The Council on Foundations exists to help philanthropy be a trusted partner in advancing the greater good. Building on our 70-year history, we are charting a course where funders earn and maintain the public’s trust by advancing equity, operating with high integrity, collaborating on broad scale challenges and serving as ethical stewards.

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Executive Summary

Recent years have seen a rise in anti-democratic extremism, hate speech and violence in the U.S. As concern about these problems has grown, the search for solutions has led to questions about how hate groups are funded. Many in the philanthropic sector have echoed these concerns, and have taken steps to prevent the funding of hate and extremism, while others are interested in doing so. Values-Aligned Philanthropy is a Council on Foundations project that digs into the issue of funding hate and extremism, documenting the problem and the response of the sector to date. This first phase report was created to support foundations concerned about this issue.

Challenges Around Hate Funding: The people interviewed for this report identified major challenges for the sector, including:

- A lack of resources for identifying groups and gauging their harm.
- Complications that arise when communities have conflicting values, especially around polarizing issues.
- A lack of knowledge about policy options and the need for sample policies.
- The difficulty of bringing all stakeholders in the organization (including board, staff, donors, grantees, and community) into alignment to develop a shared understanding.

Recommendations: The report lists eight recommendations for individual foundations and the sector to take to prevent the funding of hate. These recommendations are explored more fully in the report.

1. Formulate a policy proactively, before a difficult situation arises.
2. Pair your policy with a process for making decisions.
3. Make sure you clearly understand and can explain the legal issues.
4. Use existing resources to inform your decisions.
5. Align your policy with your organizational values.
6. Create consistency with both giving and receiving funds.
7. Communicate clearly and consistently with all stakeholders.
8. Join with others in philanthropy taking a stand.

Case Studies: The report includes case studies of philanthropic organizations of different types that have taken action. Included in the report are The Cleveland Foundation, Community Foundation of the Ozarks, Charles Koch’s Stand Together project, and Facebook. These case studies are intended to inform and inspire others who wish to take a stand.
Background and Methodology

In late 2020, the Council on Foundations (the Council) launched the Values-Aligned Philanthropy project to continue to build on their previous efforts within the philanthropic sector to respond to growing concern about the issue of funding hate and extremism. The Council took this step recognizing that while there is significant work being done by grantmakers and social sector leaders across the country to prevent hate funding, there has not been a comprehensive analysis of what has been done and who is doing what from the perspective of philanthropy. The Council believes that mapping the eco-system will provide a baseline for identifying gaps, best practices, and next steps to addressing this problem.

This report represents the culmination of the first phase of this project. In February 2021, interviews were conducted with 24 organizations and one unaffiliated person from across the sector including representatives of different types of foundations (community, private, corporate), small and large, with wide regional diversity. We also talked with Philanthropy-Supporting Organizations (PSOs), as well as advocates with specialized knowledge of how hate groups are funded. A list of interviewees is included at the end of this document. Participants were generous with their time sharing their insight, in many cases following up with emails containing sample policies, ideas, and additional contacts. The work also included collecting and reviewing news accounts, reports and other written materials, along with sample policies. The second phase of the project, to be completed by the end of 2021, involves development of an online resource hub with information and materials, along with additional educational programming to help foundations engage in the work.

The report is organized into three sections:

Section 1 documents the growing problems of hate and extremism and shows the ways that journalists and advocacy groups have traced the funding for these groups to some mainstream sources, including foundations. It also describes the call from both inside and outside the philanthropic sector for intervention, as well as the response of the sector to date.

Section 2 explores five main issues facing foundations as they take action to prevent funding hate:

1. Defining the terms and identifying organizations that promote extremism and hate
2. Aligning organizational values
3. Establishing policies and procedures
4. Addressing issues specific to donor-advised funds
5. Enlisting government support

Each issue is described and includes links to provide more detail. The description is followed by a list of existing resources and additional needs and ideas.

Section 3 offers recommendations to both foundations and to the Council for meaningful action. These recommendations are primarily based on suggestions from and analysis of the interviews, as well as discussion with Council staff.

The report also includes case studies highlighting individual foundations and their work to prevent hate funding.

The Values-Aligned Philanthropy project is funded by the Gill Foundation. Research and writing for the project have been provided by Roey Thorpe, an independent consultant, with guidance from Council staff.
Terminology

This report references “hate” and “extremism” as related but different things. The definition of “hate” is based on the FBI’s description, and refers to speech or action “motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.” Organizations promoting hate may or may not directly incite violence, but their efforts are destabilizing and negatively affect the actual and perceived safety of their targets.

“Extremism” borrows from the Anti-Defamation League definition of existing “substantially outside of belief systems more broadly accepted in society.” Not all forms of extremism are negative, and there have always been organizations that are described by some as extreme and by others as transformational. Historical perspective can change this understanding, as can changes in an organization’s tactics or focus. The extremism described in this report is destructive, seeks to undermine institutions and basic democratic principles, and is increasingly related to domestic terrorism.1 Extremism and hate can cross the political spectrum and are not affiliated with any one party or platform. However, reflecting current concerns expressed in the media and the interviews, this report most frequently refers to anti-democratic, far-right organizations that are often connected with white supremacy.

In addition, over the course of this work, the Council adopted “Values-Aligned Philanthropy” (VAP) as a way to describe this project, and that name is used here, although it may evolve as the Council’s work does.

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1 The FBI defines domestic terrorism as “violent, criminal acts committed by individuals and/or groups to further ideological goals stemming from domestic influences, such as those of a political, religious, social, racial, or environmental nature.”
### Interviews

In addition to Council on Foundations staff, the following people were interviewed for this report:

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<th>Organization Type</th>
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<td>Abbas Barzegar</td>
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<td>Global Giving</td>
<td>Alix Guerrier, Alison Carlman</td>
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<tr>
<td>Independent Advocate</td>
<td>Former Foundation Leader</td>
<td>Mark Hurtubise</td>
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Section I: Increasing Concern about a Growing Problem

We are living in an unpredictable and difficult time, between a global pandemic, economic uncertainty, widespread protests of government policies and police brutality, and deep divisions over politics and elections. The insurrection at the U.S. Capitol on January 6, 2021 represented a challenge to our most fundamental democratic institutions. Within this context of division and unrest, incidents involving hate and extremism are on the rise: recent surges in domestic terrorism related to anti-government and white supremacy have surged to alarming levels. These increases raise widespread concern over how to respond in ways that are appropriate and effective. This includes philanthropy, with foundations searching to find solutions to these problems.

