

10

CELEBRATING OUR FIRST DECADE

ANNIVERSARY YEAR REPORT



BRENNAN  
CENTER  
FOR JUSTICE  
AT NYU SCHOOL OF LAW

# WHO WE ARE

The Brennan Center for Justice seeks to strengthen democracy and secure equal justice, using the tools of law, scholarship, education and advocacy. With Justice Brennan, we believe that a “living constitution” is the genius of American law and politics—and that the test of our institutions is the ability to apply timeless values to a changing world.

## DEAR FRIEND,

For a decade now, the Brennan Center for Justice at NYU School of Law has been a dynamic force for ideas and action on behalf of the core American values of democracy and justice. We are excited about our plans for the Center’s next decade.

The Center combines the penetrating research of a think tank with the hard-hitting energy of a public interest law firm. We craft ideas—and we have the tools to fight for them. We

seek to carry on the legacy of Justice William J. Brennan, Jr., whose powerful belief in the “living Constitution” propels us. We are inspired by his view that we all have a duty to ensure that America’s institutions uphold America’s best values.

In all this, we work with dozens of *pro bono* partners in major law firms, our Board and Program Advisory Board, grassroots groups, and ordinary citizens.

We are especially proud of our people. We are in partnership with the faculty and students at NYU School of Law, one of the nation’s best and most creative educational institutions. Professor Burt Neuborne, our Legal Director, was recently named one of the 100 most influential lawyers in America by the *National Law Journal*. Aziz Huq, the young attorney who heads our Liberty and National Security Project, received the prestigious Carnegie Scholars Fellowship. Fritz Schwarz, our senior counsel, recently persuaded a federal court to overturn a century-old corrupt system for picking judges in New York State. We now have a staff of sixty.



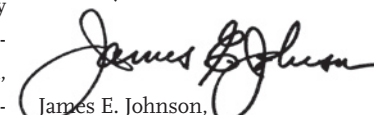
We’re astonished by their commitment—and their productivity.

Today, building on our strengths, the Brennan Center has big plans. The moment is ripe for the Center to rise to the next level—to become a galvanizing force for renewal and to help shape a new public philosophy. We are launching a new Living Constitution Project to help wage the war of ideas. We are launching a highly interactive website. We will roll out a series of high-profile policy reports and public events. Our goal: to put democracy and justice at the center of our politics, where they belong.

We mark the beginning of our second decade on October 26 in New York City. In the morning, at NYU, Justice Ruth Bader Ginsberg will speak at a symposium on Justice Brennan’s legacy. In the evening, at Chelsea Piers, our tenth anniversary Awards Dinner will honor NBC’s Rick Cotton, Congressman John Lewis, and Justice Brennan himself. We hope you will join us.

Finally, we want to recognize with deep gratitude the generous individuals, law firms, foundations and corporations listed in the ensuing pages whose gifts empower our work. We applaud you for the commitment to democracy, justice and common human dignity that your investment in us represents. We hope to continue to earn your trust, and we look forward to working with you to uphold the fight for fundamental American values that we inherited from Justice Brennan a decade ago.

Sincerely,



James E. Johnson,  
Chairman, Board of Directors



Michael Waldman,  
Executive Director

# A LEGACY IN ACTION

1906

## ONE HUNDRED YEARS AGO...

William Joseph Brennan, Jr., was born in Newark, New Jersey, to parents who emigrated from Ireland searching for a land with greater opportunity and democracy. At the time of Justice Brennan's birth, American women could not vote. Millions of men who were eligible were nonetheless disenfranchised, often based on race, through literacy tests, poll taxes, and other barriers to participation. And there was no such thing as the minimum wage.

1956

## FIFTY YEARS AGO...

New Jersey Supreme Court Justice Brennan was appointed to the United States Supreme Court. The constitutional ideal of "one person, one vote" had not yet been realized, and individual liberties were threatened by efforts to combat international communism. The effort to outlaw racial, ethnic, and religious discrimination had become a focal point of national politics.

