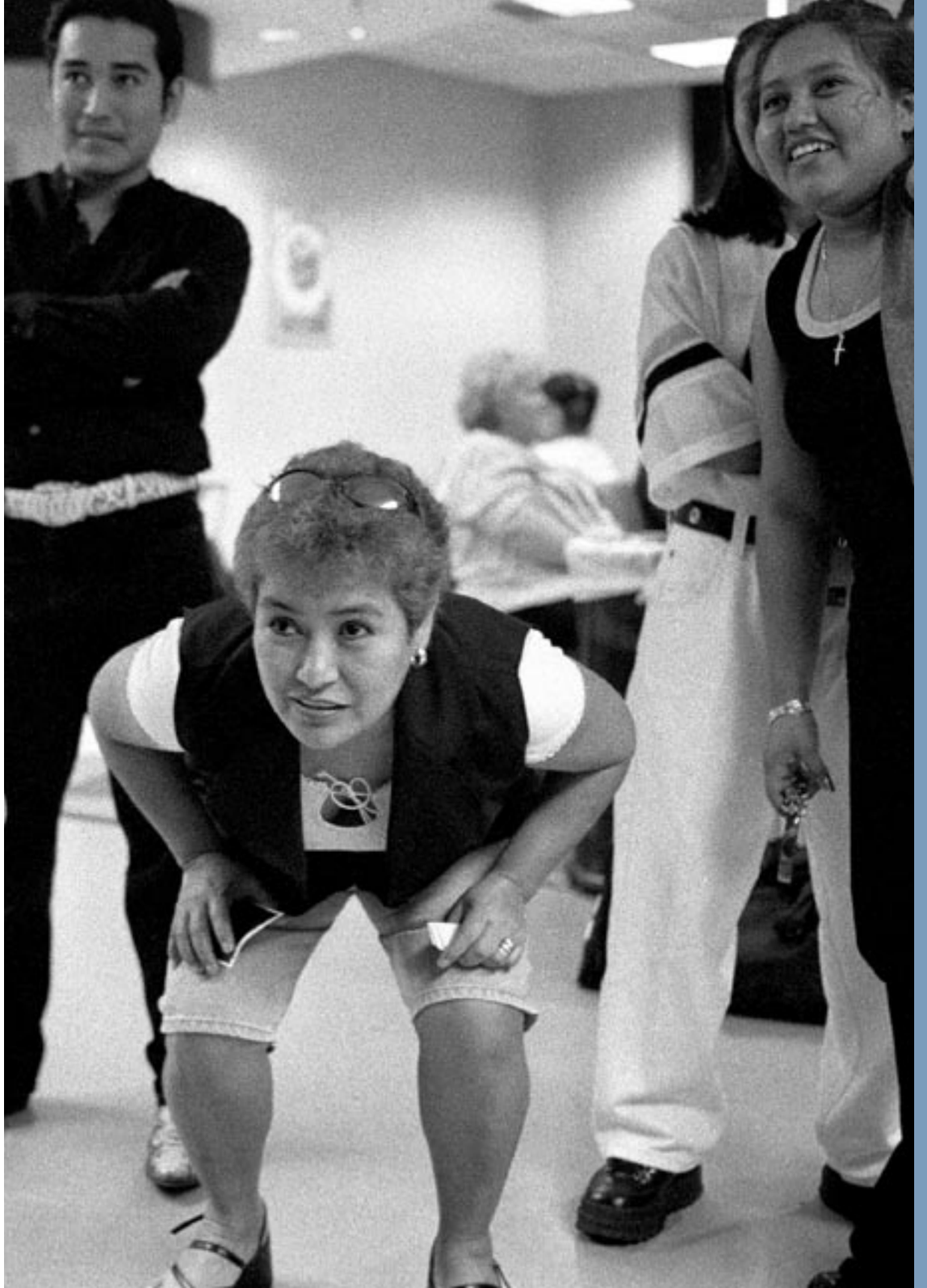
Nathan Glazer aptly called the United States the "permanently unfinished country." It follows that immigration policy is permanently unfinished as well. OSI's Emma Lazarus Fund helped lead the effort to combat anti-immigrant fervor in the late 1990s. Unfortunately, the events of 9/11 provided an impetus for attacks on immigrants once again, and those with a broader vision of America find themselves confronted with new challenges that require new answers to the old questions of xenophobia.

Day Laborers

Jon Lowenstein

Day laborers in the new global economy are temporary workers who lack insurance, health benefits, and job security. On these pages are images of workers in Chicago: waiting at the airport for family to arrive from Mexico, paying for arrangements to get relatives to the United States, and waiting on a street corner for work.

Jon Lowenstein's work was featured in OSI's documentary photography exhibition Moving Walls 7.



5.
Getting Tough on Criminal Justice

Marc Mauer

Marc Mauer is executive director of The Sentencing Project.

The Prison Explosion

Daunting challenges faced criminal justice reform efforts in the United States in the mid-1990s. More than two decades of "get tough" sentencing policies and a raging "war on drugs" had produced a prison population of previously unimagined dimensions and a political climate almost devoid of rational discourse on the subject of crime. The combined prison and jail population mushroomed to 1.6 million in 1995 from 330,000 in 1972, not because of increasing crime rates, but

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War on Drug Policy

The criminal justice system is not the only part of American society damaged by the war on drugs. Public health is another casualty. Until the recent rise of palliative care services, hospital patients with chronic and even terminal illnesses suffered great pain because doctors, either not knowing better or afraid of violating strict drug laws, often did not prescribe pain-killers in adequate amounts to be effective. ▸

primarily because of public policies that produced mandatory sentencing laws, cutbacks in parole releases and increases in revocations, and other measures designed to send more people to prison and keep them there for longer periods of time.

The launching of the war on drugs, a Reagan administration initiative that received bipartisan support and was broadly adopted by state and local officials in the early 1980s, exacerbated this trend. And the racial dynamics of the drug war worsened the already uneven racial structure of the prison population. African Americans and Latinos, for example, constituted three-fourths of people serving drug terms in prison, a portion far out of line with the percentage of African-American and Latino drug users in the overall population.

The combined impact of higher inmate populations, escalating costs, and a shifting political climate led to significant cutbacks in already limited prison programming budgets, making opportunities to gain vocational skills, an education, or treatment for coping with substance abuse or mental illness illusory.

In the early 1990s, an already punitive approach to crime policy became more severe, in part because of the political reaction to the spike in juvenile homicides that resulted from the emergence of crack cocaine. Crack wreaked havoc across many areas of the United States, and particularly on low-income communities of color. But the policy response that emerged was one born of hysteria and sensationalism, shaped by lurid pictures of the drug trade that were little informed by rational analysis or consideration of alternative approaches. One aspect of the reaction was the adoption of a host of disabilities imposed on people convicted of drug offenses, and only drug offenses, including restrictions on access to welfare benefits, student loans, and residency in public housing that applied even after completion of a felony sentence.

The political frenzy reached a peak in 1994 with the adoption of a massive $30.2 billion federal crime bill, and another $8 billion in funding for constructing new prisons and expanded death penalty provisions. Half the states adopted some form of a "three-strikes" law, with California's being the most far-reaching. In that state, any felony, not just a violent or serious offense, would qualify as a "third strike." The United States Supreme Court upheld California's three-strikes law, failing to discern any "cruel and unusual" punishment in the case of a man sentenced to 25 years to life for stealing golf clubs or the case of a man sentenced to 50 years to life for stealing videotapes.