Starting in 2016 and picking up steam in 2017 in the wake of deadly neo-Nazi violence in Charlottesville, journalists and advocacy groups have traced the funding of extremist groups in an attempt to understand the growth of these movements. This analysis revealed that millions of dollars in foundation funding flows to extremist organizations, sometimes without the knowledge, and contrary to the values, of foundation leaders. It is important to note that this funding is a very small percentage of total foundation giving which is over $75 billion per year. The vast majority of foundation funding goes to charities clearly acting in the public interest.

In addition to a rise in anti-democratic extremism, hate speech and violence have been on the rise. In 2019, the FBI documented hate incidents at an all-time high, not only in numbers but with increased levels of violence, including murder. The largest increase was incidents targeting specific groups including Blacks, Jews, Latinos, and transgender women of color. Violence against Asian-Americans skyrocketed to 3,800 incidents this past year, particularly toward Asian-American women, up from about 2,600 hate incidents from the previous year. For 2020, the Southern Poverty Law Center reports that while the actual number of hate groups they track has dipped slightly, the numbers still reflect surges that began in 2017. They note that extremist groups have become more diffuse and harder to track, with individuals using social media platforms to connect, likely due to the COVID-19 pandemic. When combined with continuing incidents of mass shootings and police violence targeting Black people, the national climate is one that feels substantially less safe and more unstable for many Americans.

Documenting the Connection to Philanthropy

In the face of this urgent situation, what is the role of philanthropy and in particular, foundations of different types, in stopping the growth of hate and extremism?

To answer this question, it is important to better understand how these groups are funded and how they are connected to, and dependent on, specific funding sources. Several reports and articles have been published that detail these connections. In 2020, the Southern Poverty Law Center and Council on American Islamic Relations (CAIR) published “Hate Free Philanthropy: Identifying Opportunities and Obstacles to Safeguard the Sector,” which described the problem of hate funding and called for foundations to make changes to stop the flow of funds to hate and extremism. This report built on a previous report from CAIR, “Hijacked by Hate: American Philanthropy and the Islamophobia Network” that tracked funding to anti-Islamic groups and suggested ways that foundations could help. After the extremist violence in Charlottesville, the Anti-Defamation League and Charles Koch Institute, along with other advocates and foundations across a spectrum of political belief, engaged in research and convenings to explore causes of and solutions to extremism. They reported their initial findings in “Communities Overcoming Extremism: the After Charlottesville Project.” In their report, “Fanning the Flames,” Action Center on Race and the Economy (ACRE) explored how corporations fund anti-Muslim hate groups. And there are more reports available that explore the growth and impact of hate and extremism, mostly from progressive watchdog organizations or government entities.
In addition, news stories and opinion pieces in mainstream as well as nonprofit and philanthropic media have documented both current funding streams and suggestions of actions the philanthropic sector could take to have an impact. Sources such as Nonprofit Quarterly, Philanthropy Today, Inside Philanthropy, National Center for Family Philanthropy, and the Chronicle of Philanthropy have run numerous pieces on the topic. CBS News did an investigative report and numerous media outlets, including the Washington Post and the Los Angeles Times, have specifically explored the question of whether the IRS 501(c)(3) nonprofit status could be denied or revoked for extremist organizations.

Academic institutions have also weighed in, some connected to centers for the study of hate and extremism at various institutions (Bard College, University of California San Bernardino, and Gonzaga University), although these programs have generally prioritized the study of root causes and the spread of hate groups more than the nuts-and-bolts of how they are funded. Stanford Social Innovation Review ran a piece about how philanthropy can strengthen democratic institutions during a time of great threat, and another about the role of DAFs in funding hate.

Increased discussion of the rise of hate and extremism and ways to turn the tide have led to campaigns aimed at greater awareness of how serious the issues are and calls for action to stop the flow of funds to these organizations. Some of these campaigns are concerned primarily with crowdfunding and social media platforms, raising awareness and public protest. Other campaigns specifically engage foundations, asking them to sign on to publicly demonstrate that they are not willing to be involved in building the strength of these negative forces, and will add their voices to those who oppose hate. These campaigns are sometimes ongoing and sometimes ad-hoc, springing up around a specific event.

In 2019, Amalgamated Foundation (a foundation affiliated with the organized labor movement) launched the “Hate is Not Charitable” campaign, which asks philanthropic and advocacy organizations to publicly sign on to pledge that they “do not allow charitable gifts to flow to hate groups.” To date, close to 100 organizations have joined the campaign. Color of Change (an anti-racist advocacy organization) launched their “Blood Money” campaign in 2017, initially focusing on online payment services and credit card companies and their role in facilitating the funding of hate groups. More recently, the organization has targeted major DAF providers.

Not all efforts have ended in success. In response to growing concern over hate funding, in 2017 GuideStar displayed flags on listings for 46 organizations that the Southern Poverty Law Center had designated as hate groups. The reaction that ensued was extreme, including a public opposition campaign, a petition signed by conservative leaders, a lawsuit (later dismissed), and physical threats to the GuideStar staff and their families. In the end, GuideStar removed the designation from their site, publicly expressing how difficult the situation had been and calling for a more civil solution to a serious issue.

