



BARBARA MCDOWELL
GERALD S. HARTMAN
F O U N D A T I O N
— supporting impact litigation to advance social justice —

2022 Annual Report

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Letter from the President

Dear Friends of the Foundation,

Over the past year, the treasured civil rights and guarantee of equality in our Country continue to become increasingly threatened. As the nation's judiciary and legislative bodies often infringe upon the civil rights of so many Americans, the Foundation has responded by making significant strides to fight for social justice and equality for all.

Foremost, the Foundation continued its noteworthy and impactful grantmaking. In 2022, the Foundation distributed **\$250,000** to five grantees supporting high impact litigation cases in the issue areas of children's rights, disability rights, refugee and immigrant rights, and prisoners' rights. To date, the Foundation has distributed more than **\$1,600,000** in grant funds to **52** social justice organizations in support of **70** litigation cases.

Additionally, and significantly, the Foundation launched in November its affiliated organization, the Barbara McDowell Public Interest Law Center, that will litigate its own high impact cases on behalf of underrepresented and underserved communities across the Country. The Law Center's approach to social justice is truly unique through its multi-tiered model of litigation, advocacy, and education. Further, the Law Center announced that Bob Sims, a retired litigation partner at Latham & Watkins, will be the Center's first Senior Legal Director. The launch of the Law Center represents the Foundation's continued commitment to social justice and significantly expands its efforts beyond the scope of its grantmaking.

Furthermore, the Foundation enhanced its marketing efforts by introducing a new logo, launching a new website, and rebranding its blog, now titled *Perspectives*. These efforts strengthen the Foundation's digital presence and positions its voice as a leader in the social justice space.

Finally, the Foundation expanded its Board of Directors to augment its leadership by adding two new members and establishing a Development Committee to bolster the Foundation and affiliated Law Center's fundraising efforts. Further, the Board named in September a new executive slate of officers, all of whom are current Board members.

With all these efforts, the mission of the Foundation and its affiliated Law Center remains and will continue to be to work to ensure the protection of civil rights of all our fellow citizens consonant with the enduring notion that our government was founded upon the belief of equality for all, not privilege for the few.

Sincerely,

Jerry Hartman
President
Barbara McDowell Foundation



Supporting Impact Litigation to Advance Social Justice

Established in 2009 to honor and continue the work of social justice advocate, Barbara McDowell, the Foundation aims to improve the economic well-being, social conditions, and civil liberties of disadvantaged persons and groups in the United States.

Our Legacy



Barbara McDowell was an exceptional activist for social justice reforms. Following her untimely death from brain cancer in January 2009 at the age of 56, Barbara's husband, Jerry Hartman, established the Foundation in her name to honor and continue her extraordinary work.

Barbara was the founding director of the Appellate Advocacy Project of the Legal Aid Society of the District of Columbia, a national leader in public interest advocacy, and an inspiration to a generation of public interest lawyers. Prior to joining Legal Aid, Barbara attended Yale Law School, clerked for Justice White in the Supreme Court, worked as a partner at the Jones Day law firm, and served as an Assistant to the Solicitor General where she argued 18 cases in the Supreme Court.



We make grants to organizations that undertake systemic social justice litigation in the following issue areas:

- | | |
|-----------------------|------------------------------|
| Access to Benefits | Homelessness |
| Children's Rights | Housing |
| Disability Rights | Native American Rights |
| Discrimination | Prisoners' Rights |
| Domestic Violence | Refugee and Immigrant Rights |
| Due Process | Veterans' Rights |
| Environmental Justice | Voting Rights |
| Healthcare | |

Leadership & Staff

Board of Directors

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Jerry Hartman

Retired Partner, Drinker, Biddle & Reath, LLP

Vice Chair

Bill O'Reilly

Retired Partner, Jones Day Law Firm

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Jennifer Giordano

Partner, Latham & Watkins

Edward Krugman

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Elizabeth McCallum

Partner, BakerHostetler LLP

Laura Shores

Partner, Arnold & Porter

Whitney Williams

Associate, Goodwin Procter

Peggy Zwisler

Retired Partner, Latham & Watkins

Advisory Committee

The Advisory Committee assists the Boards' Grant Committee in the review and selection of the Foundation's annual grant recipients.