Thus, the mid-1990s was not an auspicious time to embark on a campaign of criminal justice reform. Political leaders thought being "tough on crime" was a no-brainer, and an increasingly conservative political climate pervaded both media and popular discourse.

Signs of Progressive Reform

As we look back on developments a decade later, though, criminal justice policies and the political environment in which they are formed have in many ways actually moved in a direction of progressive reform. This can be discerned in a number of areas:

Shifts in drug policy. Despite the fact that nearly half a million people are serving time or awaiting trial for a drug offense, the one-dimensional war on drugs of the 1980s has in many respects become more varied. Support for treatment rather than incarceration is evidenced by the hundreds of drug courts in operation today and by public backing for drug policy reform initiatives in states like California and Arizona.

State sentencing reforms. Over the past several years, most states have enacted some type of sentencing or drug policy reform. These have included repeals of mandatory sentencing provisions and introduction of reduced prison terms for low-level drug offenders. Consequently, the double-digit annual prison population increases common in the early years of the drug war have diminished, and seven states (Delaware, Illinois, Massachusetts, Maryland, New Jersey, New York, and Ohio) even experienced modest reductions in their prison populations from 1999 to 2004.

Declining support for the death penalty. After the annual number of executions peaked

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The war on drugs also drives illegal drug use underground and hinders public health efforts that would reduce the individual and social harms associated with drug use, including the spread of HIV/AIDS through practices such as the sharing of contaminated needles. The situation is the same and worse in other parts of the world where countries, following America's lead, treat drug use as a law enforcement problem, rather than a public health issue.

The Lindesmith Center, one of OSI's first programs in the United States, promoted harm reduction initiatives such as needle exchanges and methadone substitution as an effective response to drugs in contrast to the war on drugs, which has failed to reduce drug traffic and use while increasing drug-related crime, disease, and suffering.

Through conferences and panels, publications, and media outreach, The Lindesmith Center helped break the taboo on discussing the subject of drugs and debating the U.S. government's approach to controlling drug use.

The Lindesmith Center also helped establish OSI's Harm Reduction Development Program (IHRD) in Central and Eastern Europe. IHRD, which now operates worldwide, gained a reputation for working to curb the spread of HIV/AIDS and other infectious diseases among drug users by supporting health services and promoting human rights and policy reform.

OSI's U.S. justice programs supported efforts to change drug policies and sentencing schemes (including the adoption of alternatives to prison for low-level drug offenders) as central to the reform of the criminal justice and incarceration systems. The ACLU Foundation received funding to challenge drug testing and other abuses of civil rights growing out of the drug war.

The Lindesmith Center eventually spun off and merged with the Drug Policy Foundation to become the Drug Policy Alliance, a research, advocacy, and policy organization. The Drug Policy Alliance has played a leading role in promoting medical marijuana programs in several states, in developing needle exchange programs to minimize the risk that injection drug users will contract and spread diseases such as HIV/AIDS and hepatitis, and in advocating for broader access to methadone treatment for people who are dependent on heroin.

OSI also supported the Tides Foundation's Fund for Drug Policy Reform, a funders' collaborative that oversaw many of the grants formerly awarded directly by OSI. One grantee of the Fund for Drug Policy Reform was Students for Sensible Drug Policy, a campus-based organization active in mounting public education campaigns targeted at students and other young people.

at 98 in 1999, both public support for the death penalty and the actual number of death sentences imposed and carried out have declined sharply. Much of this decline is the result of advocacy work by death penalty litigators and by aggressive journalism, which has repeatedly exposed the system's flaws that make error not only a possibility, but a frequent occurrence. These activities also contributed to historic Supreme Court decisions banning the death penalty for juveniles and mentally retarded persons.

Reentry issues gain support. While a focus on issues of reentry from prison is now commonplace in all areas of the country, 10 years ago the concept had not even been formulated. Inspired by the work of Jeremy Travis, the director of the National Institute of Justice in the late 1990s, reentry has united progressive reformers, evangelical Christians, corrections officials, and formerly incarcerated persons. Its basic premise is that if the people of the United States are serious about reducing crime, they must ensure that prisons provide appropriate rehabilitative services and that communities be ready to engage returning members with a network of transitional services and stronger civil institutions.

Prison conditions once more under scrutiny. After conducting a year-long analysis of safety and abuse in America's prisons, a high-profile commission convened by the Vera Institute of Justice called for renewed vigilance in addressing problems of violence and neglect. The commission's emphasis on the need for oversight and accountability included key roles for corrections professionals, nongovernmental organizations, citizen's groups, and media.

How, then, did the climate change during the past decade? On a broad scale, several trends created an opportunity for reform. First, crime rates have generally been declining since the early 1990s; while there is still much debate about the reasons for this decline, the decline means that the issue of crime has become less politicized and emotional. Second, the budget crises many states are facing have led to a questioning of the overreliance on incarceration and a search for alternatives to costly incarceration policies. Finally, the post-9/11 climate, one where fighting international terrorism has assumed center stage, has shifted the locus of fear, and political attention, from street crime to international terrorism.

Critical OSI Support

The Open Society Institute's support often has been critical to the development of criminal justice and drug policy reform efforts. In the area of community reentry after prison, for example, OSI grantees have been key in producing research, innovating ideas, developing pilot programs, and evaluating successes. The Council of State Governments, JFA Institute, and other OSI grantees engaged in public education and legal advocacy with policymakers and community groups in Connecticut and other states on probation and parole reforms that have reduced the state's prison population. This "justice reinvestment" strategy generates cost savings that can be used to strengthen community corrections and other civil institutions in predominantly poor communities of color with large numbers of residents moving in and out of prison.

OSI's fellowship programs have created a body of scholarship and a cadre of activists that are helping to shape public thinking in a variety of program areas. James Liebman, a law professor at Columbia University, has made a significant contribution to the public reexamination of capital punishment with groundbreaking work on error and reversals in the application of the death penalty. Kerry Cook, wrongfully convicted and subsequently released from death row after 20 years, wrote about the experience in a book to be published in early 2007. Margaret Love produced a web-based legal resource

Flawed Representation

"The large number of incarcerated people and criminal prosecutions threatening long-term confinement or death has overwhelmed the resources of many state criminal justice systems. Underfunded indigent defense has predictably caused flawed representation in many cases with corresponding doubts about the reliability and fairness of the verdict and sentence. Even in capital cases, indigent accused have been represented by sleeping attorneys, drunk attorneys, attorneys almost completely unfamiliar with trial advocacy, criminal defense generally, or the death penalty law and procedure in particular.

"I have a vision that our criminal justice system ought to do better. A system that treats you better if you're rich and guilty than if you're poor and innocent doesn't meet the requirements of a society committed to equal justice."

Bryan Stevenson

Bryan Stevenson is executive director of the Equal Justice Initiative of Alabama, which has succeeded in overturning a number of capital murder cases.

detailing mechanisms by which persons with felony convictions can have their rights restored.

OSI's commitment to fundamental criminal justice reform and to creativity in framing new issues has been vital to the field. Support to a national network of community-based advocates through Critical Resistance has enhanced challenges to prison expansion and engaged young people in this struggle. All Of Us Or None, a California-based grassroots campaign led by formerly incarcerated people, is successfully challenging unreasonable employment discrimination through its Peace and Justice Summits. Since 1997, OSI has played a significant role in fostering the movement for reform of felony disenfranchisement laws, initially through support of The Sentencing Project's research on this problem and later through support of the Right to Vote Campaign's successful efforts to challenge state policies.

