

CRIMINAL JUSTICE

CRIMINALIZING AND INCARCERATING large segments of the population is inconsistent with the principles of a free and democratic society. Yet today, the poor and people of color often get second-class representation and are disproportionately sentenced to prison and capital punishment, making the U.S. criminal justice system an instrument of racial and class division and segregation.

An open society must guarantee equality under the law to all citizens while providing effective and appropriate solutions to economic, social, and racial inequities. Three OSI programs address the foundation's interests in reducing incarceration, advocating for fair and equal administration of justice, and promoting public health solutions to chemical dependence.

THE CENTER ON CRIME, COMMUNITIES & CULTURE

With the U.S. prison population exceeding two million in the year 2000, the public and policymakers have begun to question our nation's incarceration policies, which have turned our prisons into warehouses for people marginalized by poverty, racism, and chronic health problems. Over the past two decades, nonviolent, drug-related offenses have accounted for 76 percent of prison population growth. Many prisoners are mentally ill or chemically dependent and a disproportionate number are poor people of color.

A significant portion of the current prison population has served a previous sentence. Of the 600,000 people leaving prison annually, many will be reincarcerated due largely to a broken social support system. Former prisoners often return to families and communities that have been destabilized by their removal. Most lack access to housing, education, employment, and treatment and in many states are denied the right to vote. Simultaneously, parole mechanisms traditionally overseeing reentry have been abolished or severely curtailed.

In 2000, the Center on Crime, Communities & Culture's strategy for reducing incarceration included promoting community reentry of former prisoners; strengthening flagship criminal justice policy and research organizations; supporting grassroots organizing; and broadening the field of organizations and funders concerned with criminal justice issues. The center concentrated its grantmaking on policy analysis, research, litigation, and advocacy that identify, remove, or help former prisoners overcome barriers to successful reintegration and address the root causes of overincarceration.

Among its research and analysis grants in 2000, the center funded the **Urban Institute**, to develop a research agenda for former prisoner reentry; the **Legal Action Center**, to create a 50-state report card of reentry barriers and to develop model policies; and the **Urban Justice Center**, the **Council on State Governments**, and the

Judge David L. Bazelon Center for Mental Health Law, to develop legal and policy strategies to challenge the criminalization of the mentally ill.

With OSI support, a bipartisan coalition in Rhode Island is developing a pretrial services project to address racial profiling and is also piloting the **Family Life Center** to facilitate former prisoner reintegration. Other grantees include the community justice initiatives of the **Fifth Avenue Committee** and the **Center for Alternative Sentencing and Employment Services, Inc. (CASES)** and a public education campaign on felony disenfranchisement by **DemocracyWorks**.

In addition, grants to the **Ella Baker Center for Human Rights, Californians for Justice and Critical Resistance**, and the **Public Safety & Justice Campaign of Grassroots Leadership** support multigenerational, grassroots organizing for investment in education instead of prisons and against for-profit, private prisons.

To broaden and strengthen the field, the center continued to forge partnerships with public and private funders, leveraging OSI's investment in criminal justice with over \$3 million from the Mott, Public Welfare, Rhode Island, Casey, Robert Wood Johnson, and MacArthur foundations, as well as from state and federal agencies.

The Center on Crime, Communities & Culture also administers the **Soros Justice Fellowships** and the **Crime & Communities Media Fellowships**, which are described on page 9.

THE GIDEON PROJECT

More than a generation after the Supreme Court declared legal counsel to be a “fundamental right essential to a fair trial,” *Gideon v. Wainwright*'s promise of equal justice is far from realized. The requirement that state and local governments provide free legal representation to indigent criminal defendants today remains, for the most part, a distant ideal. Fully 85 percent of all those arrested in the United States cannot afford an attorney and must rely on the government to provide one. Yet, most jurisdictions devote only a small fraction of their criminal justice budgets to indigent defense. Accused people sometimes wait three months or more in jail before speaking to a lawyer. Burdened by low fees, high caseloads, poor training, inadequate resources for experts and investigators, and sometimes a reliance on patronage for appointments to indigent cases, defense attorneys are seldom in a position to mount a vigorous defense. Crucial witnesses go un interviewed, and important forensic evidence unexamined.

The human consequences of *Gideon*'s underenforcement are erroneous convictions, overly long and illegal pretrial detention, inconsistent prosecution of criminal laws, and inappropriate incarceration of substance-addicted and mentally ill people. All have serious implications for human and constitutional rights in an open society.

In 2000, public debate about fair administration of justice issues reached an extraordinary level. Exposés of racial profiling in New Jersey and elsewhere have forged consensus that racial profiling is wrong and should be prohibited. A spate of death row exonerations and a presidential campaign featuring the governor of Texas—the leading state in executions—sparked new national debate over capital punishment. Illinois declared a moratorium on the use of the death penalty, while the New Hampshire legislature passed a bill for its repeal. Fourteen other state legislatures have introduced bills in favor of death penalty moratoriums, and polls show strong public support for moratoriums, universal access to DNA testing for inmates, and better counsel for the accused.