For several years, calls have come from within philanthropy as a sector to help stop the growth of extremism and hate. From new funding streams dedicated to protecting groups under attack to support for efforts to uphold democratic institutions and free elections, foundations have worked hard to meet challenges all the way from the local to the global level.
The COVID-19 pandemic and the protests against police violence in 2020 gave this work even more urgency, while adding unforeseen challenges. Growing concern over the growth of extremism has prompted calls for foundations to make sure their policies with regard to what funds they will accept, as well as to whom they will make both discretionary and donor-requested grants, are in alignment with their mission and values. Many foundations have done just that, grappling with what initially may have seemed like an easily-agreed-upon principle that turned out to have many layers of complexity. Some have sought to tie development of policies around hate funding to their organization-wide equity and inclusion work and commitments to racial justice.

Across the sector, PSOs have developed resources to support foundations to take steps to prevent funding of hate and extremism and to practice Values-Aligned Philanthropy. PEAK Grantmaking, an association of grants management professionals in philanthropy, has developed tools to assist foundation staff in defining organizational values and using them to shape policy and practice. Organizations such as Confluence Advisors and National Center for Family Philanthropy have held convenings or incorporated discussions of the topic in their meeting and conference agendas. Foundations have participated in podcasts to discuss how to bring their values into their decision-making. Multiple field-level conversations about funding hate have been organized by PSOs and advocacy organizations working together, discussing the issues and challenges of “neutrality” as a guiding principle for foundations. These conversations have gained increasing traction as extremism and hate groups have continued to make headlines and concerns over how they are funded have taken on increasing urgency.
Section II: Foundations Face Complex Issues

Hearing about these issues and motivated to act, foundations often find themselves challenged with complexities and roadblocks they had not anticipated. Through the interviews conducted for this paper and review of published materials, important issues and challenges for foundations emerged. The most common of these are discussed below – defining terms and identifying organizations; aligning organizational values; establishing policies and procedures; addressing issues specific to donor-advised funds; and enlisting government support – followed by links to existing resources.

ISSUE 1: Defining the terms and identifying organizations that promote extremism and hate

How can foundations clearly define hate and extremism, and how can they determine whether a group falls into that category? With new groups popping up all the time, and with misinformation and accusations proliferating, how can foundations know that the information they have is comprehensive and accurate?

Discussion: A great many definitions of “hate” and “extremism” exist, from the broad to the politically motivated to the definitions used by law enforcement agencies, several of which the Council collected as a resource for foundations looking for examples. Some foundations and advocates are content to let the terms speak for themselves, and feel that the question of whether these terms apply to a specific group is one that should be decided on a case-by-case basis. Others are looking for a standard definition for the philanthropic sector that would be widely accepted and used. Having an agreed-upon definition can be a useful reference point in making determinations about funding when challenges arise, but developing a policy should not be dependent on having a definition. It is not necessarily the best first step if it becomes a barrier to taking action rather than a helpful exercise. In practice, no matter what the definition, gray areas will remain and even the most carefully crafted definition will at times require discussion as to its application.

Many of the foundations interviewed brought up the need for a definitive list of extremist and hate groups. Foundation staff are not experts in this area, and the prospect of exhaustive research is daunting, especially given all their other responsibilities. Even when researched, gray areas remain, and how to decide is not always clear. Some organizations that are engaged in hate activity are also doing valuable charitable work. For example, an organization might work on explicitly anti-LGBTQ or anti-abortion issues, and might go so far as to excuse violence, but also run a soup kitchen or homeless shelter for their community. National organizations can be problematic in ways that local affiliates are not, and vice versa. Some organizations are set up to deliberately raise funds for hate and extremism in ways that obscure these activities and make it very difficult to trace the flow of funds in a definitive manner. In addition, organizational missions can shift and groups can become radicalized, which means that up-to-date information and frequent monitoring is required.

There’s a continuum: one edge is disruptive groups like militias, the next set is active hate groups, then a set that get into political issues, and then there’s a set of nuanced religious and faith beliefs. And then social services and whether there should be a social safety net, but those disagreements are small. And then there might be things we all agree on, but actually very few of those. Where to draw the line becomes really hard.

– Corporate foundation
Several foundations expressed concern about religious or political differences being categorized as “hate” by those who do not share them; for instance, the issue of abortion and the activism on all sides of the issue was named by more than one person as being a minefield that threatened the inclusive values of their foundation. Some faith-based organizations take positions on LGBTQ issues that some would describe as hate-based, but others would not. Organizations affiliated with law enforcement have become contentious in some communities, with concerns raised about police brutality and racial profiling, yet at the same time these organizations are held in high esteem by many people. Making decisions where contradictions are inherent and passions run deep requires understanding of the organizations, issues, and community so that decisions can be made with compassion and empathy, not judgment.

Representatives from all types of foundations expressed longing for a tool that is simple and clear, as well as widely recognized and accepted. But people were skeptical that such a tool could realistically exist. Building a database that is thoroughly researched is difficult enough given that the United States has over a million registered 501(c)(3) organizations, and keeping the list current and making it public is a labor-intensive and daunting task. Some suggested academic centers for the study of hate and extremism as logical homes for this information, because they might be less controversial than specific advocacy organizations. Academia might be able to support ongoing monitoring and evaluation of questionable groups. The most frequently used resource is the Southern Poverty Law Center (SPLC) lists of documented hate groups and anti-government organizations, but others felt that these lists, while useful, represented a political point of view that was not reflective of or credible to all their stakeholders. SPLC themselves expressed a willingness to educate foundations about how the tool is researched and should be used, because they believe it is often misunderstood. Currently, most foundations are using more than one source of information, and often many, in order to make decisions.

Two new resources have recently become available to support foundations in their efforts. Horizon Forum is a newly formed organization that is working to create resources to prevent hate funding in the philanthropic sector, centered on the needs of foundations. With initial funding and fiscal sponsorship from foundations, they are working individually with foundations to provide research and evaluation of organizations that have come into question. They are also developing an assessment tool that compiles several sources of information and allows foundations to see clearly what concerns may arise. While this project is in its initial phases, they are already actively working with several grantmaking organizations and testing their assessment tool. Horizon Forum is also producing white papers, policy briefs, and guidance documents, all focused on supporting foundations in vetting grantees and protecting their missions and philanthropic goals.