Community over Incarceration

These developments are encouraging, but there remains a broad agenda for reform over the next decade. Since 1996, the prison population in the United States has risen by a third, topping two million. While the rate of growth has leveled out in recent years, both the absolute and the per capita prisoner population numbers continue to set new world standards each year because more people are serving longer sentences and being returned to prison for parole violations. Further, the racial/ethnic bias of the criminal justice system gives every newborn African-American male in the United States a one-in-three chance of spending time in prison during his lifetime and every Latino male a one-in-six chance. The overall figures for women are lower, but their rate of incarceration is growing fastest and the racial/ethnic ratios are identical.

These facts, among many others, indicate that the national approach to solving social and economic problems in low-income communities of color in the United States has essentially become one of massive investment in a criminal justice apparatus that imposes punishment at record levels while draining resources from community-strengthening investments.

The notion of the meaning of punishment is similarly skewed in the United States. People convicted of burglary in the United States serve more time in prison than their counterparts in England or Germany, but the "results" in the United States in terms of crime control are no better. Even within the United States in recent years, states such as New York have lowered their prison populations while achieving greater success in reducing crime than states that have continued to embark on large-scale prison construction. This, too, reflects a profound cultural orientation—one framed by considerations of race and class—that will require a critical reexamination of how to alter over time individual racist attitudes as well as policies framed by racial dynamics that have become institutionalized within the justice system. The beginnings of such a reexamination may be seen in the increasing attention being given in the United States to international human rights norms, which, for example, were cited in a recent Supreme Court decision outlawing the death penalty for juveniles.

The question remains whether alternative models of responding to disorder and producing justice can gain priority over "get tough" policies. In a broad sense, this will involve a reconsideration of the appropriateness of using the criminal justice system as a means of addressing problems that would be better served by focusing attention on poverty, racism, and other social and economic ills.

Within the justice system itself, the challenge will be to see if reentry approaches that emphasize community can produce a shift in our notion of the function of prison. To what extent can the reentry model be transposed to

reduce the use of incarceration at the sentencing stage? Can alternative justice models such as restorative justice and community justice partnerships be viewed as ways to shift resources to more effective crime control and public safety strategies as well as provide quality legal defense and more just resolutions in individual cases?

Along with the day-to-day investments that OSI makes in building intellectual capital and local organizing, the degree to which these political and cultural transformations can be accomplished will determine in large part what the system of justice in the United States looks like a decade from now.

The True Cost of Prison

Andrew Lichtenstein

The U.S. prison industrial complex has immense social, political, and economic repercussions, including dislocations in the family lives of people who are incarcerated and difficulties for them in reentering society. The photographs in this portfolio show men leaving prison in Huntsville, Texas, and families traveling from New York City to upstate prisons.

Andrew Lichtenstein received a Soros Justice Media Fellowship. His photographs were included in the second and eighth shows of the OSI documentary photography exhibition Moving Walls.


REYHOUND

6.
Plan A: Protecting All Reproductive Health

Cynthia Cooper and Ellen Chesler

Cynthia Cooper is a freelance writer specializing in reproductive health issues. Ellen Chesler directed OSI's Program on Reproductive Health and Rights.

The Challenge

American women made significant strides in the closing decades of the 20th century, breaking down long established barriers in employment, education, and politics, and consolidating gains for which earlier generations of women's rights advocates had fought. With Bill Clinton's election in 1992, the United States had its first prochoice president and an administration committed to securing reproductive freedom as a cornerstone of women's civil liberties. But the promise of these political developments was short-lived. Public policies came under the relentless assault

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Spreading Choice Globally

The primary mission of OSI's Program on Reproductive Health and Rights was to improve access to reproductive health care and defend reproductive rights in the United States. But the program was also encouraged to collaborate with colleagues elsewhere in the Soros network to seed work abroad that they and others have subsequently sustained. ▸

of a fierce conservative minority determined to push back the U.S. rights revolution and the government's responsibility for public health and social welfare.

These new fundamentalists, quickly ascending to positions of power in the executive, legislative, and judicial branches, identified abortion, sex education, and even birth control as easily exploitable "hot button" issues. They were well supported by think tanks and media campaigns funded by conservative foundations. Between 1992 and 1998, for example, the Arthur S. DeMoss Foundation alone spent more than $65 million on emotional ads condemning abortion on major television outlets in America's heartland that featured idyllic images of young parents and children proclaiming "Life: What a Beautiful Choice."

Conservatives seized upon a legal fissure opened by the U.S. Supreme Court in its 1992 ruling in *Planned Parenthood v. Casey*. Although *Casey*, by a narrow vote, preserved the core privacy doctrine providing constitutional protection to abortion in *Roe v. Wade*, it also established a new standard of "undue burden" that allowed states to place many restrictions on access to abortion, even in the first trimester of pregnancy.

Since then, the states have enacted more than 300 measures undermining abortion rights, including parental notification or consent requirements for minors, mandatory counseling and waiting periods, and numerous arbitrary regulations on abortion providers. Most controversial have been the attempts to ban and criminalize abortions. Opponents of abortion used imagery of late term abortions—which, in reality, are both small in number and most often a consequence of the health problems of the mother or fetus—to persuade legislatures to pass so-called "partial birth abortion" laws so encompassing that they threatened all abortion procedures from the 12th week on. Courts rejected the bans consistently, but zealous conservatives refused to accept the rulings and pushed for the passage of similar laws again and again.

Campaigns of intimidation and violence against abortion providers had a chilling effect, and the right's relentless stigmatizing of abortion began to take a toll on public and political support for reproductive rights. By 1996, congressional conservatives also succeeded in capping funds for family planning and securing more than $100 million for teaching abstinence only, rather than more comprehensive approaches to sex education, in the public schools—a figure that has grown much larger in the decade since.

OSI's Response

OSI's initial funding targeted the need to protect and expand access to comprehensive reproductive health services, especially for young people and women of color. But with the hardening of divisions around sexuality and the fraying of public debate, OSI broadened its approach to help family planning and prochoice organizations build better informed and more active constituencies in support of progressive values and objectives.

One OSI strategy involved enhancing public education and physician training about emergency contraception, popularly known as the morning-after pill, a postcoital contraceptive that inhibits ovulation or disables a fertilized egg. OSI also supported new technologies for terminating very early pregnancies, such as medication abortion or simple manual vacuum aspiration techniques. OSI believed that these public health innovations might present an opportunity to safeguard reproductive health services by reintegrating them into mainstream medical institutions, including hospitals, physicians' offices, and neighborhood health care centers. The foundation also hoped that education about these new early intervention techniques, which, for most people, are less problematic than later surgical abortions, might help develop a new politics around these issues and shift public discourse away from "the clash of absolutes" that has prevailed for decades in the abortion debate.

For these reasons, OSI joined with the Packard, Hewlett, Turner, and Ford foundations, one large anonymous donor, and many smaller institutions and individual donors to help Planned Parenthood Federation of America and NARAL Pro-Choice America counter the right's dominance of public discourse on reproductive health and rights and diminish their political support.