In focus groups and surveys, Americans across the country cite “sleeping lawyers” and economic inequality as major impediments to justice for criminal defendants. President Clinton’s rebuke of federal prosecutors in the Wen Ho Lee case raised the issue of the extensive, and largely unregulated, power of prosecutors.

Although some of these developments resulted from the election-year spotlight on capital punishment in Texas, many came about through the work of a handful of Gideon Project grantees. The **Center for Wrongful Conviction** at Northwestern University won the exoneration of nine Illinois innocents and publicized the release of dozens of others through a major conference in 1998. Advocacy for DNA testing by the Benjamin N. Cardozo School of Law’s **Innocence Project** provided a window on systemic problems in the criminal justice system. The prevalence of “sleeping lawyers” and other deficiencies in legal counsel were publicized by the **Southern Center for Human Rights**. And individual grantee and 2000 Soros Justice Senior Fellow Professor **James Liebman** of Columbia University School of Law conducted a study of death penalty cases revealing the systemic nature of error in the capital system.

Adding to the momentum have been successful collaborations with other grantmakers. In April 2000, the Gideon Project and three other funders established the **Funders’ Collaborative for Death Penalty Alternatives** which now includes the **Columbia**

Foundation, J. Roderick MacArthur Foundation, the Fund for Non-Violence, Arca Foundation, the Tides Foundation, and the Public Welfare Foundation. Gideon also leveraged over \$1 million for death penalty projects from new funders recruited in 2000.

DRUG POLICY INITIATIVES

Reform of the current criminal justice and incarceration systems is largely a matter of changing U.S. drug policies and sentencing schemes that have sent inordinate numbers of people through these systems. Drug addiction and proposed solutions are deeply entangled with the broader issues of social welfare, access to health care, economic impoverishment, and attitudes toward medicines and intoxicants.

Through its Drug Policy Initiatives, OSI continued to focus on the failure of the war on drugs, paying specific attention to alternatives to incarceration for low-level drug offenders and efforts to decrease drug-related harm through reduction strategies.

In 2000, the **Lindesmith Center**, which began as an OSI project in 1995, became an independent institution and merged with the Drug Policy Foundation. OSI continues to support the center and other grantees such as: the **Harm Reduction Coalition**, an organizing agency for providers and activists involved in harm reduction efforts; the **ACLU Foundation**, to challenge drug testing and other abuses of civil rights growing out of the drug war; the **Kemba Smith Youth Foundation**, whose mission is to educate youth and their parents on the dangers of drugs and association with those involved in drugs, and the extreme sentences for drug offenders; and the **National Advocates for Pregnant Women (NAPW)**, which reaches both women’s rights and drug policy advocates through a campaign combining expertise in reproductive law and drug policy that debunks the myths about—and attacks on—African-American motherhood.

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FELLOWSHIPS

THE POWER OF A COMMUNITY EMANATES from the strength of the individuals within it. Social change rarely occurs without the singular vision and drive that one individual can bring to the process. Operating on this belief, OSI has committed to investing in individuals—in people who act as agents for debate and change within their communities, their professional fields, and society.

THE COMMUNITY FELLOWSHIPS PROGRAM supports social entrepreneurs—community activists, organizers, and educators—to create innovative public interest projects that will enrich and empower underserved communities in New York City and Baltimore. Community Fellows achieve social change by organizing, identifying, and responding to gaps in services, and advocating on behalf of communities on issues such as youth empowerment, the environment, workers' rights, the digital divide, education, and criminal justice.

Among the 19 active fellows in New York City in 2000, **Carlos Briceno** of the Harlem Internet Radio Training Station developed and implemented training courses in radio for youth and senior citizens in Harlem; **Thinley Kalsang** of the New York City Tibetan Outreach Project created an infrastructure of resources for social and legal services between the Tibetan refugee community and service providers; and **Omshanti Parnes** of the Youth Empowerment Project provided homeless, runaway, and at-risk youth with access to legal information and tools for self-help advocacy.

In Baltimore, 20 fellows were active in 2000. **Terry Hickey** of Community Law in Action developed the Law and Public Service Academy at Northwestern High School, while **Rebecca Yenwine** of Kids on the Hill provided an after-school arts education program and one-on-one tutoring in the Reservoir Hill community. **Clayton Guyton**, community organizer, collaborated with residents in the Madison-Eastend community in Baltimore to rebuild a neighborhood formerly dominated by open-air drug markets.