Global Giving has launched a new resource called Ethos that offers tools for making decisions on difficult and divisive topics. Taking their work on the Neutrality Paradox further, they offer process models, tools, and case studies to guide organizations in making difficult decisions grounded in empathy and equity, including decisions related to funding. Rather than providing hard data about organizations that can inform a decision, Ethos focuses on the process for making a decision, what questions should be asked and their sequence, using a shared set of behaviors that can allow for creative solutions.

**Existing resources:**

Foundations use existing lists, including the following:

- **United States:** SPLC Hate Groups, SPLC Antigovernment Groups, ADL, ACLU, CAIR, Western States Center, Political Research Associates, Center for Media and Democracy, Center for American Progress, Amalgamated Foundation’s Hate is Not Charitable website
- **International:** Freedom in the World, Transparency International Corruption Perceptions Index, Freedom of the Press Index, Global Project Against Hate and Extremism
Horizon Forum (see above) is working with foundations to develop methods and resources to support their work on this.

Global Giving’s Ethos program (see above) offers models for decision-making based on organizational values and culture.

**ISSUE 2: Aligning organizational values**

How can foundations bring the whole organization into alignment on these issues, with so many strongly held beliefs that may differ? Vast differences in knowledge and the level of engagement between board, staff, and donors, as well as their competing interests, complicate this question. At a time when many foundations have made commitments to become more inclusive and equitable, how does this work connect with that of preventing hate funding?

**Discussion:** Although individual foundation leaders are interested in setting up safeguards against hate funding, bringing board, staff, donors, and stakeholders into alignment can be a challenge. Each group has different priorities and considerations, and adding a wide spectrum of political beliefs can complicate things further. One common concern was about the need to bring board members and donors into the conversation to create a shared understanding of why policy changes were being proposed and enacted. With staff members working full time and making day-to-day decisions, they can get out ahead of boards and other stakeholders, who may feel blindsided by what they perceive to be sudden changes regardless of how long they have been in the works. Foundation staff also raised concerns that less experienced staff expect foundation policy to reflect their personal views, and would not accept anything less, creating internal conflict. And foundations across the political spectrum struggle with not wanting to push any particular political perspective onto donors, and expressed a lack of clarity about when values become perceived as politics. Like any significant policy change, communication is key to successful rollout, and foundation staff are eager to hear how their peers managed this process and related communications.

In order for a policy to be “values-aligned,” an organization’s values need to be clearly defined. For some community foundations, concerns around hate and extremism connect with equity and inclusion work they are doing organization-wide. For these foundations, there are questions about how to both reflect the communities and regions they serve, but also how to reconcile a commitment to respecting diversity and yet holding principles that embrace equity and do not tolerate hate and intolerance. They are looking for guidance about process as well as content, and are thinking about many different changes they are making related to their foundation’s values and the needs of the communities they serve. For these foundations, policies that emphasize values that are shared across the political spectrum have proven to be powerful. These values include fairness and equality, safety and opportunity for individuals and families, treating others as you would want to be treated, and the importance of core principles of democracy.

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Community foundation
Some foundations have shifted their thinking to go beyond banning hate funding by also ending funding to programs they believe to cause harm in the communities they serve. (One example of this is foundations ending their funding of police-related charities in Black communities that have experienced police brutality and over-policing.) Foundations have also begun to shift funding to the most marginalized communities they serve, and find ways to increase the decision-making power of those community members when it comes to grantmaking. The Center for Effective Philanthropy (CEP) has produced reports documenting these shifts, many of which were spurred by responses to the disparate impact of the COVID-19 pandemic on communities of color. CEP found that “Almost all foundations reported placing new, or more, focus on supporting Black, Latino, and lower-income communities. Most foundation leaders said they are reckoning with racism and paying greater attention to racial equity in their work.” While the report notes that it is hard to tell what changes will be lasting or transformational, awareness of issues was heightened in 2020 and many foundations are incorporating this into their overall funding decisions.

Still other foundations feel that the goal of “neutrality” is the best way to represent their views and those of the community, concerned about “taking sides” on issues that only serve to divide people rather than bring them together. They have balanced that general principle with their concern about the impact of hate and extremism, and have opted to find solutions that align with this approach. There have been challenges to neutrality as a desirable goal, such as Global Giving’s “The Neutrality Paradox,” among others, but some foundations have found it best to strive for neutrality on issues that are polarizing or divisive, and still draw the line at funding hate groups.

As they are weighing their options, foundations have done a great deal of peer-to-peer networking to explore ideas and find the best fit for their own organizations. Resource sharing and discussion have been invaluable to foundations in developing policies and evaluating approaches, and contributors to this paper were eager for more opportunities to learn from others and share their own experiences.

Existing resources:
Among the model policies compiled through the Values-Aligned Philanthropy project are policies that represent broader organizational focus on diversity, equity, and inclusion, as well as those that reflect other approaches.

PEAK Grantmaking resources on aligning foundation values with practice.

Global Giving: The Neutrality Paradox is a concept that Global Giving has been exploring in relation to their work, moving beyond the idea that neutrality is desirable or possible. For foundations concerned about taking a position that may alienate some stakeholders, the work that Global Giving has done provides a thoughtful challenge to those ideas.

 ISSUE 3: Establishing policies and procedures

What form should a policy take, and what are the best practices for decision-making? Family, community, and corporate foundations have different decision-making processes as well as different priorities and interests. Foundations need resources that acknowledge these differences, help as many people as possible, and allow for cross-pollination of ideas and resources.

Discussion: Foundations of all types highlighted the need and desire for policies to prevent hate funding. Although different types of foundations have some different needs, they have more concerns in common, and the differences often have less to do with the type of foundation than the internal culture and the decision making processes they use. This is true even for private and family foundations, where decisions may be made by fewer people, but still require a thoughtful approach that reflects internal foundation values. The biggest differences exist between large
corporate foundations, which have concerns of scale and commercial impacts, and with donor-advised funds\(^2\) (highlighted later in this report).