Today, Planned Parenthood has organized nearly 3.5 million individuals, more than one million of whom are engaged regularly in national advocacy via the organization's robust

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In Haiti, OSI supported a collaborative effort of the University of Miami Miller School of Medicine and the Haitian Ministry of Health to provide medical residency training in family and community health, with a special emphasis on women and children. The project was announced in Haiti in 1998 by George Soros and then–First Lady Hillary Rodham Clinton. Despite many setbacks as a result of Haiti's continuing political turmoil, the project—now maintained with funds from USAID and other public donors—is providing critically needed personnel in Cap-Haitian, the country's second largest city, and in remote rural areas, such as the village of Cange, where a Haitian trained by the program now works in Paul Farmer's clinic. The clinic's women's health services were also supported by a start-up grant from OSI.

In Latin America, a small grant to the International Planned Parenthood Federation–Western Hemisphere Region helped finance the provision of emergency contraception services in countries where abortion is illegal and dangerous to women.

In Eastern Europe and the former Soviet Union, a grant to the Polish Federation for Women and Family Planning helped initiate ASTRA, a regional reproductive health advocacy coalition now supported by OSI's Women's Program. Small grants also supported seminars for medical and public health personnel on the value of emergency contraception and safe, early abortion. OSI's Public Health Program subsequently sponsored several model training programs for physicians in these procedures.

A seed grant to the Global Fund for Women helped build its first contacts among local grassroots organizations supporting women's health and empowerment and protection from violence in Africa. OSI supported the creation of a pan-African advocacy network for the sexual and reproductive health of women, which is important since twice the number of African women as men have now contracted HIV/AIDS.

A seed grant to the International Rescue Committee provided critical funds for the provision of sexual health and rights services, including rape counseling and emergency contraception, to refugee women in Tanzania. This pioneering intervention resulted in the subsequent provision of these services as an agreed-upon standard of care among refugee populations worldwide.

OSI supported communications efforts that helped generate press coverage of important

Internet presence. Many of these individuals also support grassroots activism targeting 17 states where reproductive rights are not secure. NARAL mounted a successful five-year prochoice media presence in the Midwest and South and activated its own significant number of supporters. According to one recent estimate, emails and phone messages to Capitol Hill were running 5 to 1 against conservatives in battles over reproductive health policy and judicial nominations where reproductive choice was at stake. Public education on these matters has made a difference.

OSI-backed programs of the Ms. Foundation for Women, the Feminist Majority Foundation, Advocates for Youth, the Pro-Choice Public Education Project, Choice USA, and Medical Students for Choice, among others, reached out to young women who, having grown up with legal abortion as a constitutional right, may have become complacent about protecting it. Grants to normally reticent organizations of physicians and other health professionals have made them more outspoken in resistance to public policies that threaten their professional autonomy and the integrity of science generally.

Diverse religious audiences were courted through grants to Catholics for a Free Choice and the Black Church Initiative of the Religious Coalition for Reproductive Choice. OSI also helped generate fact-based messaging to members of Congress and federal officials via its support for the National Women's Law Center, the National Partnership for Women and Families, the National Black Women's Health Project, and the National Latina Institute for Reproductive Health.

As a result, public opinion polls in the United States indicate that a clear majority continues to support reproductive rights, including abortion.

Defending Reproductive Rights in the Courts

Substantial core support to the Center for Reproductive Rights (CRR) helped achieve important victories in cases brought before the United States Supreme Court. In *Stenberg v. Carhart*, for example, the Court overturned a Nebraska ban on dilation and extraction abortion because the ban lacked an exception to protect the mother's health as required by *Roe* and,

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UN conferences for advancing women's rights as fundamental human rights and promoted U.S. ratification of CEDAW, the International
Treaty for the Rights of Women.

To refresh and strengthen the intellectual infrastructure of the women's health and justice movements, and to help chart the progress of global agreements to improve the status of women worldwide, OSI in partnership with the Mailman School of Public Health of Columbia University sponsored a fellowship program open to both activists and scholars. A first class of eight fellows from around the world produced a volume of essays, *Where Human Rights Begin: Health, Sexuality, and Women in the New Millennium*, edited by Wendy Chavkin, professor of clinical public health and obstetrics-gynecology at the Mailman School, and Ellen Chesler, who directed OSI's Program on Reproductive Health and Rights.

A Flagship Issue

"The right to choose has been a flagship issue of the right wing since the 1970s. The other side needs to tear Roe *down because it represents judicial liberty, sexual liberty, women's liberty. Even though the right wing focuses on the act of abortion like a laser beam, it is a cornerstone of an ideology—of a rigid view of how society should function. The states that are most hostile to reproductive rights are very hostile to social rights.*

"What we also know to be true is that the right to choose is emblematic. It's the people who are prochoice who also care about school lunch and Headstart. You see a whole pattern. It's the Rosetta stone—prisms of light flow from this issue."

Kate Michelman

Kate Michelman is former president of NARAL Pro-Choice America, which, starting in 1998 with support from OSI and other foundations, ran a five-year media and grassroots organizing campaign in key states to counter conservative attacks on the right to abortion.

while purporting to impose a narrow technical restriction, actually permitted broader application. Nonetheless, the great public relations success of this ploy emboldened conservatives controlling Congress to pass an almost identical piece of federal legislation, which CRR, the ACLU, and Planned Parenthood immediately challenged. The three organizations also received funding from OSI for their extensive dockets of state-level reproductive rights litigation.

Along with the New York Civil Liberties Union, these groups have provided important legal opinions and policy strategy to help advance emergency contraception and early abortion provision. With lead funding from OSI, Planned Parenthood of Western Washington won decisions establishing that exclusion of birth control pills from prescription drug coverage in employee health plans constitutes sex discrimination. The decisions produced a groundswell of public support for contraceptive equity, including a ruling from the U.S. Equal Employment Opportunity Commission. Many states—including New York, where OSI supported NARAL Pro-Choice New York in its public education on this matter—now have legislation affirmatively mandating contraceptive coverage.

New Options

Emergency contraception (EC) became widely available in the United States in 1999, when the Food and Drug Administration, ruling that it is safe and effective, approved a dedicated product. Experts have estimated that EC, if widely disseminated, could cut the country's abortion rate in half. Already, Planned Parenthood affiliates and others have compiled data showing declining teen pregnancy and abortion rates in states that have increased promotion and access to the new morning-after pill. OSI became the country's lead funder of efforts to educate consumers about the benefits of emergency contraception, to train providers in this method, and to eliminate barriers to accessing it.

With $1.5 million from its economic development investment pool, OSI became the largest equity investor in the Women's Capital Corporation (WCC), the distributor of the Plan B emergency contraceptive. An additional grant to the medical school of the University of California at San Francisco supported the research necessary for WCC's application to the Food and Drug Administration to convert Plan B from prescription to over-the-counter status, which is common elsewhere in the world and would vastly improve access to the drug and expand its use. With OSI's active participation, WCC sold the drug to Barr Pharmaceuticals, which is continuing to pursue approval for over-the-counter sales.

The delay in an FDA decision on this matter—after more than two years despite the approval of two scientific advisory boards—received enormous media coverage because it constituted a threat to established principles of scientific integrity in government. Depositions by the Center for Reproductive Rights appear to reveal unprecedented White House interference in FDA decision making. With action by the FDA stalled, OSI and others supported successful campaigns in eight states to permit pharmacists to dispense Plan B without a prescription via local pharmacy protocols. However, the FDA in late August of 2006 finally approved nationwide over-the-counter sales of emergency contraception for women over the age of 18. Though this age limit regrettably still requires many teens to have a doctor prescribe the product, it is nonetheless a major victory for progressive advocates.

