



- 2020
- 2019
- 2018
- 2017
- 2016
- 2015
- 2014
- 2013
- 2012
- 2011

Our Grants For 2020

The Board met during September 2019 to discuss grant applications. As a result of that discussion, the Board made the following grants to five worthy organizations.

Click on each Grantee's name below to read about their organization and the case for which they received funding, and to view their six-month report.

Fair Elections Center \$40,000	National Center for Law and Economic Justice \$40,000	National Veterans Legal Services Program \$40,000
National Women's Law Center \$40,000	North Carolina Prisoner Legal Services \$40,000	

Fair Elections Center

Fair Elections Center is a national, nonpartisan voting rights and election reform organization that works to remove barriers to registration and voting, particularly those disenfranchising underrepresented and marginalized communities, and to improve election administration. Fair Elections Center was established in 2017 as a 501(c)(3) organization and continues the work of the Fair Elections Legal Network, which was established in 2006 by Washington D.C. public interest lawyer Bob Brandon and former Congresswoman Elizabeth Holtzman.

Fair Elections Center's attorneys and advocates deliver nonpartisan creative solutions to the complex barriers that continue to be erected to prevent citizens from registering to vote and casting a ballot that counts. Working alongside other national and state civil rights and community-based organizations, the Center works to make the processes of voter registration, voting, and election administration accessible for every American, focusing on underrepresented communities and students.

THE CASE: The Center and the Kentucky Equal Justice Center are challenging Kentucky's arbitrary process for voting rights restoration for felons. The lawsuit was filed on behalf of eight former felons. Kentucky is one of three states that deny the right to vote to all former felons until they petition for rights restoration.

According to the Sentencing Project, as of 2016, Kentucky had an estimated 242,987 felons who were still disenfranchised after completing their full sentences including parole and probation, or 7% of the state's voting-age population. Kentucky's voting rights restoration process requires felons who have completed their full sentences to apply for restoration to the Department of Corrections' Division of Probation and Parole. The Division screens the applications and forwards them to the governor's office where the governor has unconstrained power to grant or deny applications with no rules, laws, or criteria governing these restoration determinations. Without any rules, applicants seeking restoration are subjected to arbitrary decision-making and the risk of biased treatment, violating the First Amendment to the U.S. Constitution, according to the lawsuit. The process also lacks any time limits for when the Department of Corrections or the governor must act. This delay has created a backlog of applications in Kentucky. As of March 2018, there was a backlog of 1,459 restoration of civil rights applications.

Grant contact: Robert M. Brandon, president and CEO, rbrandon@fairelectionscenter.org, 202.331.0114

[Six Month Report](#)

National Center for Law and Economic Justice

National Center for Law and Economic Justice (NCLEJ) works to advance the cause of economic justice for low-income families, individuals, and communities, using groundbreaking impact litigation, policy advocacy, and support for grassroots organizing. Because poverty disproportionately impacts communities of color and families headed by women, the Center applies this strategy to advance racial, immigrant, and gender justice. NCLEJ believes that this nation should ensure that all have access to the means to meet basic human needs and that all people are guaranteed an equal opportunity to participate. NCLEJ addresses a broad range of issues that impact low-income families. Our work focuses primarily, but not exclusively, on preserving and maintaining access to government benefits; protecting and securing the rights of low-wage workers; combatting unlawful debt collection; and advocating for persons with disabilities. NCLEJ's staff of award-winning experienced lawyers multiplies its impact by collaborating with major law firms and with civil rights, civil liberties, women's rights, and immigrants' rights organizations.

NCLEJ was founded in 1965, in the heyday of the civil rights movement. From the very start, NCLEJ staff joined with southern civil rights lawyers in landmark cases, worked with community-based organizations around the country, won ground-breaking victories in the courts, and achieved major reforms in legislation and agency policies and practices. Through these early successes, NCLEJ demonstrated that the law can be a powerful instrument for improving the lives of the most disadvantaged members of our society. NCLEJ has guaranteed access to benefits for hundreds of thousands of people providing a baseline of economic security to help stabilize low-income families and individuals, holding agencies accountable to comply with the law, and safeguarding important legal and constitutional rights.