THE INDIVIDUAL PROJECT FELLOWSHIPS (IPF) ended in 2000. In four years, the program supported 128 individuals in the United States and abroad who sought visionary solutions to problems that threatened the development of open societies. The IPF program offered recognized and emerging voices the chance to be heard in the crucial debates of the day.

Individual Project Fellowships were awarded for applied research, policy studies, and program design. Among IPF fellows were **Bill Berkeley**, whose book, *The Graves Are Not Yet Full: Race, Tribe and Power in the Heart of Africa*, was published in 2001 by Basic Books; **Linda Williams**, who is writing a book about the role of inner-city churches and faith-based efforts; **Michael Katz**, whose book, *Redefining the Welfare State in America, 1980-1997*, was published in 2001 by Holt; and **Samantha Power**, who is writing a book about the continuous reluctance of the United States to act

against genocide. Many of the fellows will continue to be associated with OSI through publications and forums.

THE SOROS JUSTICE FELLOWSHIPS AND CRIME & COMMUNITIES MEDIA FELLOWSHIPS operate under the direction of OSI's Center on Crime, Communities & Culture. Fellows are leaders and advocates in the criminal justice, legal, academic, and media communities. Their work highlighted the issues that were key to the center's goals in 2000: to curb the excessive and inappropriate use of incarceration in the United States, and to address the individual, social, and economic challenges experienced by people coming out of prison, their families, and communities.

Fellows have contributed to the significant shift in public opinion about the death penalty. They have initiated groundbreaking litigation on behalf of mentally ill inmates, and produced original reporting from within the walls of typically inaccessible prisons. Since 1997, the programs have supported 30 Senior Justice Fellows, 52 Postgraduate Justice Fellows, and 17 Media Fellows.

Soros Justice Senior Fellows are leading experts in the criminal justice and public health fields whose work raises the level of national discussion and scholarship, and prompts policy debate on issues related to incarceration. In 2000, research by **James Liebman**, a professor at Columbia University School of Law, revealed that appellate courts found serious reversible error in nearly 7 out of 10 verdicts issued in the past 23 years. This research has provided added momentum to activists working to shift public opinion and policy on the death penalty. **Jonathan Simon**, a professor at the University of Miami School of Law, is writing a book, *Governing Through Crime: Criminal Law and the Reshaping of American Government*, which explores the way the fear of crime sets the public policy agenda in areas such as education, housing, and health care, and colors many aspects of everyday life, from child-rearing to privacy and recreation.

Soros Justice Postgraduate Fellows are outstanding recent graduates in law, public health, and other disciplines related to criminal justice. **Heather Barr** is an example of such a leading new voice. Through her work at the Urban Justice Center in New York City, Barr raised public awareness of the increasing number of mentally ill people housed in New York City jails and prisons, and

worked with city and state agencies to create alternatives to incarceration for mentally ill prisoners. In the case *Brad H. v. City of New York*, she won an unprecedented ruling ordering the city to provide discharge planning for the 25,000 inmates with mental illness who are released annually from Rikers Island and other city jails.

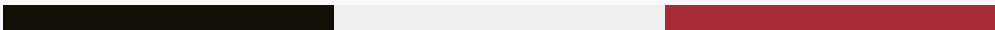
Crime & Communities Media Fellows are award-winning journalists whose work helps to improve the quality and depth of media coverage of overincarceration issues in the United States. Media Fellows are writers, photographers, and radio and television producers. In 2000, their work appeared in *Time*, *Newsweek*, *U.S. News & World Report*, *The Village Voice*, *The Chicago Tribune*, the Internet magazine *Salon*, and National Public Radio. **Joe Richman**, a radio producer, completed *Prison Diaries*, an arresting series of radio documentaries recorded by teenagers in prison, which aired nationally on NPR's *All Things Considered*. **Nell Bernstein**, a freelance writer, published a series of stories in *Salon*'s "Mothers Who Think" column, on the impact of rising incarceration rates on women, children, and the structure of the American family. **Jennifer Gonnerman**, a reporter, published two cover series in *The Village Voice*: one profiled in stark detail Rikers Island, the nation's largest penal colony, and the other documented one woman's struggle to rejoin her family and society after 16 years in prison. Photographs by another fellow, **Andrew Lichtenstein**, accompanied the series.

THE SOROS ADVOCACY FELLOWSHIP FOR PHYSICIANS is administered by the Medicine as a Profession (MAP) program. It reflects MAP's dedication to a broader vision of professional activity that emphasizes the promotion of social welfare by physician advocates. The goal of the fellowship is to promote greater commitment by physicians to participation in civil society, service to the community, and active engagement on behalf of the public interest. The fellowship allows physicians to join with an advocacy organization for a six-to-twelve-month period in order to sharpen the physicians' advocacy skills and to enable the organization to enlarge its strategies by drawing on the physicians' skills. Soros Advocacy Fellows are expected to serve as role models to their students and peers.