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<th>DAF Hosts (Community or National)</th>
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Foundations of all types have developed policy and procedural approaches tailored to their requirements, with a few of the most popular approaches described below. Many foundations that have policies in place reported that they developed their policies by reviewing samples from others and picking and choosing the pieces that fit their needs, tailoring a cohesive policy from these disparate parts.

**Require Nondiscrimination Statements**

Some foundations, particularly those with a strong equity and inclusion policy and practice, require grantees to have a nondiscrimination policy that includes vulnerable groups or at the very least, those protected under state and federal law. Hate and extremist groups are not likely to have such policies, and so this can act as a type of screen that can be applied to all types of grants the foundation makes. Some worry that this will screen out religious organizations that may not support same-sex marriage or other anti-discrimination policies.

**Update Due Diligence Policies**

Other foundations are not engaged in a broader organization-wide equity process, but want to make sure they are not caught by surprise and unprepared by a grant they have made. They are choosing to add new language to existing policies they have in place for due diligence practices and financial ethics. One strategy suggested was adding screening criteria to the due diligence checklist, integrating an exclusion of hate and extremism into other well-established practices rather than creating a whole new policy area.

**Expand Corporate Policies**

For corporate foundations, it is often up to the owners or leaders of a company to determine the funding policy, which can create very different approaches for different corporations. Foundations affiliated with corporations that bear the same name are very reputationally sensitive; they are concerned about their brand and how it is perceived, along with the many other priorities of a large foundation. A big public controversy can affect their brand for years, and be hard to correct, so they are continually working to avoid negative publicity and have to keep their customer base in mind.

Preventing the funding of hate and extremist groups is a complex issue for large corporations, and it affects many levels of their operations. Many large corporations have established teams of people who work on this issue, and even with all of their experience and the policies they have in place, it is painstaking and time-consuming work.

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\(^2\) A donor-advised fund (DAF) is a type of charitable giving fund that is established by a donor with an eligible charitable sponsoring organization (i.e. a community foundation or a national donor advised fund sponsor) to support a cause (or causes) that the donor cares about. A donor advised fund allows the donor to remain involved and active in charitable giving by retaining “advisory privileges” to recommend how the sponsoring organization should make grants from that fund. However, the sponsoring organization ultimately retains sole control and discretion over the use of funds held in a DAF.
Situations arise constantly with gray areas that have to be interpreted and priorities that have to be weighed. There is an incredible amount of energy spent on this, and a great deal of care put into it that is largely behind the scenes. Because of this, many corporate foundations have developed sophisticated proprietary tools to address this issue. These tools are used by both the private and public sides of companies, and foundations have access to the information they provide. Corporate foundations also grapple with employee giving programs, which may or may not have the same rules as direct donations or customer matching programs. In these programs, where employees choose the nonprofit organization and make a gift of their own that is then matched by the corporation, it is difficult if not impossible to do a thorough screen of every request. The issues are complex, and while some employee giving programs are managed in a way that allows the company to monitor gifts to screen out hate groups, the sheer size and complexity of the effort is a major undertaking.

**Establish Procedures Along with Policies**
The one thing that all types of foundations have in common, however, is acknowledgement that there is no such thing as a policy that is so airtight it will allow for clear decisions in every situation. There is agreement that having a policy is important, because it serves as both a reference point and a backup if a situation arises. But no matter what, just having a policy doesn’t make this a “decide and it’s done” issue—even when an organization puts a policy in place, there will be issues that come up that don’t fit neatly into the guidelines. So along with a clear policy that fits the organization’s values, foundations should plan that they will have to spend time investigating organizations when concerns arise, making decisions that are not always easy, and communicating those decisions to the parties involved. The success of a policy should not be judged by whether it makes every question easy to resolve, but rather, whether it provides a roadmap to making a decision that is possible to explain and defend.

**Existing resources:**
Council on Foundations is launching an online resource hub in the Fall of 2021 with sample policies from various types of foundations.

The corporate sector uses tools that could be helpful for other foundations, both corporate and non, that are worth investigating: Benevity, YourCause, and Cybergrants are the big three for corporate giving, and can be customized. They all offer proprietary screening mechanisms that enable corporations to set up giving programs, including employee and customer giving, and screen organizations based on tax status, ethical compliance, and other issues. These are not large enough for the biggest companies, but medium and small size companies can benefit from these screening tools for their giving programs and there may be applications for foundations as well.

**Additional needs and ideas:**
More opportunity for discussion among foundations to hear about different types of policy solutions and how they have performed, focusing not only on what works but what to avoid. Foundation staff, especially those creating policies and procedures, are looking for mentorship from those who have been through it, addressing issues such as what types of policies work best, how to convince reluctant board members that a policy is needed, how to communicate changes to organizational stakeholders, and how to implement policies once they are approved.

A few of the interviewees for this project expressed a desire for a tool that would help them categorize problematic organizations into tiers that would indicate the seriousness and urgency of the problem—an extremism pyramid that would not treat all potential problems the same.
ISSUE 4: Addressing issues specific to donor-advised funds

Specifically with regard to donor-advised funds, how can foundations ensure that they are informed about the groups that donors wish to support, and create both policy and procedure to communicate with DAF holders and make decisions? What happens when conflicts arise, and what is the best way to handle these ethically and legally?

Discussion: DAFs have been a primary target of concern when it comes to stopping funding of hate and extremism. This is because DAFs add an extra layer of anonymity for the donor, with the donation coming from the nonprofit organization that holds the funds, thus reducing the possibility of public scrutiny of the actual donor. And the nonprofit organization, whether a charitable arm of a large financial corporation or a community foundation, has their name on the donation and is responsible for having approved it.