Building on a long record of safe use in Europe and Asia, the FDA in 2000 also approved Mifeprex (formerly known as RU-486) for use through the seventh week of pregnancy in combination with a second drug called misoprostol. Medication abortion is thought to hold great promise because it can be administered in the earliest embryonic stages of pregnancy. It is relatively inexpensive and simple to use, and it feels less intrusive and more natural to many women than later, surgical procedures.

Few people, however, contemplated the complications and costs of training providers and of establishing a safe delivery system in the United States for this protocol, or for early abortion via simple manual vacuum aspiration techniques. OSI joined with other funders to assist Planned Parenthood, the National Abortion Federation, the Abortion Access Project, IPAS, and several other local health care providers to offer innovative education and training in early abortion.

More than 600,000 women have used medical abortion safely in the United States. Tragically, however, in separate instances during the past few years, a rare infection of a lethal *clostridium sordellii* bacteria has resulted in the deaths of five women who employed the procedure. This is an outcome that has never been observed among the 1.5 million women in Europe who have used the medication. In the course of its investigation, the U.S. Centers for Disease Control and Prevention found no direct link between the bacteria and the medication; but it did discover 11 deaths from the same bacteria during routine pregnancies, deliveries, and miscarriages. The investigation is now focusing on whether circumstances not related to the medication may be increasing susceptibility of women in the United States to the bacteria as well as on various options for surveillance, prevention, and treatment to guarantee safety.

Next Steps

OSI set out in the short term to help arm the progressive community with more effective policy, advocacy, and communications tools, and it has done that. It provided support for litigation to defend reproductive rights and to define affirmative rights for women to a wide range of reproductive health care and insurance coverage, including emergency contraception.

Over the long term, OSI hoped to improve access to reproductive health care—and perhaps to diffuse political tensions over these issues—by supporting new products, training new providers, and mainstreaming reproductive health back into primary medicine.

While the political atmosphere in the United States remains volatile, and no guarantees can be made that reproductive freedom is secure, we can say with confidence that the movement in support of those rights has been considerably strengthened, as has the capacity and the resolve of physicians and other health care personnel to provide reproductive health services. How best to sustain these achievements in the face of persistent attack is the challenge we continue to face.

Motherhood

Anne Hamersky, Brenda Ann Kenneally, Betty Press, Eli Reed, Mel Rosenthal, Stephen Shames

These photographs were featured in *Moving Walls 9* in a group exhibition entitled "Beggars and Choosers: Motherhood Is Not a Class Privilege." Rickie Solinger, the curator of this group exhibition, which was supported by OSI's Program on Reproductive Health and Rights, calls for the defense of reproductive rights for all mothers, regardless of their social or economic status. "Rights are essential," she says, "since most of the mothers in the exhibition do not possess the social and economic identities that public policy and public opinion associate with qualified mothers."

Anne Hamersky

Brenda Ann Kenneally

Eli Reed

Anne Hamersky

Stephen Shames

Betty Press

Anne Hamersky

7.
Baltimore Rising

Prue Brown

Prue Brown is a Chapin Hall research fellow specializing in community change.

A Different City

Like many other cities in 1998, Baltimore was besieged on all fronts. The growing U.S. economy in the 1990s had done little to lower its jobless rate or increase family income. A huge gap existed between the skills city residents had and the skills city employers needed: one out of three residents did not even have a high school degree. A powerful history of exclusion and limited opportunity among African-American residents contributed to despair and violence. Drug addiction, described by the mayor of Baltimore as "the crisis that is killing our city," afflicted about 60,000 of the city's 650,000 residents, one of

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Making a Difference

The power of a community emanates from the strength of the people within it. Social change rarely occurs without the singular vision and drive that one individual can bring to the process. OSI created the Community Fellowships Program to support public service careers, increase the number of mentors and role models available to young people in inner-city neighborhoods, and promote initiatives and entrepreneurship that will empower ▸

the highest rates in the country. In one year alone, Baltimore's crime rate was double the national average and 70 percent of the 80,000 people arrested tested positive for drugs. And, not surprisingly given these conditions, the city's young people were struggling: almost one in three children lived in families with incomes below the poverty line, and less than one in five scored at a satisfactory level on statewide tests.

These problems were one reason the Open Society Institute selected Baltimore as its only U.S. field office. Another reason was that Baltimore, while in distress, was, in the words of George Soros, "a lively community of people with civic interests" with a valuable history of public/private cooperation. OSI was further encouraged by the number of other foundations in Baltimore as well as a growing membership organization of funders (Association of Baltimore Area Grantmakers) that could provide an active forum for sharing information and developing collaborative strategies. These assets, combined with Baltimore's moderate size and proximity to both Washington, D.C., and OSI's national office in New York City, suggested that it was the right place—and the right time—for a concentrated effort to address social problems and develop creative new solutions.

OSI–Baltimore, launched first as a five-year program, sought to improve the lives of Baltimore's residents while changing systems and policies to sustain these improvements and stimulate others. The Baltimore office's board decided to focus on five areas related to social justice: drug addiction treatment, criminal justice, workforce and economic development, education and youth development, and community justice. From 1998 through 2005, OSI spent over $50 million and helped secure an additional $225 million in public and private funds to build an open society in Baltimore. Strategic investment of both staff time and resources produced tangible results in each of the foundation's program areas.

A Record of Achievement

OSI significantly strengthened and expanded Baltimore's public drug treatment system. Advised by an OSI-convened national panel of drug treatment experts, the nonprofit Baltimore Substance Abuse Systems doubled its capacity

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these communities to increase opportunities and improve the quality of life for community residents. Community fellows selected in Baltimore and New York City represented a diversity of backgrounds and projects.

In Baltimore, the fellows included, among many others, public school teachers, a judge, a judicial clerk, lawyers, an architect, a media consultant, artists, a psychologist, an associate pastor, educators, a drum maker, and a nurse.

The fellows' projects included a legal education program for inner-city youth, community-based art programs, a youth choir, advocacy for disabled children, the mapping of youth resources, an environmental program, neighborhood activism, and the building of a memorial for children killed by street violence. Also, a youth leadership program, a litigation strategy for individuals with disabilities, a media education program, a child development/community policing project, an anti–youth-violence program, drug addiction treatment services, and a project to help high school students explore design careers.

One fellow, Lauren Abramson, a psychologist and former assistant professor at Johns Hopkins University, wanted to establish for the first time in a major American city a kind of restorative justice technique called community conferencing.▸

Baltimore artist Rebecca Yenawine with youth in her after-school arts education program. Photo: Joe Rubino

to more than 25,000 individuals treated annually and tripled its annual budget to over $50 million. Baltimore achieved the largest increase in drug treatment capacity of any U.S. city in the last 25 years. In the years between the late 1990s and 2005, expanding access to treatment so dramatically has in turn cut drug-related visits to Baltimore emergency rooms by 30 percent, overdose deaths by 34 percent, new HIV diagnoses by 25 percent, and property crimes by 41 percent. OSI's ability to leverage new resources and promote the adoption of key system changes was the result of building relationships with key agencies, constituencies, and local and state governments, exposing local players to drug treatment options used successfully elsewhere, and supporting advocacy to increase the public's understanding and support for treatment.

