



BARBARA MCDOWELL
GERALD S. HARTMAN
FOUNDATION

— supporting impact litigation to advance social justice —

— 2023 ANNUAL REPORT —

A person wearing a white shirt and a teal headscarf is seen from behind, holding a white sign with red handwritten text. The sign reads "Liberty & Justice for ALL!". The person's right hand is raised in a fist. The background is dark and out of focus.

Liberty
&
Justice
for
ALL!

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Dear Friends of the Foundation,

Our quest to protect the civil rights of indigent, underserved, and minority persons continues unabated at the Barbara McDowell Foundation. With that aim in mind, during the final quarter in 2023, we began the operational work of our affiliated, sister organization, the Barbara McDowell Public Interest Law Center. It will do its own high impact, social justice litigation to augment the longstanding grantmaking of the Foundation. That effort continued with the Foundation making grants of \$25,000 each to five social justice organizations for their high impact cases.

We have been determined during this past year, fraught with so much political uncertainty, to expand our national presence by publicizing through social media our support for social justice litigation. We have called attention to pressing social justice issues confronting our country by publishing nine blogs, called Perspectives, thought pieces written this fiscal year by a wide variety of leaders in the social justice arena.

To further enhance our efforts to achieve social justice, we added a new Development Director, Wyndy Sloan, who joins us with many years of fundraising experience for social justice organizations and engaged a new Operations Director, Danielle Payton, who has managed similar nonprofits in the past.

Likewise, we expanded our Board of Directors by adding two new board members, Andy Rosen, CEO and Chairman of Kaplan, Inc., and Dana Foster, an anti-trust partner at the law firm of White and Case, both of whom are committed to the Foundation’s mission to accomplish social justice. We also added two new members to our Advisory Committee which assists the Board’s Grant Committee in the selection of the Foundation’s annual grant recipients: Bill Baumgartner, a retired United States Coast Guard Rear Admiral, and Christina Biebesheimer, former Chief Counsel for Justice Reform at the World Bank.

Finally, we ended our fiscal year by planning our first annual Grantee Awards’ Presentation event and launching our 2024 Social Justice Fundraising Campaign.

We will continue to work diligently in the coming year for the attainment of equal rights for underrepresented persons who need and will benefit from our efforts at achieving social justice.

We appreciate your continued support of our efforts.

Sincerely,

Jerry Hartman
President and Chair



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. With operations beginning in October 2023, The Barbara McDowell Public Interest Law Center focuses on litigation that has the potential to drive positive societal changes, particularly benefiting underserved and underrepresented communities.

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 at 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 | |



Board of Directors

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Foundation Leadership And Staff

President

Jerry Hartman

Operations Director

Danielle Payton

Vice President

Bill O'Reilly

Special Administrator

Aaron Stiner

Development Director

Wyndy Sloan

Advisory Committee

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

William Baumgartner
Retired U.S. Coast Guard Rear Admiral

Christina Biebesheimer
Former Chief Counsel for Justice Reform and the Manager of Justice, Rights and Citizen Security at the World Bank

Michael Cleveland
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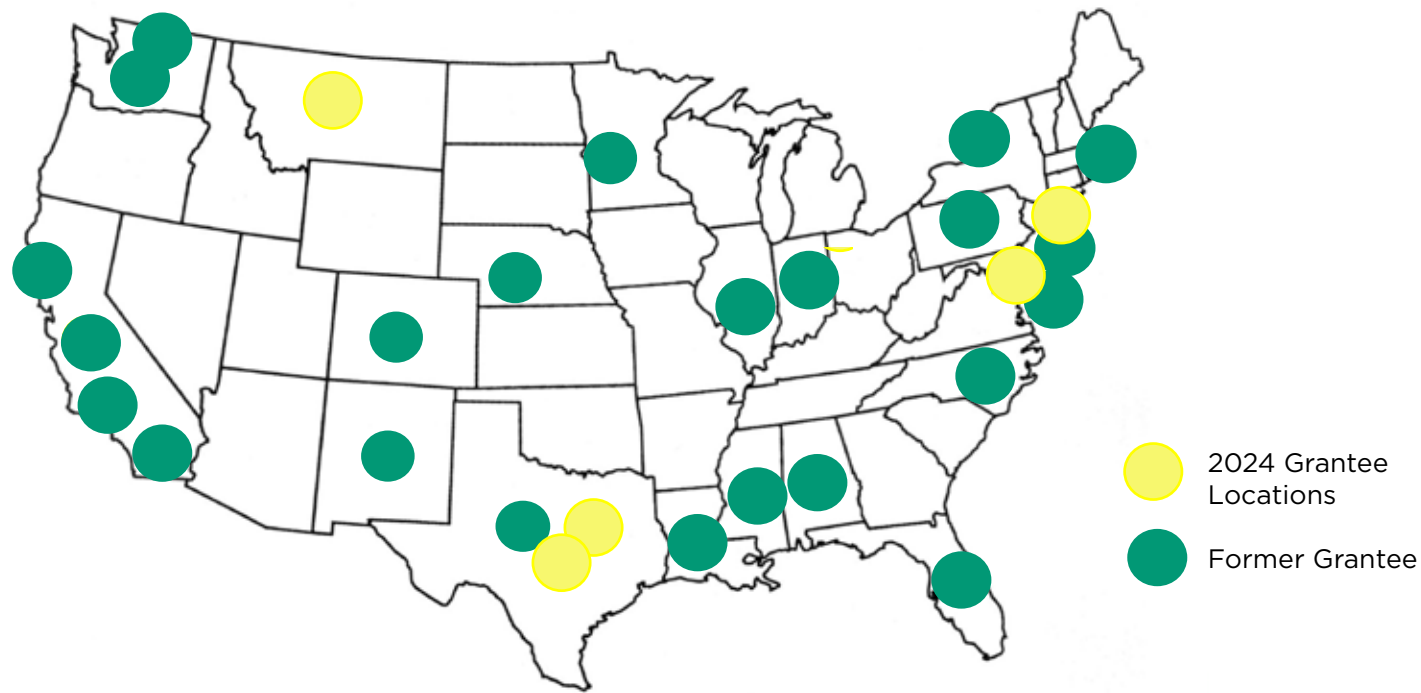
Our Impact

