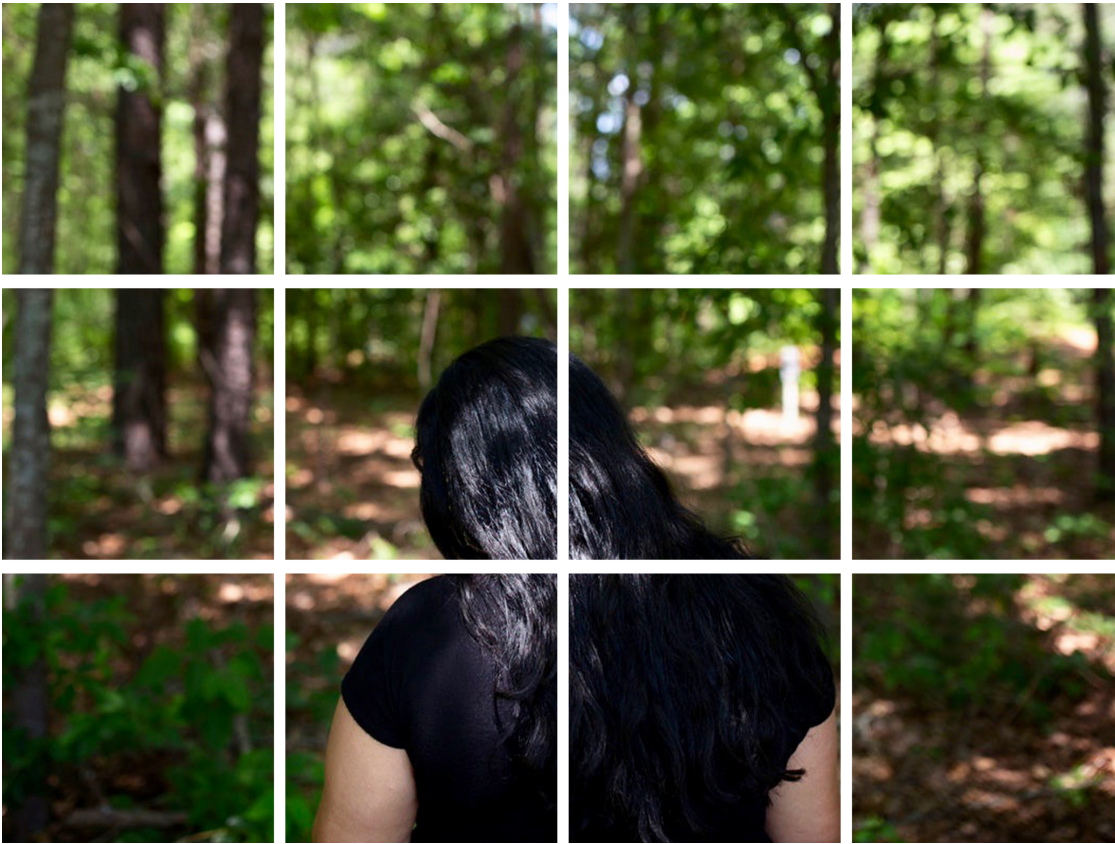


Tenth Anniversary

SPECIAL REPORT

Results of Our Grant-Funded Cases



2020

*A.B. (client) at home in backyard, Credit: Kevin Liles for NPR
Photo Courtesy of the Center for Gender and Refugee Studies*

**Our Mission Is
To Achieve Social Justice**

THE BARBARA MCDOWELL
AND GERALD S. HARTMAN
FOUNDATION

SOCIAL JUSTICE THROUGH LEGAL ACTION

Letter from the President

Highlighting Ten Years of Social Justice Grant Making

Dear Friends of the Barbara McDowell Foundation:

The Barbara McDowell Foundation has supported since 2011 the litigation of 56 social justice cases with over one million dollars in grants to 40 organizations. These grants achieve social justice through legal action in twelve issue areas.

This Special Report updates the results of a sample of the Foundation's funded cases in each issue area that the Foundation supports. For a full listing of the results of all the Foundation's funded cases demonstrating the impressive work of our grantees visit the Foundation's website at www.mcdowellfoundation.org/results.