1996

## TEN YEARS AGO...

Justice Brennan had become known as one of the most influential and beloved justices in the history of the Supreme Court. As a living monument to his extraordinary legacy, his law clerks, family members, and friends came together to create the Brennan Center for Justice at New York University School of Law.

2006

## TODAY...

The Brennan Center has established a reputation as a dynamic and far-reaching legal institution that combines the penetrating scholarship of a think tank with the hard-hitting energy of a public interest law firm. We have grown in size and impact, and we have won numerous victories in the courts, spear-headed legislative and statutory change, and become well-respected for our research and advocacy.

# KEY ACCOMPLISHMENTS IN OUR FIRST DECADE

**Center attorneys helped draft the Bipartisan Campaign Reform Act (BCRA, also called McCain-Feingold)** and were part of the legal team that successfully defended it before the Supreme Court. We entered the stale debate over campaign reform, and argued that it could enhance speech rather than diminish the First Amendment.

**We helped force Florida to end use of the notorious "purge list" of 47,000 names of "potential felons"** distributed to County Election Supervisors to purge citizens from the voting rolls. The list was discriminatory and flawed, and potentially included thousands of names of people whose voting rights had been restored.

**We led the national fight for the rights of the most vulnerable to obtain effective legal services representation**, winning a U.S. Supreme Court victory (*LSC v. Velazquez*).

**We helped launch a political reform movement in New York State, publishing in 2004 an explosive report on the "dysfunctional" state legislature.** In 2006, a federal court ruled in our favor to end the state's corrupt system for picking trial court judges (*Lopez Torres v. NYS Board of Elections*).

With wages stagnant and Washington, DC, in thrall to special interests, **we have pioneered legal and policy theories to enable cities and states to set higher minimum wages and enact other creative policies.** We successfully defended the city of Santa Fe's minimum wage in litigation, and drafted Florida's constitutional amendment, which won over 70% of the vote in 2004.

**We have been leading a national effort to restore the voting rights of people with felony convictions**, and have persuaded two states to end permanent felony disenfranchisement, opening the way for at least 100,000 citizens to renew their right to vote.

**We have led a national effort to change how the U.S. Census Bureau enumerates people in prison.** Our legal and policy analyses have persuaded key census stakeholders to endorse reform. By counting them as "residents" of prison towns instead of their home communities the Bureau distorts democracy and fails to provide an accurate picture of racial and economic demographics of communities across the country.

1997 1998 1999 2000 2001 2002 2003 2004 2005 2006

2005-2006

## A YEAR IN THE LIFE OF THE BRENNAN CENTER...

finds our staff of attorneys, scholars, and communications experts engaging in impact litigation, challenging anti-democratic policies, measuring the economic and social impact of current and proposed law and policy, providing technical support and legal defense to community groups and reform coalitions, and reframing the debate on issues of profound importance through strategic public education. Consider the past year and a half.

**WHO CAN VOTE?** The Center's widely-reported study on how states are verifying voter rolls, issued in April 2006, has led to significant change. *Making the List* blasted six states with the worst systems that might disenfranchise tens of thousands. We worked with some states to change their rules, but some resisted. In June 2006, we sued Washington State on behalf of the Council of Churches, and quickly won an injunction suspending that state's law.

**ELECTRONIC VOTING** In June 2006 our Task Force of experts issued a pathbreaking report on the security of electronic voting systems, now used by 80% of voters. The conclusion: all three of the nation's most commonly purchased electronic voting systems are vulnerable to software attacks that could threaten the integrity of a national election. In fact, a single handheld device could steal an election. The report, *The Machinery of Democracy: Protecting Elections in an Electronic World*, proposes simple solutions that can be implemented before the November elections. It has been endorsed by Republican and Democratic Members of Congress.

**PROTECTING VOTER REGISTRATION** Quietly, in a half dozen states, legislators have passed onerous laws cracking down on voter registration drives. Due to these laws, some nonprofit registration drives have ground to a halt. We have filed suit and obtained preliminary injunctions against efforts to block these anti-voter registration laws in Florida and in Ohio.