2024 Grantees

75
CASES
FUNDED

\$1.725 MILLION
IN GRANTS

52
GRANTEES



A Better Childhood

A Better Childhood (“ABC”) is a nonprofit legal advocacy organization that works nationally to reform child welfare systems.

The Case

Johnathan R. is a class action lawsuit against West Virginia’s Governor and Department of Health and Human Services (DHHR) and several DHHR executives for violations of foster children’s constitutional and statutory rights. This case brings claims on behalf of a class of children in foster care.



Lone Star Justice Alliance

Lone Star Justice Alliance (LSJA) improves the lives of youth and emerging adults in the justice system by serving as a catalyst for systemic change through advocacy.

The Case

The Texas Juvenile Justice Department (TJJD) for the nearly 600 youth currently detained in TJJD is employing widespread lockdowns with youth experiencing up to 23 hours a day in isolation. LSJA’s investigation has documented that youth are subject to excessive use of force lack of access to education and have minimal access to mental health care leading to frequent instances of self-harm. LSJA is pursuing legal remedies under the Individuals with Disabilities Education Act, 8th Amendment, and Prison Rape Elimination Act.





Rights Behind Bars

Rights Behind Bars (RBB) represents incarcerated people to challenge the cruel and inhumane conditions of confinement through litigation and advocacy.

The Case

On August 16th, 2023, RBB filed a class action on behalf of all people incarcerated at FCI Dublin, a federal women’s prison with a decades-long history of widespread sexual, physical, and psychological abuse perpetrated by staff members. The abuse their clients have experienced has led to criminal investigations. They seek to end the abuse.



Texas Fair Defense Project

Texas Fair Defense Project (TFDP) works to improve the fairness of Texas’s criminal courts and ensure that all Texans have access to justice.

The Case

TFDP has filed suit on behalf of plaintiffs who were over-detained under Operation Lone Star - the migrant arrest program launched in Texas in late 2021 whereby state and local law enforcement arrest people they suspect are undocumented.

OUR GRANTS AT WORK

The support from the Barbara McDowell and Gerald S. Harman Foundation has been instrumental in providing resources for Northwest Immigrant Rights Project and National Immigration Litigation Alliance to litigate this case.

**-Northwest Imigrant Rights Project
(2023 Grantee)**



Upper Seven Law

Upper Seven Law is a nonprofit law firm located in Helena, Montana.

The Case

Upper Seven Law plans to challenge Senate Bill 458, a law the Montana Legislature recently passed, requiring the incorporation of a precise and unscientific definition of sex across the Montana Legislative Code. The law purports to define sex as binary and requires changes to forty existing code sections, ranging in subject matter from criminal expungement and highway directional signage to laws governing probate and mental health facilities. Upper Seven Law alleges that the law violates the Montana Constitution, compels speech in violation of the First Amendment, and discriminates against transgender, nonbinary, and Two Spirit individuals in violation of the Fourteenth Amendment.

THE POWER OF OUR GRANTS



National Center for Youth Law is immensely grateful to the Foundation for providing critical financial support for our litigation to protect the rights of students criminalized for their mental health needs.

**- National Center for Youth Law
(2023 Grantee)**

In 2023, we proudly continued our commitment to elevating critical voices and narratives through our “Perspectives” blog. This platform has become a cornerstone of our efforts to amplify social justice issues, successfully publishing nine insightful posts throughout the year.