Tenth-Anniversary Fundraising Campaign

With today's legal, political and economic climate, there is a significant and growing need for grantmaking to support social justice litigation. As one of the very few nationwide sources for social justice litigation grants, the Foundation is raising additional funds to allow it to donate more money to more grantees, creating even greater impact.

The Foundation aims to meet its goal of raising \$150,000 in its Tenth-Anniversary giving campaign so that it can increase the number and amount of its annual grants. For more information about the Foundation, visit our website at: www.mcdowellfoundation.org

Sincerely,

Jerry Hartman
President
Barbara McDowell Foundation
jerry.hartman@mcdowellfoundation.org

Our Issue Areas

Access to Benefits

Children's Rights

Disability Rights

Discrimination

Domestic Violence

Homelessness

Housing

Native American Rights

Prisoners' Rights

Refugee and Immigration

Rights

Voting Rights

Veterans' Rights

⊕ Access to Benefits

Withholding or delaying the payment of public benefits, such as food stamps to the poor, or doing so on a discriminatory basis, causes human suffering for which litigation is often the only recourse. The Foundation has funded seven cases through five grantees in order to correct the injustices related to access to benefits. Two of those cases are highlighted here.

National Center for Law and Economic Justice + 2016

Obtained a preliminary and permanent injunction against the State of Connecticut on behalf of low-income people to enforce their rights to food stamps. Because of unjustified denials and delays in processing food stamp applications 40% of the eligible households in Connecticut could not access food stamps in a timely manner leaving families going hungry for weeks and months. Extensive discovery occurred in the case after which the district judge ordered the parties to utilize experts to negotiate a remedy. Subsequently, in March of 2017 the district court approved a comprehensive class action settlement. [Briggs v. Bremby](#)

“At the beginning of the litigation, Connecticut was last in the nation in terms of the timely processing of food stamps. Now, it is in the forefront of delivering food stamps to households in a manner that will help them put food on the table.” said Greg Bass, Senior Attorney.

Public Justice Center, Baltimore Maryland + 2012

Reported the positive settlement of their suit to compel Maryland’s Department of Human Resources to comply with the time limit requirements for processing Medicaid benefits for disabled and blind persons. At the time of the settlement, there were over 9,000 delayed cases. The named plaintiff in the case was waiting over 233 days for an eligibility determination! [Magee-Kern v. Dallas](#)

Executive Director John Nethercut said, “The Barbara McDowell Foundation grant enabled our Health Rights project staff to prioritize a time-sensitive case and push it to a speedy resolution that benefitted many thousands of low-income Marylanders waiting for vital health care.”



Mary Lou Magee-Kern (client) and PJC attorney Camilla Roberson
Photo Courtesy of the Public Justice Center

Children’s Rights ⊕

Children suffering abuse and neglect must often rely upon litigation to secure protection and to afford them their basic constitutional rights. The Foundation made grants supporting five cases aimed at protecting children. Two cases litigated by the same grantee are highlighted below.

Children’s Rights + 2018

Concluded a successful suit challenging abusive practices in Texas’ foster care system where children languish for long periods prior to adoption or reunification with their birth family. A federal district court order, affirmed by the Court of Appeals, required the state agency to reduce caseloads, investigate abuse and neglect claims, and increase capacity for foster care placements. [M.D. v. Abbott](#)

Children’s Rights + 2015

Reached a settlement in a class action suit brought against the State of Missouri with respect to limiting the dispensing of psychotropic drugs to children in foster care. The settlement, which was the first of its kind, requires medication monitoring, secondary review of medications by psychiatrists, and staff training. [M.B. v. Tidball](#) Extensive media coverage occurred in nearly 50 publications, including a story by the Associated Press.

“Children’s Rights is grateful to the Barbara McDowell Foundation for providing support that led to serious oversight improvements to protect kid’s health and safety,” said Sandy Santana, Executive Director.

⊕ Disability Rights

Those facing physical and mental challenges often need litigation to combat discrimination in order to secure and protect the same fundamental rights available to the general population. Protecting the rights of disabled individuals formed the basis for the following grantee to rectify a serious deprivation.

Disability Rights North Carolina + 2017

Brought litigation concerning the treatment of children with complex mental health issues residing in North Carolina state institutions and eligible to receive

Denying the basic and fundamental rights of persons in protected groups provided for by the Constitution and Statutes perpetuates inequality that often only litigation can remedy. Litigating to obtain constitutional rights for a protected group formed the basis for the following grantee's case.