**OPPORTUNITY FOR THE WORKING POOR** In the face of the last four

years, in which median wages fell even as the economy expanded, we serve as legal counsel for the movement to raise the minimum wage in states and cities across America. We drafted ballot initiatives in six states, as well as the Chicago law to boost wages and health benefits for workers in large retail stores. In 2005 Attorney General Eliot Spitzer keyed our conference at NYU School of Law on enforcing the minimum wage in New York.

**RESTORATION OF VOTING RIGHTS** Our legal research gave strong backing to Iowa Governor Thomas Vilsack, who issued an executive order providing blanket restoration of voting rights to all Iowans who have completed their sentences for felony crimes. Vilsack restored voting rights to some 80,000 citizens who have served their time and are working, tax-paying members of their communities.

**JUDICIAL REFORM** In *Lopez Torres v. NYS Board of Elections*, a federal court ruled in our favor to end the state's corrupt system for picking trial court judges. Our lawsuit charged that New York State's boss-dominated system for selecting Supreme Court justices is unconstitutional and violates the rights of voters, candidates, and political party members. The court agreed with our assertion that by undermining the right to vote, the current selection system violates the First and Fourteenth Amendments.

**FIRST AMENDMENT RIGHTS FOR PUBLIC HEALTH NON PROFITS** In May 2006 the Brennan Center represented the plaintiffs in *Alliance for*

*Open Society International v. United States Agency for International Development*, in which a federal judge ruled that a sweeping restriction on the privately-funded speech of groups participating in the federal government's international HIV/AIDS program violates the First Amendment.

**ADDRESSING CONSEQUENCES OF CONVICTION ON FAMILIES** In 2005 and 2006 the Center addressed the unintended consequences of criminal convictions affecting women, children and families, by filing *amicus* briefs in parental rights termination cases involving incarcerated parents. We published a groundbreaking report, *Rebuilding Families, Reclaiming Lives*, analyzing how current legal standards unnecessarily block family reunification when a parent is in prison and a child in foster care, and worked with members of Congress to establish protocols that would protect against these unintended break ups.

**A FREE AND SECURE NATION** In 2005 we played a pivotal role in public advocacy opposing new federal legislation that cuts back access to the courts for Guantánamo detainees, organizing 300-plus law professors to speak out. We coordinated key strategy sessions for advocacy groups in the civil liberties community and lawyers for the Guantánamo detainees, and filed lawsuits that directly confront unilateral presidential detention overseas and at home. We have written numerous *amicus* briefs and articles urging that the struggle against terrorism proceed in a way that doesn't undo constitutional norms.

# THE NEXT TEN YEARS...

2007 2008 2009 2010 2011 2012 2013 2014 2015 2016

will see the Brennan Center move forward as a uniquely effective law and policy institute, achieving change through reforms that are innovative, appealing, and rooted in rigorous scholarship. Over our next decade, we plan to build on our strengths so that the Brennan Center stands as a preeminent progressive force for ideas and action. Our goals will be as big as the problems we seek to correct. In the apt phrase of Sen. Barack Obama, we should have “the audacity of hope.”

**IMAGINE:** In the year 2016, America can be a place where every citizen is able to vote, and the overwhelming majority choose to do so. It can be a place where small contributors have their voices magnified through public campaign financing at every level of government. It can be a place where millions without access to resources have access to effective counsel in criminal and high-stakes civil matters. It can be a place where a new social contract is written so that the hardest pressed families once again can expect that hard work will lead to a better life. It can be a place where the excesses of the current rush of power to the presidency are corrected, and we have built a new structure for national security that protects America while respecting constitutional norms.