Michael Cleveland

Retired Partner, Vedder Price P.C.

Vince Gentile

Retired Partner, Drinker, Biddle & Reath, LLP

Doug Hallward-Driemeier

Partner, Ropes & Gray LLP

Jim Kilbourne

Section Chief of the Appellate Section, Environmental and National Resources Division of the United States Department of Justice

Hayley Maclean Coker

Obstetrician

Matthew Roberts

Retired Attorney, United States Solicitor General's Office

Rebecca Tarneja

Associate, Cooley LLP

Richard Ugelow

Retired Attorney, United States Justice Department, Civil Rights Division

Foundation Leadership & Staff

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Jerry Hartman

Operations Director

Katie McDonald

Vice President

Bill O'Reilly

Special Administrator

Aaron Stiner

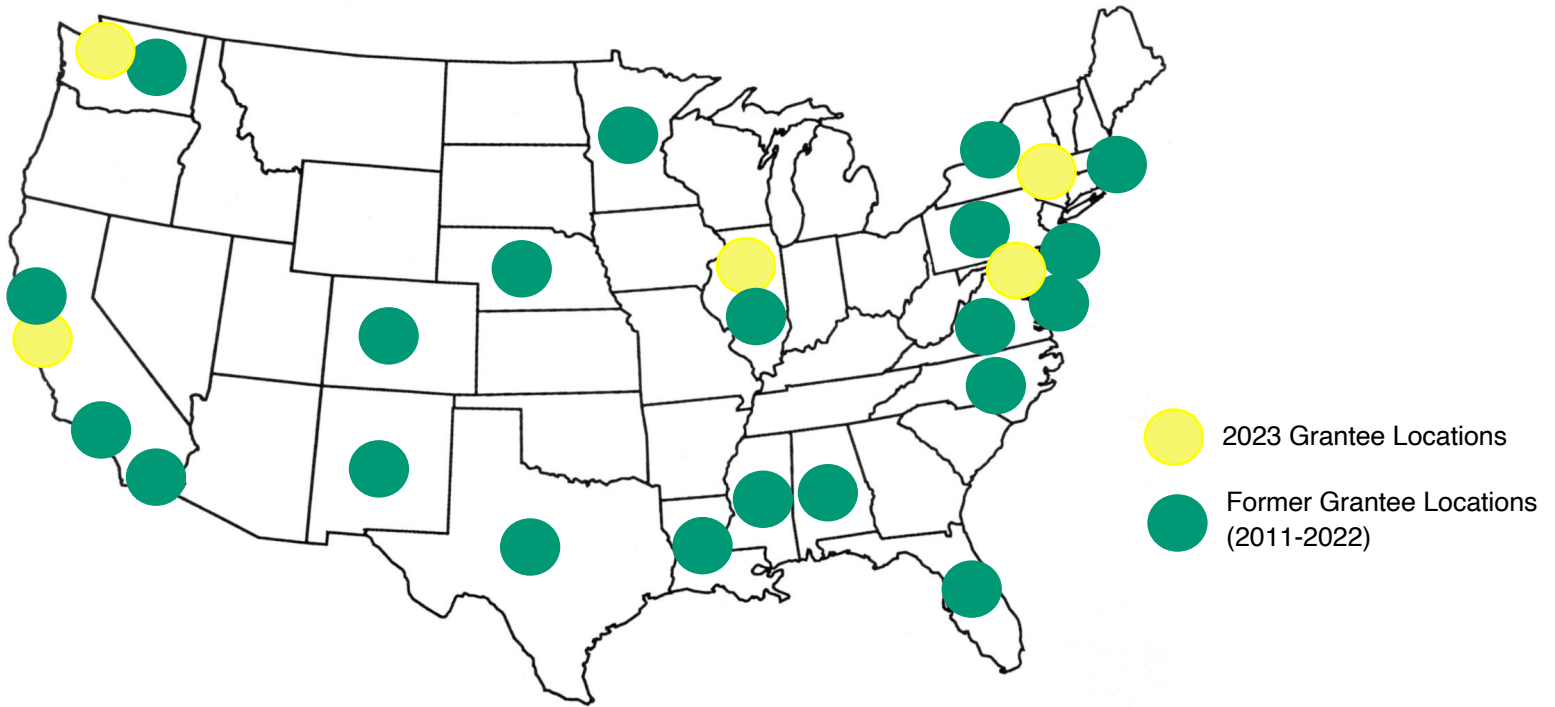


Our Impact

70
CASES
FUNDED

\$1.6 MILLION
IN GRANTS

52
GRANTEES



2022 GRANTS

- Defended Washington state's law prohibiting licensed therapists from performing conversion therapy.
- Filed a class action lawsuit against Immigration and Customs Enforcement for the seizure of personal identification documents.
- Protected thousands of children with disabilities in foster care in Washington state.
- Appealed a decision in New York of a court's refusal to vacate default judgments entered without personal jurisdiction.
- Successfully helped over 100,000 asylum seekers receive work permits.

2023 Grantees



Immigrant Defense Project

The Immigrant Defense Project (IDP) fights to end the current era of unprecedented mass criminalization, detention and deportation through a multi-pronged strategy including advocacy, litigation, legal advice and training, community defense, grassroots alliances, and strategic communications.

The Case

In P-V- v. Garland and *A-J- v. Garland*, IDP will challenge federal administrative precedents that discriminate against non-citizens by excluding them from the full benefits of criminal justice reform. *In P-V- v. Garland*, IDP is before the Second Circuit challenging the Board of Immigration Appeals' refusal to give full effect to the One Day to Protect New Yorkers Act. *In A-J- v. Garland*, IDP is before the Ninth Circuit challenging a rule that creates an often-unachievable standard for when a vacated, expunged, or otherwise eliminated conviction may still be regarded as a conviction under immigration law.



Judge David L. Bazelon Center for Mental Health Law

The Judge David L. Bazelon Center for Mental Health Law advocates for the civil rights, full inclusion, and equality of adults and children with mental disabilities through a unique combination of litigation, public policy advocacy, coalition building and leadership, public education, media outreach, and technical assistance.