And yet, the issue of placing limits on what DAF donations will and will not be approved has been a delicate one. Some foundations that have policies in place with regard to discretionary funds are hesitant to impose limits on DAFs. This is true for several reasons:

- DAFs are a major financial asset for many community foundations, which count on DAF dollars in their business model.
- Providing DAF services is a concrete way that community foundations provide a service to donors, who may also be major donors to the foundation itself. Foundations do not want to jeopardize these relationships.
- The “Big 3” donor advised funds (Schwab Charitable, Fidelity Charitable, and Vanguard) have a wide diversity of beliefs and interests, and are directing funds to tens of thousands of charities in the U.S. and globally, so enforcing restrictions fairly and accurately is difficult.
- Because the sector, including the large financial institutions that host the largest number of DAFs, has not unified around this issue, it is easy for a donor to move funds to another place that will allow them to donate to any legally qualified nonprofit.
- Donors may feel it is their right to express their individual values, which are not necessarily the same as the values of the community foundation or national provider. In an increasingly polarized political climate, these can be sensitive issues, and based in religion and/or cultural traditions. Some DAF-hosting organizations are more comfortable with a case-by-case approach rather than a written policy.

Some individual DAF holders believe that putting restrictions on where the funds can go is a violation of their First Amendment rights. This, however, has little legal support, because when the funds are given to the foundation for a tax benefit, the foundation assumes fiscal and legal responsibility for them, per the contract they have entered into. Donors can make requests about where the funds are directed, but there are existing rules that already limit what kind of organizations can receive them, and foundations may exercise “variance power” in determining where funds can go. And even big corporate DAF sponsors have exercised this option, as when Fidelity Charitable and Schwab Charitable refused to approve grants to the NRA due to the ongoing IRS investigation of the organization.

DAF hosting organizations, whether community foundation or national, should put their policies in writing and make DAF holders aware of them as early as possible in the relationship. DAF donors deserve to know up front what a foundation will and won’t approve and not only have it in writing, but also have a conversation about it to make...
sure it is understood. The foundations interviewed for this project felt strongly that ongoing donor communication is key. Sometimes DAF donors genuinely do not know that an organization could be considered a hate group, and are unaware of all of the activities and positions of the organization. Educating donors and taking the time to have a longer conversation is necessary, even if, in the end, no agreement is reached. Very few foundations reported major problems with donors once they were made aware of the situation, with more recounting that donors had been grateful to learn more about the organization they had wished to support.

**Existing resources:**
Council on Foundations offers a collection of resources for foundations working with DAFs.

The Council has collected sample policies from various types of foundations, including community foundations, that include language that relates to DAFs as well as discretionary grants. These samples will be made available on a resource hub in fall of 2021.

**Additional needs and ideas:**
Talking points for foundations to explain to donors the reasons for this policy, and what will happen in the case that a request is made to fund a group identified as a problem, and explanation of variance power.

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**ISSUE 5: Enlisting Government Support**

**Federal policy solutions:** What is the role of government agencies, particularly the IRS and the FBI, in providing enforcement and information that supports the efforts of foundations? Are there federal policy solutions that can help?

**Discussion:** Foundations and advocacy organizations were united in their belief that the IRS should take a more active role in stopping hate and extremist organizations from receiving tax-exempt non-profit status. In order to receive this status, charitable organizations must demonstrate that they are dedicated to the public good, and most people believe that an organization with non-profit status has done so. But oversight has become weakened in recent years, with many organizations being approved through online submissions that receive only the most perfunctory review. Although many donors assume that any organization achieving 501(c)(3) status, which makes contributions to them tax-exempt, has been closely examined as to its activities and screened to make sure that it does not engage in hate or extremism, this is simply not the case.

Calls for increased funding for the IRS to improve oversight and to hold extremist and hate groups accountable have intensified since public awareness of the problem of hate funding has grown. In 2019, Congress held hearings on the subject of hate groups and charitable organization status. This issue is contentious, with legal analysts expressing conflicting opinions over whether excluding them would violate First Amendment principles. Across the political spectrum, philanthropic organizations struggle with concerns about creating too much restriction and government intervention, and the impact this could have on donor enthusiasm, while simultaneously longing for a solution to this problem that could be provided from outside the sector. Many advocates believe that increasing government oversight and transparency can lead to exposure of organizations that are violating the law, as well as increasing the ability of government officials to monitor suspicious organizations.

Government attention to these issues is high in the wake of the January 6 attack on the U.S. Capitol and the key role played by racist extremists in the insurrection. Federal officials from many different agencies, including the FBI, the Department of Homeland Security, and the Department of Defense, are working to understand how these events occurred. As the federal government does this work and issues reports on how extremists operate, it will increase public understanding of who these groups are and how to track their activity, which will aid philanthropy in helping to make sure they are not receiving foundation dollars. Anti-Defamation League published a report in the wake of the January 6 events investigating extremist and hate groups who may be abusing their tax-exempt status.
**Existing resources:**
Government websites include information about anti-hate and anti-extremism activities of various departments. For instance, the [FBI website](https://www.fbi.gov) includes information about definitions and statistics related to hate crimes. And the Department of Homeland Security has launched the [Center for Prevention and Partnerships](https://www.dhs.gov) to support the prevention of extremist violence.

**Additional needs and ideas:**
Foundations, PSOs, and advocacy organizations could collaborate on the development of policy initiatives to increase accountability and oversight by the federal government with regard to the non-profit status of hate groups.

Foundations could submit testimony to Congress the next time hearings are held on the issue, describing their activity in standing against hate funding and urging greater oversight within the law.
Section III: Recommendations

**Recommendations for Foundations:**

1. **Formulate a policy proactively, before a difficult situation arises.** Every foundation should understand the issues, decide what their policy is around what they will and won’t fund, and put it in writing. Policies can take many forms, and be as narrow or as comprehensive as you need, but going through the process of creating a policy, discussing it, and coming to agreement should be done before a question (or worse, a crisis) arises so that you can make the most informed and thoughtful decisions.

2. **Pair your policy with a process for making decisions.** Along with policy changes, you will need to adopt a process for making decisions. Decide what information you will consider, who you will consult and inform, and whether decisions can be appealed. No policy is 100% airtight, and success should be judged not on whether your policy can create a clear result on every issue that arises, but whether your process enabled you to make an informed and fair decision.

3. **Make sure you clearly understand and can explain the legal issues.** This is particularly true with regard to donor-advised funds -- while the law is clear regarding the power of foundations to exercise variance power in responding to donor requests, donors often expect that any request to a legally eligible nonprofit will be approved. Make sure your legal advisors are well-versed on variance power. Expect that some donors may want to have a conversation about this, or in rare cases move their funds elsewhere.