We will work for a revival of the country’s civic spirit, and a renewal of the

ideas of mutual obligation and citizenship that make social change possible. To build upon our strengths and expand our impact, the Brennan Center is planning an ambitious set of new initiatives in the coming years:

**LIVING CONSTITUTION PROJECT** To help frame and advance a broad argument for justice, the law and progressive governance, we are launching a new initiative designed to help frame the debate. The Living Constitution Project, inspired by Justice Brennan’s vision of a constant reapplication of core values to new circumstances in changing times, will include several elements. It will include:

- A fellowship program to bring public intellectuals and scholars to the Center.
- A Living Constitution Lecture Series, founded by Justice Brennan’s

clerks, to give public intellectuals a high-profile forum to advance arguments on justice and democracy, at NYU and in Washington, D.C.

- A book series to expand the arguments for justice and democracy underlying our issue work.
- A series of Brennan Forums, conversations to engage members of the political, business, legal and philanthropic communities in an ongoing dialogue about issues of democracy and justice.

**POLICY BRIEFS** Beginning in fall 2006, we will publish a series of reports including a white paper on access to justice for a conference that will feature a current and former U.S. Supreme Court Justice; a major year-long study of redistricting reform and its impact; a landmark proposal for dramatically widened voter registration; and a Democracy Agenda for the new Congress of ten steps that can reform government and a Justice Agenda for the new Congress of ten steps that can make our nation more just.

**THE BRENNAN CENTER ADVOCACY CLINIC** Center attorneys will co-teach a year-long legal Clinic in Public Policy Advocacy at NYU School of Law. During a full year of study, students will conduct research and advocacy work that will result in major public studies of pressing issues. In addition, Center staff will teach courses on liberty and national security and other issues.

**WE WILL LAUNCH THREE MAJOR NEW INTEGRATED NATIONAL ISSUE CAMPAIGNS:**

- **Universal Voter Registration** America could be a place where every-

one votes, if, unlike now, the responsibility for registration rested with the government. We will push for universal voter registration, starting with a report on how universal voting would work.

- **Access to the Courts** We will make concerted effort in state capitols and Congress to expand access to the courts for the poor by building a “civil Gideon,” fighting legal services funding restrictions, reforming indigent criminal defense services, helping immigrants enforce legal rights, bringing rationality to criminal sentencing, and supporting successful reentry into society after sentences are served.

- **Redistricting Reform** One of Justice Brennan’s most celebrated opinions, *Baker v. Carr*, enshrined the idea of “one person, one vote.” Today, that vote is increasingly meaningless because legislative and congressional district lines increasingly are drawn to protect incumbents and dampen competition. The Center has launched a major initiative for effective and sound redistricting reform that will seek to expand competitiveness, protect minority rights, have truly accountable government and ensure that every citizen can cast a meaningful vote.

And we will continue our core work of litigating important cases, conducting research, convening scholars, and working with coalitions of allies to turn our ideas into action. We believe that Justice Brennan would be proud of the living legacy we have created and of the difference the Brennan Center is making in the lives of Americans.

# OUR DONORS

To pursue the goal of a just and fair democracy for all, the Brennan Center for Justice depends on the generous support of individuals and foundations throughout the country. We thank and salute our supporters for the indispensable role they play in our work and accomplishments.

(The listing below reflects gifts received between September 1, 2004, and March 31, 2006. Those contributors who made gifts after March 31 will be listed in the next Annual Report.)