OSI attempted to break the destructive cycle of incarceration and recidivism by encouraging treatment rather than prison for nonviolent drug offenders and by removing barriers that prevent people leaving prison from successfully returning to the community. In a city where more than one-half of all young African-American men are involved in the criminal justice system, staff worked to create a groundswell of public and private support for finding ways to reduce the social and economic costs of incarceration. More than $20.3 million in public and private funds were leveraged to create new programs and policies focused on helping people find employment and become productive citizens following their release. Organizations like Goodwill and Catholic Charities made people reentering society a key service constituency needing special attention.

Trini Selden, a 35-year-old mother of three, received help from an OSI-funded organization called Alternative Directions. After spending much of 1996 to 2000 in jail for crimes related to her drug addiction, Selden completed a 28-day detoxification and drug treatment program. She then went into a residential program, Marian House, where she learned parenting, computer, and job readiness skills. Reunited with her children, she found a job as a legal secretary, rented a house, and has stayed sober for five years.

OSI also worked to improve schools and expand opportunities for youth during nonschool hours. One important accomplishment resulted from the role OSI played by funding the Safe and Sound Campaign to help create Baltimore's new comprehensive system of after-school programs that now includes more than 100 providers serving 14,000 students each year. OSI made the lead five-year grant of $6.25 million to the campaign, which helped leverage more than $28 million in additional funding.

In this effort, as in other areas, OSI contributed more than money. OSI provided technical assistance and supported related programming. For example, it spearheaded a citywide, school-based initiative that brought education and community youth organizations together to increase summer and after-school programming; and it incubated and then spun off an urban debate league that now operates in 26 city high schools throughout Baltimore. Working closely with other funders in the region, OSI initiated a collaboration with 10 Baltimore-based foundations to work with the Baltimore City Public School System in a $20 million, five-year high school reform initiative and a partnership with the Gates Foundation.

The 70 fellows who have graduated from OSI's Community Fellowship Program reinforce and extend the foundation's work in criminal justice, drug addiction, youth, and social justice by testing innovative strategies throughout Baltimore's most challenged neighborhoods.

With OSI support, advocates and organizations have strengthened their capacity, programming, accountability, and sustainability—and helped make the fields in which OSI works more organized, efficient, and robust. For example, OSI's long-term support for the Public Justice Center transformed its capacity to carry out system change while helping to promote collaboration and efficiency within the broader public-interest law community in Baltimore. Similarly, OSI helped support the evolution of the Job Opportunities Task Force from a volunteer effort to a sophisticated workforce intermediary with over 500 workforce development providers, human service organizations, advocacy groups, employers, and foundations in the Baltimore region. The task force coordinates private and public funding to increase the skills, incomes, and economic opportunities of low-wage workers and the unemployed.

Recognizing the momentum that OSI had created and the significant return on the foundation's eight-year investment, George Soros signaled his willingness to provide an additional $10 million challenge if business and civic leaders, foundations, and generous individuals invested $20 million to continue the work in Baltimore. Based on the success of OSI–Baltimore's drug treatment work, Soros also recently announced a $10 million national initiative to enable other cities to build on the Baltimore model of creating comprehensive systems of care for drug-dependent people.

Looking Forward

OSI's presence in Baltimore has generated a belief that the goals of social justice and system reform are achievable. The agenda of change is unfinished and remains compelling. More treatment slots need to be created for Baltimore's addicts, people in prison need help as they transition back to the city's neighborhoods, and schools need to find new ways of reducing the city's dropout rate. OSI's partners are enthusiastic about working with the foundation to address these and other important goals.

OSI's experience in Baltimore underscores the long-term nature of the economic, social, and political conditions that erode justice and impede opportunity for many of the city's residents. As a civic catalyst powerful enough to effect demonstrable changes, OSI–Baltimore has helped to create the political will to realize a standard of justice and opportunity that has been long sought but slow to develop. Moving forward, OSI–Baltimore can point to these changes as a way of engaging, inspiring, advo

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Community conferencing brings together offenders, victims, and family or friends, to see a problem from different perspectives. The victims decide on restitution, and all reach a collective decision about how to repair the material and emotional damage. Community conferencing works for a variety of disputes, from misdemeanor crimes of young offenders, such as vandalism, to school-related issues, such as truancy, to incidents affecting the quality of community life, such as neighborhood conflicts .

The New York City Community Fellowships Program, which is now being operated by New York University, also supported leaders with innovative projects. Carlos Briceno of the Harlem Internet Radio Training Station developed and implemented training courses in radio for youth and senior citizens. Thinley Kalsang of the New York City Tibetan Outreach Center created an infrastructure of resources for social and legal services between the Tibetan refugee community and service providers. Subhash Kateel established Families for Freedom to organize people whose relatives were detained after 9/11.

cating, and collaborating with colleagues both inside and outside the city in the effort to build a better future for all of Baltimore's citizens.

Visiting Baltimore in May 2005, George Soros noted that the city, which drew his attention eight years before because it seemed to be "sinking," was now "rising," but it would take time for the city's reputation to catch up with its more promising reality. In the spring of 2006, *Baltimore Sun* columnist Dan Rodricks noted that "when historians look back at Baltimore's long, debilitating cycle of drug addiction—and how we finally got out of it—they will likely refer to the decade since 1997 as the Soros years, a time when a Hungarian-born billionaire put his money into the city's effort to wake up from its heroin-induced nightmare."

Listening to People

"It's really important to listen to people in the community and allow them to express their views first. If we are going to spend as much time as we do fighting for public dollars for addiction treatment, we have to listen to people, respect their concerns, understand their fears and worries, and create an ongoing dialogue. Attitudes don't change overnight. You've got to hear everyone's story and then you can see if you can resolve problems so that both the citizens and treatment centers alike take ownership of the problems and the solutions. Lots of little good faith efforts can build a lot of support, so that treatment becomes an asset to the community."

Carlos Hardy

Carlos Hardy is director of drug treatment for the Citizens Planning and Housing Association, which OSI–Baltimore funded in its work to mobilize community support for drug addiction treatment in the city.

Conclusion

After 10 years, thousands of grants, and more than $800 million in expenditures, OSI has too many activities and achievements in the United States to document them comprehensively in this report. Other initiatives that deserve special attention can only be acknowledged here for their significance to OSI's mission.

Welfare Reform. In the early years, welfare reform was a priority issue. Welfare reform legislation in 1996 shifted responsibility from the national government to the states. OSI provided support for state and local advocacy campaigns to protect poor families from arbitrary treatment or severe benefit reductions.

In a successful effort in Tennessee, grassroots groups and the Tennessee Justice Center helped shape implementation and enforcement of the state's new welfare laws, including "good cause" exceptions to regulations terminating benefits. The coalition collected the stories of 200 welfare recipients who lost benefits unfairly and petitioned for reinstatement and policy changes. One example: Kelli Smith, a 19-year-old mother, lost her benefits because she decided to finish high school, rather than quit school to take a job. She got her benefits back—and everyone benefited from the state's important policy decision to recognize education as the equivalent of work.

Democratic Participation. Cynicism and declining participation, the polarization of public debate, and the power of money threaten America's representative democracy. OSI works to revitalize the institutions and practice of democracy. Public financing is one approach OSI has supported in an effort to reduce the influence of money in politics.

Urban Initiatives. OSI selected Baltimore (page 102) for a comprehensive approach to urban problems in education, youth development, welfare devolution, crime and incarceration, and drug policy. OSI also awarded a series of grants aimed at community-building efforts in New York City. It supported the Beacons Community Leadership Initiative of the Fund for the City of New York to strengthen the capacities of individuals, including youth, who were addressing their community's needs and opportunities.