4. **Use existing resources to inform your decisions.** Know the resources available to support decision-making with regard to requested funds. In addition to the national resources listed in this paper, there are local and regional sources of information that you will want to have vetted in advance to be used when you need to learn more about a potential grantee.

5. **Align your policy with your organizational values.** Make sure that your policies align with your values, mission, and vision as an organization. Using these elements to guide you will make sure that your decisions reflect your organization, its focus, and its stakeholders. Remember that while there are some organizations so extreme that the vast majority of us would agree they are extreme, there are others that look different to people from different perspectives. Figuring out what you value, and why, will help make decisions.

6. **Create consistency with both giving and receiving funds.** Enact policies that align your values not only with those who seek funding, but donors and event sponsors, so you have consistency within all aspects of the foundation.

7. **Communicate clearly and constantly with all stakeholders.** Taking the time to formulate clear policies around what you will and won’t fund is the first step, and letting stakeholders and the public know about your policy allows everyone to know where you stand and why. This includes staff, board, donors, volunteers, sponsors, community members, and others who care about the work of your foundation. Being clear with donors about your organization’s policy on this issue and how it will affect decisions is best done in advance of the donation or any time your policy changes.

8. **Join with others in philanthropy taking a stand.** We are living in a time when issues around hate and extremism, including challenges to the most fundamental values of democracy, are reaching unprecedented levels. These issues are on the minds of donors, foundations, and grantees alike. Adding your voice by writing opinion pieces, educating donors and the public, presenting at conferences or foundation events, and joining the Hate is Not Charitable campaign are all great places to start. Presenting testimony to government entities when issues of hate and extremism are being discussed, and policy changes weighed, brings an important voice to the conversation.
CASE STUDY

THE CLEVELAND FOUNDATION CONNECTS ANTI-HATE POLICY WITH STRATEGIC PLANNING AND COMMITMENT TO RACIAL JUSTICE

Founded in 1914, the Cleveland Foundation is the world’s first community foundation, and it has remained a pioneer in the community foundation field. Throughout its history, the foundation has been willing to face controversy in order to remain current with the needs and issues of the communities it serves. In the 1970s, the foundation supported a number of women’s empowerment programs, including a team of female attorneys litigating cases of sex discrimination. In the 1980s, the foundation joined the early battle against AIDS, treating it as a major public health threat and becoming one of the first foundations to support a proactive community response to the disease at a time when stigma and misunderstanding were still widespread – especially in the Midwest. More recently, the foundation was the first presenting sponsor of the Gay Games when the event was held in Cleveland in 2014. The Cleveland Foundation’s donors represent the entire spectrum of beliefs and politics, and the foundation has created clearly defined policies based on its values.

The issue of funding for hate groups came up in 2019. In 2016, a donor to a special fund being temporarily held at the Cleveland Foundation used their own private foundation to make a separate grant to a hate group. Although this donor did not have a donor advised fund (DAF) with the Cleveland Foundation, and to date no one with a DAF at the foundation has recommended a grant to a nonprofit organization deemed a hate group, it made the foundation aware of the need to have a policy in place.

Cleveland Foundation staff reached out to other foundations for advice and to see examples of policies being used by others in the field. They came to the conclusion that for the policy to be strong, it needed to be an official board policy and not just a guideline. In January of 2020, the Cleveland Foundation began a strategic planning process that engaged the entire board, executive committee, and advisors. Consideration of the policy was connected to other changes the foundation was making, and some of the process coincided with the widespread protests against systemic racism and police violence in 2020.

The Cleveland Foundation has been working for years to address equity and inclusion. All staff and board members have participated in Racial Equity Institute (REI) training, and their shared understanding of structural racism informed their approach. Ultimately, the policy passed unanimously and without controversy. The foundation announced the change in January 2021, along with other new programs connected to its commitment to racial justice. Their announcement read:

“Our board of directors unanimously approved an official Anti-Hate Group policy that formalizes a process for our staff to flag, research and deny a grant recommendation from a donor advised fund to a public charity widely considered to be a hate group. While it is important to note that the Cleveland Foundation has not had a known incident in this regard, we believe having an official Anti-Hate Group policy aligns with our mission that is rooted in enhancing the lives of all we serve and helps provide additional safety and stewardship for all involved. Simply put, we believe this policy and the updates noted above reflect the shared values and philanthropic spirit of generations of our donors.

Compliance with the policy is handled by the foundation’s Grants Management department, which uses the list of hate groups from the Southern Poverty Law Center as a starting place for determining whether the organization is eligible for funding. The biggest concern is not with local organizations, most of which are well known to staff and board, but with any possible grants requested from DAFs to nonprofit organizations outside of the region.

Although the Cleveland Foundation was initially concerned about how donors would feel about the policy, grounding the anti-hate group policy in the organization’s values and programs regarding anti-racism and inclusion gave it an important context and logic. To date, the announcement has received positive feedback from the community.
The Community Foundation of the Ozarks created a Donor-Advised Fund Policy and Procedure Reflecting Their Values and Puts It Into Practice

The Community Foundation of the Ozarks (CFO) is headquartered in Springfield, in southwestern Missouri, a beautiful region that is largely conservative and rooted in Appalachian tradition and culture. In autumn 2020, the CFO board began considering adding a “Viewpoint-based Donor Advised Policy” to prohibit the funding of hate groups. CFO President and CEO Brian Fogle brought the policy to the board after reading about a community foundation in another state that had been faced with the issue of hate funding. Brian was on the planning committee for the annual National Conference for Growing Community Foundations held in Wichita, Kansas, and suggested they include a session on the topic for the 2019 conference. Inspired by the session and that experience, CFO began work on their own policy.