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STATEMENTS OF  
ACTIVITIES AND CHANGES  
IN NET ASSETS

		2005				2004		
		Unrestricted	Temporarily Restricted	Permanently Restricted	Total	Unrestricted	Temporarily Restricted	Total
<b>SUPPORT AND REVENUE</b>	Grants	\$	\$ 5,375,248	\$	\$ 5,375,248	\$	\$ 3,140,808	\$ 3,140,808
	Contributions	159,266		200,000	359,266	193,023		193,023
	Pledges		79,827		79,827		78,880	78,880
	Special events net of direct expenses of \$109,692 and \$129,308 in 2005 and 2004, respectively	808,759			808,759	880,137		880,137
	Legal fees recovered and other income	208,065			208,065	275,212		275,212
	Interest income	72,929			72,929	116,995		116,995
	Investment return, net	216,975	22,854		239,829	124,658		124,658
	<b>Total support and revenue</b>	<b>1,465,994</b>	<b>5,477,929</b>	<b>200,000</b>	<b>7,143,923</b>	<b>1,590,025</b>	<b>3,219,688</b>	<b>4,809,713</b>
	Net assets released due to satisfaction of time or purpose restrictions	5,005,746	(5,005,746)			3,701,343	(3,701,343)	
<b>Total</b>	<b>6,471,740</b>	<b>472,183</b>	<b>200,000</b>	<b>7,143,923</b>	<b>5,291,368</b>	<b>(481,655)</b>	<b>4,809,713</b>	
<b>EXPENSES AND LOSSES</b>	<b>Program Services</b>	Democracy	2,364,794		2,364,794	1,546,443		1,546,443
		Poverty	1,274,170		1,274,170	1,198,994		1,198,994
		Criminal Justice	506,280		506,280	542,418		542,418
		Liberty and National Security	187,873		187,873			
		Symposium				16,472		16,472
		<b>Total program services</b>	<b>4,333,117</b>			<b>4,333,117</b>	<b>3,304,327</b>	
	<b>Supporting Services</b>	Management and general	568,771		568,771	471,837		471,837
		Fundraising	710,284		710,284	607,289		607,289
		<b>Total supporting services</b>	<b>1,279,055</b>			<b>1,279,055</b>	<b>1,079,126</b>	
	<b>Total expenses</b>	<b>5,612,172</b>			<b>5,612,172</b>	<b>4,383,453</b>		<b>4,383,453</b>
<b>Losses</b>	Bad debt losses		78,786		78,876			
	<b>Total expenses and losses</b>	<b>5,612,172</b>	<b>78,786</b>		<b>5,690,958</b>	<b>4,383,453</b>		<b>4,383,453</b>
Changes in net assets	859,568	393,397	200,000	1,452,965	907,915	(481,655)	426,260	
Net assets, beginning of year	1,760,892	3,138,933		4,899,825	852,977	3,620,588	4,473,565	
<b>Net assets, end of year</b>	<b>\$ 2,620,460</b>	<b>\$ 3,532,330</b>	<b>\$ 200,000</b>	<b>\$ 6,352,790</b>	<b>\$ 1,760,892</b>	<b>\$ 3,138,933</b>	<b>\$ 4,899,825</b>	

# STATEMENT OF FINANCIAL POSITION

	2005	2004
<b>ASSETS</b>		
<b>Current Assets</b>		
Cash and cash equivalents	\$ 2,545,393	\$ 2,019,355
Contributions receivable	400,585	558,835
Grants receivable	1,718,041	996,734
Legal fees and other receivables	171,852	31,995
Other assets	101,856	86,760
Investments	1,944,193	1,579,240
Leasehold improvements, furniture and equipment, net	<u>1,284,252</u>	<u>1,471,201</u>
<b>Total assets</b>	<b><u>\$ 8,166,172</u></b>	<b><u>\$ 6,744,120</u></b>
<b>LIABILITIES AND NET ASSETS</b>		
<b>Current Liabilities</b>		
Accounts payable and accrued expenses	\$ 205,949	\$ 166,040
Deferred revenue	336,600	217,500
Notes payable	<u>1,270,833</u>	<u>1,460,755</u>
<b>Total liabilities</b>	<b><u>1,813,382</u></b>	<b><u>1,844,295</u></b>
<b>Net Assets</b>		
Unrestricted	2,620,460	1,760,892
Temporarily restricted	3,532,330	3,138,933
Permanently restricted	<u>200,000</u>	<u>                    </u>
<b>Total net assets</b>	<b><u>6,352,790</u></b>	<b><u>4,899,825</u></b>
<b>Total liabilities and net assets</b>	<b><u>\$ 8,166,172</u></b>	<b><u>\$ 6,744,120</u></b>

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