THE CASE: The Barbara McDowell Foundation is helping to fund NCLEJ's work in Montgomery, Alabama, which challenges pervasive and long-standing systematic and unlawful targeting of communities of color and the aggressive, punitive traffic stops and arrests resulting in millions of dollars in revenues on the backs of low-income residents. In addition, Plaintiffs contend that the City of Montgomery's court system has a pattern and practice of jailing debtors who cannot afford to pay their criminal debt and has created conditions that have forced debtors to engage in court-imposed community service to reduce their time in jail. Plaintiffs also seek to hold accountable a private company that acted as a collection agent for the City of Montgomery. As the Court observed has:

"The complaint in this case regards the City of Montgomery, Alabama's alleged creation of debtor's prisons. Plaintiffs maintain that indigent individuals were made to sit in jail and "sit out" fines they could not afford to pay without ever being informed of their rights. This was done without any determination as to whether the plaintiffs could afford to pay the fines."

This case arises at the intersection of two of NCLEJ's ongoing areas of litigation focus - racial justice and unfair and abusive debt collection practices.

National Veterans Legal Services Program

Established in 1981, the National Veterans Legal Services Program (NVLSP), a high-impact, independent nonprofit organization, has been dedicated to ensuring that our government lives up to its obligations to provide our 22 million veterans and active service members the benefits they have earned due to disabilities resulting from their military service to our country.

NVLSP advances its mission by directly representing individual veterans on disability claims at no cost to the veterans; bringing class actions and other law reform litigation for veterans to remove systemic barriers to justice; recruiting, training, and mentoring thousands of volunteer attorneys and veterans' advocates to represent veterans; providing representation through our Lawyers Serving Warriors® pro bono program; and producing and distributing advocacy and educational materials to enable other advocates to assist veterans and their families in securing the benefits they have earned.

Since its founding, NVLSP has secured more than \$5.2 billion in disability, death and medical benefits for veterans and their survivors, many of whom rely on these recoveries as a substantial or even primary sources of income. Most recently, NVLSP made history in the U.S. Court of Appeals for Veterans Claims (CAVC) convincing the Court to certify its first two class certification in the landmark cases, *Godsey v. Wilkie* and *Wolfe v. Wilkie*.

THE CASE: The National Veterans Legal Services Program (NVLSP) seeks support for a law reform project challenging the legality of a policy employed by the United States Department of the Navy that has resulted in the discharge of more than 16,000 members of the Navy and Marine Corps without the military disability retirement benefits to which they are entitled. The proposed project involves a class action lawsuit against the United States Department of the Navy to be filed in the United States District Court for the District of Columbia.

Congress has provided a generous disability retirement system for those service members who are medically discharged as not fit for continued military service due to disabilities incurred in service. Since 9/11, Congress has found that in order to avoid the expense of providing lifetime medical care to disabled veterans and their families, the military departments often "low-ball" the disability rating assigned to service members who have medical conditions that make them unfit for continued military service. The lawsuit would seek an injunction requiring the Navy to change the way it assigns disability ratings to comply with applicable laws and regulations.

While NVLSP will seek the pro bono services of a law firm to serve as co-counsel on this substantial undertaking, NVLSP would provide the subject matter expertise on the laws and regulations governing military disability retirement, secure appropriate class representatives, and communicate with and review the records of putative class members after the lawsuit is filed.

Grant contact: Ana Reyes, Director of Development, ana@nvslp.org (202) 265-8305

National Women's Law Center

The National Women's Law Center (NWLC) fights for gender justice — in the courts, in public policy, and in our society — working across the issues that are central to the lives of women and girls. We use the law in all its forms to change culture and drive solutions to the gender inequity that shapes our society and to break down the barriers that harm all of us — especially those who face multiple forms of discrimination, including women of color, LGBTQ people, and low-income women and families.