Each piece has not only highlighted the diverse and impactful work of our grantee organizations but also brought to the forefront the pressing social justice issues they address. Through “Perspectives,” we have provided a space for meaningful dialogue, engagement, and awareness, furthering our mission to foster a just and equitable society.

Below are several pieces published in 2023.

The Fight Against Solitary Confinement

Four and a half feet by ten feet. Five feet by nine feet. Six feet by 10 feet. This is the size of many cells where people are held, for 22 hours or more every day, for days, weeks, years, and even decades. Every day, approximately 80,000 people in this country are held in solitary confinement while numerous challenges to solitary confinement in state and federal courts continue. 2023 grantee Uptown People’s Law Center explores the longstanding history, continued use, and constitutionality of solitary confinement.



What the Supreme Court Decision Upholding the Indian Child Welfare Act Did Not Decide

The Supreme Court decided on June 15, 2023, in *Haaland v. Brackkeen* that the Indian Child Welfare Act (“ICWA”), passed in 1978, was constitutional and that its terms should be upheld. That statute which governs state court adoptions and foster care proceedings, involving Native American children, aims to keep Native American children connected to Native American families. The legal underpinnings of the decision are not discussed. Rather, what is addressed is what the majority opinion by Justice Barrett did not decide: the equal protection challenge to the Act and its concomitant implications.



Crisis in Reproductive Freedom: The Dobbs Decision and Contraception Access

Over one year after *Roe v. Wade*’s fall, women’s reproductive rights are in jeopardy. Fourteen states have banned abortions, and some are targeting contraception. Justice Thomas’s remarks in his concurrence in *Dobbs* suggest a trend of equating contraception with abortion. As politicians neglect efforts to secure contraception rights, access may dwindle. 2017 Grantee and inaugural recipient of the Champion for Justice Award, Lisa Grafstein, details how vital it is to protect this fundamental healthcare right.



Work Permits for Recently Arrived Immigrants Can Help Ensure They Find Housing

‘Can work permits be a crucial solution to the housing crisis faced by recently arrived immigrants?’ asks 2023 Grantee, Northwest Immigrant Rights Project in their Perspectives piece. It sheds light on the pivotal role of timely work permit issuance, urging the Department of Homeland Security and the United States Citizenship and Immigration Services to align their practices with the law for a more inclusive and supportive society.

THE BARBARA MCDOWELL PUBLIC INTEREST LAW CENTER



In October 2023, the Barbara McDowell Public Interest Law Center launched its pivotal initiative, laying the essential groundwork for its litigation outreach efforts. Building on the legacy of the Barbara McDowell Foundation's Pro Bono High Impact Litigation Project, the Center began assembling a team of volunteer attorneys and forming strategic alliances with law firms and social justice organizations. This foundational year sets the stage for the Center to commence its first case litigation in 2024, with advocacy and education components to follow.

LITIGATORS FOR JUSTICE

ADVOCATES FOR EQUITY

EDUCATORS FOR 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

	2023	2022
January 1, Beginning Capital Balance	\$760,129.42	\$1,146,112.31
Revenue		
Contributions	76,145.08	78,104.48
Investment Income	10,699.80	26,142.32
Transfer of Securities	0.00	24,681.27
Capital Appreciation	76,247.00	(195,519.22)
Total Revenue	163,091.88	(66,591.15)
Expenses		
Grants	125,000.00	250,000.00
Operational Expenses	87,937.02	64,196.00
Income Reinvested	0.00	110.71
Fees and Charges	7,115.51	5,085.03
Total Expenses	220,052.53	319,391.74
December 31, Ending Capital Balance*	\$703,168.77	\$760,129.42

*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.

OUR GRANTS AT WORK

Uptown People's Law Center has been fighting solitary confinement in Illinois for decades. We regularly visit prisons across Illinois, read hundreds of letters and make dozens of legal calls with prisoners in solitary. UPLC's hard won expertise has allowed us to leverage millions of dollars of pro bono time donated by our pro bono law firm partner, Winston & Strawn. The Foundation's support for UPLC's staff work is what made this leverage possible.

**-Uptown People's Law Center
(2023 Grantee)**

The McDowell Foundation supported our litigation campaign to include immigrants in criminal justice reforms in New York and California. Our briefs argue that the federal government cannot discriminate against immigrants by continuing with deportations based on wrongful convictions. The government has now reconsidered its litigation position in California and has opened up a rulemaking process about post-conviction relief in immigration cases.

**-Immigrant Defense Project
(2023 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 Barbara McDowell Foundation allows us to make grants to nationally recognized nonprofits litigating cases for the better of our country.

Join us today with a tax-deductible contribution

By Check:


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Falls Church, VA 22041

Online

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


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