Media. A vigorous media offering a wealth of information and diverse views on important public issues is a vital element to an open, democratic society. OSI works to foster universal access to information, more open, ethical journalism, a diversity of voices, and in-depth coverage of societal problems.

Medicine as a Profession. OSI is concerned that the marketplace threatens to subvert the core values of the practice of medicine—with the driving force of money lowering quality of care and compromising the doctor-patient relationship. OSI has supported the creation of alliances between consumer and medical groups and convened medical and economic leaders to analyze challenges to professional values within medicine. This work will continue, with OSI support, at the new Institute of Medicine as a Profession at the Columbia College of Physicians and Surgeons.

Southern Initiatives. OSI promotes democratic social change in the South. It has supported local organizations working to increase political participation, information flow, and public accountability.

Washington Office. OSI had an earlier presence in Washington, D.C., but with the passage of the Patriot Act and other restrictions on civil liberties it reconstituted its Washington office as a vital component of OSI's advocacy efforts in the United States. OSI–Washington, D.C., encourages responsible U.S. cooperation with other nations on matters that require a global response, such as the environment and disease; helps to protect an open society in the United States by defending civil liberties and promoting fair and responsible criminal justice policies; and represents in Washington the many parts of the Open Society Institute/Soros foundations network.


NY

Afterword: Moving Quickly, Breaking New Ground

Gara LaMarche

Gara LaMarche is the director of U.S. Programs and vice president of the Open Society Institute.

It has been an extraordinary privilege to serve as the first—and so far, the only!—director of OSI's U.S. Programs since its establishment in 1996. I want to conclude this 10th anniversary report with some observations about the evolution of the approaches we have followed, and some lessons we have learned, and offer a few thoughts on the challenges of the next 10 years.

Services and Advocacy

There has been a steady and pronounced shift in the nature of U.S. Programs funding since we started. In the early days, we spent far more on services and far less on advocacy. The Algebra Project, a multisite initiative to improve the math skills of inner-city and rural students of color, was one example of our service focus, as were the first several years of our criminal justice initiative, then called the Center on Crime, Communities, and Culture, which supported a variety of demonstration projects. The $50 million spent by the Emma Lazarus Fund went mostly to services such as naturalization assistance and legal help. But the $10 million or so for advocacy—support for coalitions to press for restoration of safety net benefits for legal immigrants, for instance—was well spent, resulting in public education campaigns that spurred Congress to restore $16 billion in benefit cuts. The coalitions whose

capacity we helped to strengthen then (often building on years of support by the Ford Foundation) form the backbone of today's immigrant rights movement.

The $100 million-plus for The After-School Corporation is the last major service-heavy commitment of the U.S. Programs, and even it is conditioned on a 3:1 match by other funders. Today virtually all of our funding is aimed at affecting public policy and investments, not modeling services or replacing them.

Interplay of OSI and Partner Funding

Since we take on issues that others, at least initially, deem too controversial, like drug policy or the death penalty, we have a history of acting nearly alone at first. But there is no area of work in which we have not over time been joined, and often surpassed, by other funders. If there is one thing that is universally believed—and, it seems, generally admired—about OSI as a funder, it is that we go where others fear to tread and open up a safe path.

All our funding strategies aimed at creating or increasing public obligations—drug treatment in Baltimore, high school reform and urban debate in various cities, access to after-school programs, and so on—have succeeded, to one degree or another, in institutionalizing public support, despite the fiscal constraints of federal, state, and city budgets.

We work very closely with dozens of other

foundations (and, increasingly, individual donors) and to a considerable extent through funding collaboratives that we create or join. A partial listing of these collaboratives includes the Proteus Fund (state campaign finance, civic engagement, and civil marriage), the State Fiscal Analysis Initiative (state budget and policy centers), the Four Freedoms Fund (immigrant rights), the Racial Justice Collaborative, the State Welfare Redesign Grants Pool, and the Tides Foundation's Death Penalty Mobilization Fund. We have also supported public charity foundations, including the Ms. Foundation for Women, Southern Partners Fund, the Jewish Fund for Justice, and the Robin Hood Foundation, all of which have used OSI support for regranting to small organizations we can't reach directly.

Investment in People

From our beginnings in 1996, the U.S. Programs has made considerable use of grants and awards to individuals as a strategy for affecting change. We may have established or funded more fellowships than any foundation in the United States. Elsewhere in this report, you will find brief descriptions of the Project on Death in America's Faculty Scholars, the Soros Justice Fellows, the Equal Justice Works Fellows, and the Baltimore and New York City Community Fellows.

Another large program, the Individual Project

Mary London survived Hurricane Katrina despite having floodwaters in her house for weeks. Photo: Clarence Williams

Fellowships, provided support for new ideas and initiatives that otherwise might not have found a place in the foundation's grantmaking programs. Precisely because of this expansive mission, the strategic impact of the fellows was hard to measure and to justify. Yet OSI funded over 100 writers, scholars, and advocates, who have produced a great deal of important work that continues to emerge to this day, some years after we ended the program. To cite just one area, OSI supported reporting on ethnic conflict that resulted in significant books and articles by a number of journalists, including Samantha Power, the late Elizabeth Neuffer, David Rohde, and Laura Silber, who is now OSI's director of public affairs.

Early in 2006 we announced a one-time round of Katrina Media Fellowships for writers, journalists, photographers, and filmmakers, including some youth media, who are working on a variety of projects aimed at contributing to a national conversation on the race and class inequalities that Hurricane Katrina laid bare in New Orleans and the Gulf Coast region.

Voices of the Marginalized

In the last few years, there has been much talk in the foundation and nonprofit world about theories of social change. My own theory is that any significant change involves a variety of actors employing

a variety of methods in a kind of interdependent ecosystem. There is no one route to change and, for most issues, research, opinion-shaping, grassroots organizing, and other elements all come into play, in varying mixes and proportions. Each organization and funder must decide which part of the ecosystem to emphasize.

An important OSI focus in the United States has been to enhance the capacity of marginalized groups to press for change on their own behalf—an edgier form of grantmaking that many foundations, more comfortable with elite sectors, tend to avoid. We have made grants to and otherwise assisted groups working with young people in juvenile detention, former prisoners and their families, chronic pain sufferers, IV drug users, low-income poor women, immigrant workers, transgendered persons, and an array of others whose voices traditionally have not been heard in policy debates. They have our ear and we have their back. It is probably the aspect of OSI's role in the United States of which I am most proud.

At the same time, it would be wrong to pretend, even after 10 years, that this approach to social change is not challenging, and filled with many setbacks as well as gains. It is not enough simply to give those who have lacked access and influence a forum and some money. Lifetimes and generations of marginalization and discrimination cut deep, and

more engaged support is needed. Some never make a successful transition to advocacy and empowerment, because of resistance by the system, or internalized oppression, or both. We have to keep at it.

The Capacity to React Fast

Since we have a living donor and little of the bureaucracy that accompanies many philanthropic enterprises, OSI has always been good at moving quickly to deal with unanticipated crises, challenges, and opportunities. Indeed, some of our biggest initiatives, such as the Emma Lazarus Fund, came about virtually overnight. (George Soros told me and OSI President Aryeh Neier on September 7, 1996, that he wanted to commit $50 million dollars to fight the termination of immigrants' benefits, and on September 30 he was announcing the program at the National Press Club in Washington, D.C., with Antonio Maciel, the fund's new director, present and ready to start work.)