For 47 years, the NWLC has been at the forefront of national and state efforts to advance women's reproductive rights and health, to promote the economic security of women and their families and address key barriers that women and girls face in schools and the workplace. NWLC deploys strategies to drive progress in these core areas, leveraging its in-depth legal and policy expertise, extensive litigation and administrative experience, solid connections with key decision makers, a broad network of national and state-based partners, and robust communications and digital engagement capacity. Throughout its work, NWLC seeks to develop creative legal solutions to both new and long-entrenched problems, to make connections across issue areas, and to build broad coalitions, including by engaging new, non-traditional partners.

THE CASE: *SurvJustice v. DeVos* challenges efforts by the U.S. Department of Education to weaken protections against sexual assault and other forms of sexual harassment in schools. To ensure that students are not denied equal access to educational opportunities based on their sex, the Department has historically enforced Title IX policies that required schools to investigate and adjudicate sexual harassment complaints in ways that afforded appropriate substantive and procedural protections to all parties and allowed survivors to feel safe reporting harassment and seeking help. But in September 2017, the Department adopted a new Title IX Policy, requiring schools to implement harmful mandates that dissuade survivors from reporting incidents of sexual harassment.

The 2017 Policy undermines the fundamental anti-discrimination aim of Title IX, makes schools less safe, and impedes women's and girls' access to educational opportunities. For example, the new 2017 Policy allows schools to impose more burdensome standards of evidence in determining whether sexual harassment occurred; allows schools to offer appeal rights only to named harassers and not to victims of harassment; allows schools to refuse to address off-campus harassment; allows questioning about the complainant's sexual history; allows schools to refuse to take any interim measures to address the educational and safety needs of a survivor while an investigation is ongoing; and abandons any clear time frame in which schools must take action to address harassment complaints. In November of 2018, the Department went a step further, proposing new Title IX regulations that would further entrench these harmful policies. These regulations are expected to be finalized later this year.

With co-counsel from the Democracy Forward Foundation, the National Center for Youth Law, and Equal Rights Advocates, NWLC has challenged the Title IX 2017 Policy in *SurvJustice v. DeVos* in the Northern District of California, arguing that it is arbitrary and capricious in violation of the Administrative Procedure Act and asking that the policy be vacated. Education Secretary Betsy DeVos, Assistant Secretary for Civil Rights Ken Marcus, and the U.S. Department of Education are the named defendants. In addition, if the Department issues final Title IX regulations similar to those it proposed in 2018, NWLC anticipates bringing litigation challenging those regulations as arbitrary, capricious, and contrary to law.

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North Carolina Prisoner Legal Services

North Carolina Prisoner Legal Services (NCPLS) is a nonprofit law firm that has worked since 1979 to attorneys have litigated a broad range of conditions-of-confinement claims and challenged unlawful convictions and sentences.

Since 1965, the ACLU of North Carolina has worked in the courts, the General Assembly, and communities throughout the state to protect and advance civil rights and civil liberties for all North Carolinians. A nonprofit, nonpartisan organization with more than 30,000 members and supporters across the state, the ACLU of North Carolina is a state affiliate of the national American Civil Liberties Union.

THE CASE: NCPLS and the ACLU of North Carolina Legal Foundation have filed a class action lawsuit in state court alleging that North Carolina's use of solitary confinement inflicts "cruel or unusual punishments" prohibited by the state Constitution. Every day, state prison officials subject over 3,000 people to this practice, hundreds of whom have significant mental illness. These people spend 22-24 hours a day in extreme isolation, often for months and years at a time, with little or no meaningful human contact or environmental stimulation. A strong consensus has emerged among researchers, courts, and public officials—including prison officials in North Carolina—that this practice creates substantial risks of psychological and physiological injury. The practice is also expensive, undermines public safety, and provides no rehabilitative benefits.

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[Six Month Report](#)

[Return to the top](#)

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