The Case

In 2018, the Bazelon Center, along with co-counsel Disability Rights DC at University Legal Services, the National Center for Youth Law, and the law firm of Schulte, Roth & Zabel, filed a class action on behalf of hundreds of District of Columbia children who are unnecessarily institutionalized or at serious risk of unnecessary institutionalization. The complaint alleges widespread failures by D.C.'s mental health system to provide federally required intensive community-based services for children in their homes, schools, and elsewhere in the community.



National Center for Youth Law

National Center for Youth Law (NCYL) focuses on complex challenges that disproportionately affect children and communities of color and on solutions that require multiple public systems to change their policies, practices, and culture by filing litigation in the areas of immigration, juvenile justice, education, health, child welfare, and child trafficking.

The Case

Representing children with disabilities and their parents/guardians, *D.P. v. School Board of Palm Beach County* seeks to stop the School District of Palm Beach County (SDPBC) from using illegally police force to subject students to involuntary psychiatric examinations. SDPBC police use the Florida Mental Health Act ("the Baker Act") to subject hundreds of students annually to involuntary psychiatric examinations, without parental input, consent, and sometimes, despite objections.



Northwest Immigrant Rights Project

Northwest Immigrant Rights Project (NWIRP), founded in 1984, promotes justice by defending and advancing the rights of immigrants through direct legal services, systemic advocacy, and community education.

The Case

In Bianey Garcia Perez, et al., v. U.S. Citizenship and Immigration Services, et al., NWIRP and the National Immigration Litigation Alliance are challenging United States Citizenship and Immigration Services' (USCIS) and the Executive Office for Immigration Review's (EOIR) policies and practices that unlawfully deny work authorization for asylum seekers and withholding documents removed from applicants while their claims are pending adjudication beyond the six-month time period prescribed by the Immigration and Nationality Act. Due to USCIS' and EOIR's unlawful practices preventing them from qualifying for an employment authorization document, these individuals seeking protection from persecution are in dire financial straits.