National Center for Law and Economic Justice + 2019

Brought a class action lawsuit suit to redress and reform unconstitutional police ticketing practices by the Buffalo Police Department which had conducted

services under Medicaid's Early and Periodic Screening, Diagnostic, and Treatment provisions. The suit alleged that these children had an intellectual disability and mental health diagnosis that, because of failures by the State, resulted in cyclical hospitalizations, long-term institutionalization in psychiatric facilities, or going without services. The case was settled, and the State agreed to develop and implement a process to identify children with complex needs to link them to diagnostic testing and appropriate services. [Disability Rights N.C. v. Brajer](#)

Discrimination ⊕

thousands of "traffic safety" stops at police checkpoints overwhelmingly concentrated in low-income communities of color to generate revenue for the City. The litigation continues with wide-based community support seeking to change the Buffalo Police Department's discriminatory ticketing practices. [Black Love Resists in the Rust v. City of Buffalo](#)

"Turning around the Buffalo Police Department is a herculean task, but one we must undertake to advance racial and economic justice in New York," said Claudia Wilner, Director of Litigation and Advocacy.

⊕ Domestic Violence

Domestic violence deprives the abused of human dignity and mental and emotional safety necessitating litigation to vindicate the oppressed, incarcerate the abusers, and rectify the harm. Litigating to correct the harm caused by domestic violence served as the basis for the cases of two grantees.

Domestic Violence Legal Empowerment and Appeals Project + 2011

Represented, in two instances, a mother appealing to the D.C. Court of Appeals an award of joint legal and physical custody to her batterer. [E.J. v. D.J. \(1&2\)](#)

The case briefs are recognized by national experts as effective training tools for attorneys representing and protecting battered mothers.



Staff Members of DVLeap in front of the US Supreme Court
Photo Courtesy of DV Leap

Domestic Violence ⊕

Legal Voice + 2015

Filed a unique suit on behalf of a woman, an Iraq war veteran, who had been abused by her former spouse. The plaintiff sought services from the Washington State Department of Social Services, which instead of assisting her, took custody of her son and garnished her veteran's benefits. [Viklund v. Department of Social and Health Services](#)

The case settled with the State providing her an extremely large cash settlement and with an agreement by the State to review its procedures relating to victims of partner violence.

"We could not have done this work without the generous assistance of the Barbara McDowell Foundation, which is known for its commitment to social justice and the rights of all people to equal justice under the law," Lisa M. Stone, Executive Director.

⊕ Homelessness

A society that ignores the rights of its least fortunate is not a just society so that litigation often becomes the only mechanism available to ensure that those rights are not trampled upon. Protecting the constitutional rights of nonprofit organizations serving homeless persons formed the basis of one grant.

National Law Center on Homelessness and Poverty + 2012

Brought successful action under the Texas Religious Freedom Restoration Act against the City of Dallas with respect to its local law preventing religious

organizations from providing food to homeless persons living outdoors. The ordinance placed burdensome and costly restrictions on food-sharing and severely limited volunteers' ability to share food with the City's homeless population, an integral part of their ministries. [Big Heart Ministries Association Inc. v. City of Dallas](#)

"Thanks to the Barbara McDowell Foundation we were able to protect the rights of individuals to share and receive food in accordance with their religious and moral convictions, setting forth a precedent that has helped prevent similar laws elsewhere," said Maria Foscarinis, Executive Director.

The failure to provide adequate subsidized housing for the poor and discrimination in obtaining that housing often necessitates litigation. Six different organizations received grants challenging housing inequality and inadequate living conditions. Two of those cases are highlighted here.

Legal Aid Justice Center + 2012

Filed a class suit on behalf of public housing residents contending that the Charlottesville Redevelopment and Housing Authority systematically overcharged residents for their utilities. Settlement of the case included direct payments to tenants and led to similar cases in two other Virginia cities. [Lewis et al v. Charlottesville Redevelopment and Housing Authority et al.](#)

Public Interest Law Center + 2018

Brought a class action suit against a landlord's attorney to prevent collection of back rent when the landlord had not complied with Philadelphia law requiring tenants to be provided with a Certificate of Rental Suitability when a lease was signed. The case was successfully settled with payment of damages and the ending of the practice. [Baker v. Ross](#)

"Through the grant from the Barbara McDowell Foundation we confronted a system that long saw low-income people sued for money they did not owe resulting in a change not only for the class, but for all Philadelphia renters." Dan Urevick-Ackelsberg, Staff Attorney.