Since 1999, the program has funded 14 physicians. Fellows have engaged in advocacy for children’s environmental health policy, assessed the health needs of recent immigrants to increase access to care and enhance the quality of care, and promoted training in emergency contraception and medical abortions for physicians entering the field of family medicine. In 2000, **Dr. Michael Fine** established an occupational and environmental health service at Rhode Island Family & Community Medicine, and promoted its mission in the business, labor, and health care communities. **Dr Marji Gold** developed advocacy skills to

integrate training in first trimester abortions and emergency contraception into family medical residency programs at Bronx Montefiore Medical Center, and **Dr. Allen Keller**, of the Bellevue/New York University Program for Survivors of Torture, received funding to promote advocacy efforts on behalf of individuals applying for political asylum in the United States through the Asylum Advocacy Project, in partnership with the Lawyers Committee for Human Rights.

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THE ETHNOGRAPHIC GAZE: TEENAGERS JOURNEY THROUGH WALLS OF LOSS

In many New York City communities, spray-paint murals on building walls catalog the death toll of inner-city violence. In the summer of 1999, as part of a study conducted by the Harlem Writers Crew and funded collaboratively by the **Project on Death in America** and the **Youth Initiatives** program, a group of teenagers entered city neighborhoods to discover the stories behind the memorial wall art. The resulting photographs are a visual journey through the process of grieving represented in the murals and the teenagers' own experiences with death.





GOVERNANCE AND PUBLIC POLICY

THE GOVERNANCE AND PUBLIC POLICY PROGRAM combines two issue areas that have long been of interest to OSI: political reform and the devolution of federal responsibility for social welfare programs to state and local governments. The program's work in political reform aims to reduce money's role in politics and to improve the democratic process. Its work in devolution aims both to ensure that this profound governmental transformation does not result in compromised services for people in need, and to take advantage of this unique moment to improve the way social services are delivered in this country. On a fundamental level, these areas share the goal of strengthening government's ability to serve citizens.

In the wake of the 2000 presidential election, the need for political reform has never been more evident than it is now. The voting fiasco in Florida highlights the need for nuts-and-bolts reforms, such as improved ballot machines and poll worker education, as well as more sweeping changes to the voting system itself, such as same-day voter registration and proportional representation. At the same time, the unprecedented amount of money spent in both campaigns—over \$3 billion in hard money, and an estimated half a billion more in soft dollars—underscores the urgency for campaign finance reform.

OSI's grantees are working on several fronts to increase the momentum of political reform. Recognizing that public outrage over political corruption is essential for reform, the **Institute for Money in State Politics**, as well as the state-based organizations supported by the **Piper Fund**, track campaign contributions to state legislators and link these contributions to voting records. To provide an alternative to the current financing system, the Washington, D.C.-based organization **Public Campaign** and others advocate, with considerable success thus far, for a public financing model, wherein candidates agree to refuse private funding and to abide by certain spending caps in return for public funding. Four states and many local governments have already adopted various forms of public financing. Maine completed its first publicly financed election cycle in November of 2000; and, in New York City's 2001 citywide elections, almost all candidates are participating in a public matching system that encourages small contributions.

Another crucial component of campaign finance reform is the reduction of money's influence in politics. Running a viable campaign today is prohibitively expensive, with the bulk of the money going to television advertising, which remains the primary way for politicians to communicate with voters. Each 30-second spot costs tens of thousands of dollars. Though the airwaves are owned by the public, broadcasters have little incentive to provide meaningful public service programming. The **Alliance for Better Campaigns** has sought to persuade the major networks to provide free airtime for candidates, which would go far toward reducing the exorbitant cost of running for office.

One of the most promising developments in the campaign finance reform movement has been the formation of state-based, progressive coalitions. Around the country, labor, choice, and civil rights groups, among others, have joined forces to work towards reform, recognizing that to make their voices heard and to bring their issues to the fore of political debate, they first need to level the financial playing field.

The political power that such state-based coalitions create is particularly needed in the effort to shape devolution-era policy. Increasingly, local governments determine the allocation of resources for welfare, food stamps, Medicaid, and a host of other social programs. To ensure that money is spent in the areas where it is needed, regional progressive allies must work together, using a combination of budget analysis, public education, and advocacy to help shape local policy as it affects low-income families and others who are often left out of the debate.

Governance and Public Policy grantees, including the **Economic Policy Institute**, the **Center for Law and Social Policy**, the **Center for Budget and Policy Priorities** and its state-based affiliates in the **State Fiscal Analysis Initiative**, use these approaches to mold public policy on a local level. Their work will make it possible to realize devolution's best promise: the chance to use the states' heightened independence to implement innovative, progressive policies on a state level, where politicians are more connected to their constituents and governments are more often willing to take risks. OSI funding has helped progressive groups across the country to share successful state programs with one another, effecting national change state by state.

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