Uptown People's Law Center

Uptown People's Law Center (UPLC) is a full-service, community-based legal clinic whose work focuses on tenants' rights issues and Social Security disability benefits. Its statewide work involves protecting the civil rights of those incarcerated in Illinois' prisons.

The Case

In June 2016, UPLC brought *Davis v. Jeffreys* against the Illinois Department of Corrections (IDOC) on behalf of six prisoners who were facing, or had faced, extreme isolation in Illinois prisons. These individuals had been held in extreme isolation for between 6 months to 17 years. The conditions described by the prisoners included being confined, often for 24 hours a day, to small, airless cells with no natural light; reduced food; minimal yard time (and even then, alone in a bare concrete box). All these prisoners were deprived of meaningful contact with other people – including other prisoners and even their own family members. In June 2021, the case was certified as a class action and trial is pending. The case is part of a strategic, national effort to challenge the overuse of solitary confinement in United States' prisons.



“The Foundation’s support has helped our attorneys protect the rights of immigrant children in federal custody, reduce placement instability experienced by youth in foster care in Washington, and fight for educational opportunities afforded to children with disabilities in Oregon.” - *National Center for Youth Law, 2022 Grantee*

“Thanks to the support from the Barbara McDowell Foundation, we have continued to fight in court to make sure that our members – 450,000 asylum seekers living across the United States – and others seeking asylum can access work permits, which unlock a series of indispensable items, including drivers’ licenses and social security numbers” – *Asylum Seeker Advocacy Project (ASAP), 2022 Grantee*

Foundation Perspectives

In 2022, the Foundation enhanced its marketing efforts by rebranding its digital presence through a new website, logo, and blog now titled “*Perspectives*.” Articles appearing in *Perspectives* have addressed a variety of topical social justice issues and are written by leaders of the Foundation and current and former grantees.

Below are six pieces published in 2022.



The Supreme Court’s Regrettable 2022 Social Justice Decisions

The five Supreme Court decisions affecting social justice issues in the Country this past term will have a profound effect on American lives for years to come. Foundation President Jerry Hartman recounts the five decisions that will most significantly erode core rights valued by so many Americans.

“Taken as a whole, these five decisions demonstrate the loss of individual and societal rights resulting from judicially expressed views held by six conservative justices,”

Wendi, Asylum Seeker Advocacy Project Member, Leads the Way

Our 2022 grantee, Asylum Seeker Advocacy Project (ASAP), pursued a case to safeguard the rights of asylum seekers and ensure that they can work legally and obtain Social Security numbers. In this Blog, ASAP conducted an interview with Wendi, a single mother from Guatemala, who played a central role in ASAP’s grant-funded case.

“When I found out, I felt so happy,” said Wendi. “Not just for myself, but for all other parents and immigrants in the same situation. I understand how difficult it is not to be able to work and provide for your family.”





“Lest We Forget”

Foundation President Jerry Hartman recounts his 1972 visit to Philadelphia, Mississippi, the site of the murders of three civil rights workers, James Chaney, Andrew Goodman, and Michael Schwerner in 1964 by the Ku Klux Klan. Jerry shares his trip to the gravesites of the civil rights work and his harrowing experience with local law enforcement during his visit that underlined the state’s commitment to hiding its violent and racist history.

“It was a pilgrimage to remember an event that had burned in our collective memories – a thought that we had all shared during that drive.”

Integration Matters: 50 Years Post-Willowbrook

The Willowbrook State School came to be known as a place of abuse, overcrowding, and neglect because of a 1972 public expose by reporter Geraldo Rivera at WABC-TV. In honor of the 50th anniversary of Rivera’s expose, former grantee Disability Rights New York examines the Willowbrook legacy and the work that remains in overcoming substantial barriers for people living with disabilities.



“In spite of the very real progress which has been made since 1973, the physical walls of institutions like Willowbrook have often give way to other barriers to a fully inclusive society.