Housing ⊕

⊕ Native American Rights

The poverty of Native Americans, exacerbated by the denial of public benefits and often obscured by their living on a reservation, can result in the denial of their basic constitutional rights such as voting, requiring litigation to end those injustices. The following two grantees were able to leverage Foundation grants to help alleviate injustices against Native Americans.

New Mexico Center on Law and Poverty + 2013

Filed suit to improve the hearing process for 15,000 participants in the Navajo Nation's Cash Assistance Program when their benefits were denied or terminated. The case settled resulting in systemic relief. Prior to the lawsuit no participant had ever received a formal hearing. Rose Charlie v. Navajo Nation Department of Self Reliance

"Grant funding from the Barbara McDowell Foundation allowed us to resolve critical issues impeding access to cash assistance to families living and working on the Navajo Nation," said Sovereign Hager, Legal Director.

Native American Rights Fund + 2016

Challenged North Dakota's voter identification law which discriminated against Native Americans living on reservations who did not have a qualifying ID such as a driver's license. Tribal IDs were not permissible if they did not have a permanent physical residential address. A post office box would not suffice.

An initial suit, Brakebill v. Jaeger, was overturned by the court of appeals. However, a subsequent suit making similar allegations on behalf of the members of the Spirit Lake and Standing Rock Sioux tribes living in North Dakota was successfully settled in February of 2020 after the District Court denied the State's motion to dismiss. Spirit Lake Tribe v. Jaeger

"The Barbara McDowell grant afforded us the opportunity to give a voice to some of the most vulnerable populations in the country, Native Americans, by assisting them in a political process to which they are absolutely entitled," said Don Ragona, Director of Development.

Prisoners' Rights ⊕

Confinement of prisoners in deplorable conditions, frequently without adequate medical care, necessitates litigation to obtain relief. Two of the four grants given by the Barbara McDowell Foundation for cases that address the rights of prisoners are highlighted below.

ACLU (National Prison Project) + 2011

Sued the Los Angeles County Jail system alleging severe overcrowding and other unconstitutional conditions. A consent decree was reached in 2014 under which the Jail System had to adopt a detailed plan to reform its use of force policies and practices. Implementation of the plan is subject to monitoring by a panel of court appointed experts and federal court enforcement. In 2015 a federal court granted final approval to the settlement. Rutherford v. Baca

Texas Fair Defense Project + 2016

Brought litigation on behalf of persons who were jailed for being unable to pay misdemeanor tickets in violation of their constitutional rights not to be incarcerated because of non-criminal behavior—poverty.



Rebecca Bernhardt, Texas Fair Defense Project Executive Director (left) meets with client Karian Harris (right)
Photo Courtesy of Austin-American Statesman

Suit was dismissed without prejudice, but settlement discussions resulted in the cessation of the practice. Gonzales et al. v. City of Austin

Refugee and Immigrant Rights ⊕

Litigation becomes often the only available remedy for those whose constitutional rights are violated when seeking to enter the United States. Four grantees achieved noteworthy results in cases supporting the rights of refugees and immigrants and two significant cases are featured below.

Center for Gender and Refugee Studies + 2016

Received grant funding for a series of cases on behalf of domestic violence survivors from Central American countries seeking asylum in the United States. In one case, a young Guatemalan domestic violence survivor sought protection before the Immigration Court in Arizona.

That case, Matter of S-O-, was litigated as a part of a broader strategy to transform the culture of immigration courts in jurisdictions particularly hostile to asylum seekers. The immigration judges in Arizona were denying asylum in a staggering 94.9 percent of cases, far out of sync with the national average.

In February 2017, the individual was granted asylum, was reunited with her son, and is beginning her new life in the United States.

“The grant from the Barbara McDowell Foundation was critical to our ability to win protection for our client,” said Blaine Bookey, Legal Director. Media coverage included stories in the Washington Post and on National Public Radio.



*A.B. client pictured at home
Photo Courtesy of the Center for Gender and Refugee Studies*

National Immigrant Project of the National Lawyers Guild + 2019

Succeeded in a case brought in the Commonwealth Court of Pennsylvania against the Berks County Detention Center. The suit claimed that detained immigrant children suffered serious deprivations related to health services, mental health care, and language access, as well as traumatic night-checks that repeatedly interrupt children’s sleep.