As our program commitments mounted in subsequent years, our financial ability to deal with crises grew somewhat constrained, so that when we moved to make emergency grants for the defense of civil liberties in the weeks following September 11, we had to borrow funds from other programs, and from future years, to do it. But we did manage to act quickly, and we have stayed the course. OSI has

been among the largest and most stalwart of funders supporting challenges to the Patriot Act, mass questioning of immigrants, NSA surveillance, Guantánamo, Abu Ghraib, and a host of other fundamental human rights violations that now stain the record and reputation of the world's leading democracy.

Nevertheless, as a consequence of this funding experience, we decided, as various programs came to an end a few years ago, not to start new ones, but to keep more of our grant funds as flexible as possible (with attendant staffing adjustments) so that we could explore new issues and respond to emerging opportunities.

This flexible approach enabled us, in the last year alone, to make three rounds of grants so far to deal with the myriad consequences of Hurricane Katrina; to provide substantial support to advocacy groups fighting to keep right-wing judges from dominating the Supreme Court and federal appeals courts; and to support a public education campaign that helped derail President Bush's plans for privatization of Social Security, which would have led the way to the unraveling of other social protections. In addition, more flexible funds have enabled us to explore responses to threats to academic freedom, the integrity of science, and other open society challenges.

In the aftermath of Hurricane Katrina, two residents of New Orleans wait for a military transport. Photo: Clarence Williams

What Have We Accomplished?

The judgment of others—including the outside commentators we invited to contribute to this 10th anniversary volume—is much more reliable than mine on this score. But I can say what I am most proud of.

We helped create a vibrant network of urban debate leagues. We helped change the way American culture, policy, and medical practice deals with the end of life. We opened up a debate about drug policy and its consequences, including an appallingly high rate of imprisonment. We sparked and helped to sustain a movement to restore full voting rights for former prisoners. We helped to create mapping tools to document, and then to incubate the concept of "justice reinvestment"—capturing criminal justice spending for social investments that deter offense and incarceration, an approach that is actually being put to use in a number of cities.

We have been instrumental in the beginning of a turnaround for one American city, Baltimore, and in so doing have modeled an approach that other cities, and other philanthropies, might emulate. We have fostered a network of youth media practitioners whose voices have improved the way society looks at young urban people of color, contributed new perspectives to public policy debates, and sowed the seeds for the next generation of journalists. We provided backing for an immigrant rights movement that

is one of the most exciting and inspiring examples of civic engagement in the United States today. We stood with those seeking to uphold civil liberties in the dark days after September 11, and helped them hold the line in many ways.

Despite my feelings about the limits of large-scale funding, we were critical in helping bring into being several new and promising organizations that fill important gaps in the progressive policy infrastructure—organizations such as the American Constitution Society and the Brennan Center for Justice.

What I Regret

I wish we had embraced an explicit racial justice analysis much earlier in our criminal justice and other work, since no strategy that fails to take account of this reality can be truly effective. I wish we had done the same with gender, too often ghettoized in our extremely important work to protect abortion rights and promote emergency contraception and other measures to change the dynamics of the reproductive rights debate. Women need to be at the center of any progressive vision. I wish we did more to recognize and harness the role of culture, particularly popular culture, as a tool for social change. Our youth and criminal justice work was ahead of the curve in embracing hip-hop activism, and we play a leading role in documentary film and photography,

but there is much more to be done, and this could be much more thoroughly integrated into a wider range of OSI activities. Yet we are moving in the right direction on all these fronts.

What Next?

Just as the work of the U.S. Programs has evolved in a decade in ways we could not anticipate in 1996, I expect the same in the coming 10 years. To be frank, however coherent our programs and strategies look in retrospect, to a great extent they were improvised and opportunistic, and I believe, given a base of strong core values and principles, the best interventions are of that nature. Grandiose long-range plans are rarely successful for states or foundations.

That said, here are a few final thoughts on trends we need to recognize and reflect in our strategies as we enter our second decade of work in the United States:

New Ways to Communicate. How people receive, process, and act on information continues to change dramatically, and must be taken into account in everything we do. The personalization, instantaneity, portability, and miniaturization of media are rapidly intensifying, as are the ease and proliferation of means for ordinary people to communicate and connect with one another and with anyone around

the world. The emerging generation will have vastly different preferences and habits than anyone reading this report. Video and computer games, for example—not CDs, DVDs, television, and movies—are the leading source of entertainment revenue in the United States today. Many have social content, for better or worse, and influencing it should be a major communications priority. OSI's relatively strong connection to youth movements will help us understand and adapt to these trends.

Broken Contracts. The social contract is fraying in most of the developed world, but in the United States, despite the preservation of Social Security, it is virtually sundered. The postwar employer-based system of health insurance and pensions left many people out, but for the vast American middle class it has been remarkably effective, in part because of the impact of labor unions in manufacturing industries (both of which are going the way of the dinosaur). As one employer after another jettisons pensions and health coverage, millions of Americans face economic insecurity. In good times, they will be strained by consumer debt and the cost of private coverage; in bad times, the safety net will not be there to break their fall. The current situation can result in misery and its attendant social and political consequences, or it can spark a new alliance of business, labor,

and citizens to press for greater public responsibility in, for example, health care.

Changing Racial and Ethnic Realities. By now it is a commonplace to note that the United States, with California and Texas leading the way, is becoming a "majority-minority" country. But we have generally failed to take account so far of the vast diversity within ethnic communities—the usually undifferentiated Latino (Mexican, Guatemalan, Puerto Rican, Cuban, Honduran, etc.) and Asian (Pakistani, Chinese, Thai, Vietnamese, Bangladeshi, Korean, etc.) populations—and the differences among them and with black Americans descended from slaves (not to mention the increasingly diverse African immigrant population.) Central American and Asian immigrants can now be found in nearly every corner of the United States, and dominate industries from Nebraska meatpacking to Maine blueberry harvesting to Los Angeles garment making. The media on which these communities rely is invisible to many Americans, and when it emerges—as in the Spanish-radio disc jockeys so instrumental in stoking protests over the immigration bill—we are stunned by its pervasiveness and power. Moreover, familiar racial identities and black-white-brown categories are becoming blurred and will increasingly affect civil rights protections and strategies.

With the support of our farsighted trustees, the expertise, energy, and strategic savvy of our terrific staff, and the passionate commitment and honest advice we have come to expect from the hundreds, if not thousands, of grantees, fellows, and advisers who now comprise OSI's extended family, I know we can rise to these challenges and any others that emerge in the decades ahead.

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The Open Society Institute works to build vibrant and tolerant democracies whose governments are accountable to their citizens. To achieve its mission, OSI seeks to shape public policies that assure greater fairness in political, legal, and economic systems and safeguard fundamental rights. On a local level, OSI implements a range of initiatives to advance justice, education, public health, and independent media. At the same time, OSI builds alliances across borders and continents on issues such as corruption and freedom of information. OSI places a high priority on protecting and improving the lives of marginalized people and communities.

Investor and philanthropist George Soros in 1993 created OSI as a private operating and grantmaking foundation to support his foundations in Central and Eastern Europe and the former Soviet Union. Those foundations were established, starting in 1984, to help countries make the transition from communism. OSI has expanded the activities of the Soros foundations network to encompass the United States and more than 60 countries in Europe, Asia, Africa, and Latin America. Each Soros foundation relies on the expertise of boards composed of eminent citizens who determine individual agendas based on local priorities.