Special Comment on the Supreme Court's Draft Opinion Overruling *Roe v. Wade*

Following the release of the draft opinion written by Justice Alito in May 2022, the Foundation joins its voice to all of those who condemn the draft decision overruling *Roe v. Wade* and its implications for civil liberty in this Country.

“The catastrophic effect of this decision on a woman’s right to privacy over the most intimate decisions about her own body and reproductive rights cannot be understated.”

Gender Justice: Access to Civil Rights Might Be a State-by-State Patchwork

In light of the recent argument at the Supreme Court in the *Dobbs* case, the Foundation caught up with 2021 grantee Gender Justice to discuss updates on their grant-funded case and the implications of the Supreme Court’s potential ruling on the *Dobbs* case.



“I don’t think any of our civil rights are safe if the Supreme Court is willing to eschew *stare decisis* and overturn long-standing precedent to advance the political will of the current majority of the Court.”

The Barbara McDowell Public Interest Law Center



On November 1, 2022, the Foundation launched its affiliated organization, the Barbara McDowell Public Interest Law Center.

Inspired by the success of the Barbara McDowell Foundation's Pro Bono High Impact Litigation Project, we established the Barbara McDowell Public Interest Law Center as an affiliated organization to engage in direct litigation of social justice cases, advocacy, and education.

LITIGATORS FOR JUSTICE

ADVOCATES FOR EQUITY

EDUCATORS OF CIVIL RIGHTS



The Barbara McDowell Public Interest Law Center litigates, advocates, and educates on behalf of underserved and underrepresented communities across the country to bridge the widening gap between the rich and the poor and the powerful and the voiceless.

Financial Summary

	<u>2022</u>	<u>2021</u>
January 1, Beginning Capital Balance	\$1,146,112.31	\$1,138,949.11
<u>Revenue</u>		
Contributions	78,104.48	158,146.02
Investment Income	26,142.32	33,712.80
Transfer of Securities	24,681.27	0.00
Capital Appreciation	<u>(195,519.22)</u>	<u>115,016.44</u>
Total Revenue	<u>(\$66,591.15)</u>	<u>\$306,875.26</u>
<u>Expenses</u>		
Grants	250,000.00	250,000.00
Operational Expenses	64,196.00	38,814.67
Income Reinvested	110.71	5,045.31
Fees and Charges	<u>5,085.03</u>	<u>5,852.08</u>
Total Expenses	<u>\$319,391.74</u>	<u>\$299,712.06</u>
December 31, Ending Capital Balance*	\$760,129.42	\$1,146,112.31

*Explanatory Note: The Foundation uses funds from its capital account to make its annual grant awards and pay its modest expenses. Our capital balance witnessed a decrease in value due to the 20% decline in the stock market in 2022. The Foundation takes a conservative approach to investing by dividing its assets between 60% in equities and 40% in fixed income. Contributions are critical to allow the Foundation to withstand economic fluctuations in the stock market and be able to continue its grantmaking.

“Thanks to the Foundation’s support, we were able to obtain a favorable decision from the United States Court of Appeals in the Ninth Circuit upholding a constitutional challenge to Washington state’s law protecting minors from conversion therapy. The Foundation has a deep understanding of the importance of cases like ours, which affect the lives of thousands but can’t be funded through traditional methods such as a court award of attorney’s fees. - *National Center for Lesbian Rights, 2022 Grantee*



“We’re grateful for the Foundation for enabling us, through its generous grant, to launch an appeal on a critical due process issue affecting thousands of low-income New Yorkers” - *New Economy Project, 2022 Grantee*

Join the Fight for Social Justice

In today's political and economic climate, civil rights continue to be threatened. The Foundation and Public Interest Law Center need your support more than ever.



A contribution to the Foundation allows for our continued grantmaking and the direct litigation of high impact cases brought by the Public Interest Law Center.

Join us today with a tax-deductible contribution

By Check:

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3607 Whispering Lane
Falls Church, VA 22041

Online

[Mcdowellfoundation.org/donate](https://mcdowellfoundation.org/donate)

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F O U N D A T I O N

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