Families detained at the facility will now be able to file a petition to intervene in the state licensing dispute brought against the detention center and have their voice heard for the first time. Doe v. Mici

⊕ Voting Rights

Without equal voting rights, citizens in a free country cannot seek redress of their grievances often necessitating litigation as the only means to establish that right. The following grantee was able to make significant progress in securing voting rights for prisoners.

Brennan Center for Justice + 2011

Aided in the defense of a New York State law that was held to be constitutional that had ended the practice of “prison-based gerrymandering”. The law changed the way the State allocated people in terms of counting their votes for redistricting purposes by counting

those in prison in their home communities rather than counting them in the place where they were incarcerated, as had previously been the case. The prior practice distorted demographics to diminish the voting strength of poor and minority communities by counting the votes of prisoners based upon their place of incarceration. Little v. LATFOR

Myrna Perez, Director of Voting Rights and Election Programs said, “The Barbara McDowell Foundation’s support was critical in ensuring that we had the resources needed to put forward the strongest arguments in defense of the law ending prison-based gerrymandering in New York State.”

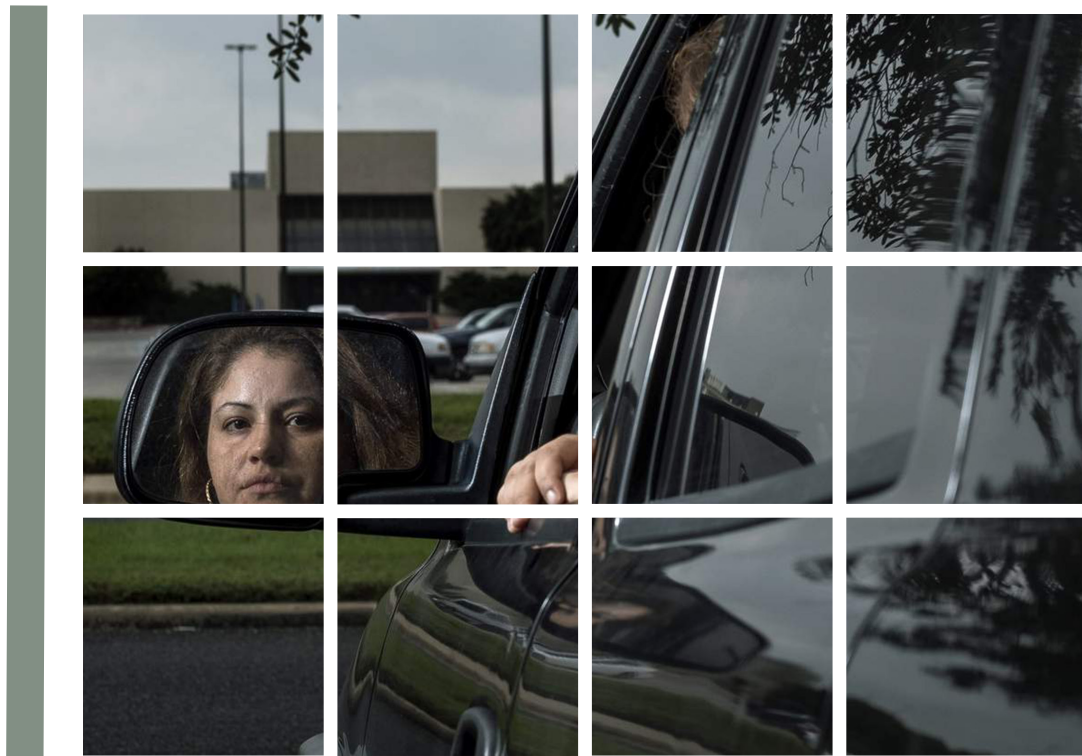
The Barbara McDowell and Gerald S. Hartman Foundation

For more information or to make a donation, visit our website at www.mcdowellfoundation.org

Email the Foundation at mcdowellfoundation@mcdowellfoundation.org

Contact the Foundation by telephone at (703) 919-0423

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*Valerie Gonzales, client of the Texas Fair Defense Project
Photo Courtesy of Austin-American Statesman*

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