First, the CFO reached out to other community foundations for advice and sample policies. To understand how this would affect donor requests, the CFO wanted to know whether any of its donor-advised fund holders had ever funded hate or extremism, so the CFO compared its list of grantees with the Southern Poverty Law Center’s list of hate groups. There were no matches to any organization that was even questionable. But then, as the policy was still being considered, a new DAF donor began making requests for donations to two organizations that had been designated as hate groups by SPLC. The donations were small and it was unclear whether the donor knew these groups were flagged as hate groups. Because they did not yet have a policy in place to prevent it, the CFO felt it had to honor these particular requests. CFO staff knew it was important to complete work on this policy to prevent being in the same position in the future, and also include a procedure for decision-making when issues arise.

The final policy was approved in April 2020 as follows:

The Community Foundation of the Ozarks seeks to enhance the quality of life for all citizens in the region and works from the knowledge and experience that we are better together. We believe a region that welcomes and engages all will be better able to meet challenges and opportunities for our future. To this end, we honor the fundamental value and dignity of all individuals, and will not support organizations through donor recommendations or establishments of funds that benefit such organizations that attack or malign individuals or groups on the basis of race, color, religion, gender, national origin, or sexual orientation. We also recognize that philanthropy is reflected in the principles of the First Amendment, and we do not police the ideology of our donors or fund establishers.

We rely primarily on the IRS to regulate the charitable status of organizations, but if we become aware of a public charity that does not align with our beliefs as stated above, the CFO will exercise our variance power.

But the work didn’t stop there, because the CFO realized this change would come as a surprise to the donor, and perhaps be upsetting. They discussed the issue with the donor’s financial advisor who had recommended the fund, as he had deep ties to both the donor and to CFO and they wanted to make sure he understood the reasons behind the change. They composed two letters, one for each of the organizations affected by the policy, to send to the donor. But rather than simply sending the letters, Brian Fogle first made a call to the donor to personally explain the policy and the reasons behind their decision. The donor was not happy with the decision, and still would have preferred to donate to the organization, but they have maintained their relationship with her and she has continued to maintain her fund.

Community Foundation of the Ozarks learned from this experience and has thoughts to share with other foundations:

1. If possible, it is so much easier for everyone involved to have a policy in place before a situation arises. It was helpful to at least have their process underway, and when the policy was in place it was helpful to have clarity of both the policy and the process.

2. Communication is important, and taking the time to talk with all the stakeholders, especially the DAF holder, is worth the time it takes.

3. Putting the decision in writing after the phone call was an important part of the process.

4. For staff, keeping in mind what is best for the organization and not letting personal feelings about the issues get involved is key to making a fair decision and communicating it with others.
CASE STUDY

STAND TOGETHER, A PHILANTHROPIC COMMUNITY FOUNDED BY CHARLES KOCH, BRINGS TOGETHER FOUNDATIONS AND PARTNER ORGANIZATIONS TO FIND COMMON GROUND ACROSS THE POLITICAL SPECTRUM

Stand Together is a philanthropic community founded by Charles Koch, and a founding partner of Communities Overcoming Extremism: The After Charlottesville Project (COE), a coalition of diverse organizations who came together to find solutions to the growing problems of hate and extremism in the United States. The project is a partnership with the Anti-Defamation League, Ford Foundation, Soros Fund Charitable Foundation, Fetzer Institute, and other major foundations and organizations.

According to the Koch Institute, “The work long pre-dates the COE initiative. At the Charles Koch Institute – an educational organization within the Stand Together community – commitment to honoring difference is baked into each area of its work. Whether it’s immigration, education, criminal justice reform, or other issues, the dignity inherent in every person is foundational to their approach.”

While the principles underlying the work have remained consistent, the rise in extremism and violence laid the groundwork for a new chapter for the Institute’s work. And the tragic events in Charlottesville, Virginia, in 2017, in which a white supremacist rally resulted in 19 injured and one person killed, led the organization to prioritize standing up a dedicated effort to difference — to understand the roots of intolerance and discover how people can address their differences peacefully and constructively.

They realized that while free speech is vital, real intolerance exists and we need to address the root causes of division and violence in American society. Because they were already focused on creating unlikely partnerships across political and social divides, they were uniquely positioned to bring people together in the spirit of open, honest communication that both celebrates and transcends personal differences.

Stand Together is approaching daunting challenges in a deeply polarized environment with a spirit of hope; as their website points out, “Healing the division in our country starts by looking for the common ground we share as people. That takes courage, and courage is contagious.” The Stand Together community’s partnership with COE helped create a space of dialogue to learn from people on the ground coming from different perspectives while working to understand and address social fractures.

COE’s work included a public sector summit, where participants heard from leaders including members of the Conference of Mayors. The initiative built on learnings from the first event by hosting one on how the private sector responds to extremism, and partnering with tech companies like AirBnB to recognize the risks and benefits of how information moves online and the need for solutions that do not default to censorship. Panel discussions explored the unintended consequences of content moderation; the challenges of congressional intervention in technology; and building coalitions, alliances and partnerships dedicated to overcoming extremism. COE offers a broader audience the chance to hear stories from the initiative through a podcast series featuring community leaders speaking on a wide range of issues. They endeavor to provide “robust exploration of how to build a culture that enables people to peacefully hold deep difference and allows for productive disagreement.”

Their model involves creating opportunities for dialogue across a wide spectrum of belief. This enables people to speak their minds and share their stories in order to see the common humanity in each other, hear directly from each other, and find points of agreement and shared purpose, as well as finding strength in our differences.

Stand Together supports research on the drivers of intolerance, partners testing and scaling long-term solutions rather than simple, short-term fixes that do not address root causes of injustice, and stories that remind us of the collaboration already underway in communities across the country. That’s represented in initiatives such as the New Pluralists, a funder collaborative working to foster a culture of pluralism in America. Founded by Fetzer Institute, Einhorn Collaborative, Lubetzky Family Foundation, Charles Koch Institute, William & Flora Hewlett Foundation, Klarman Family Foundation, Acton Family Giving, and also supported by Walmart Foundation and Rockefeller Brothers Fund, the initiative will support practitioners, storytellers, researchers, and innovators in this emerging field. It’s about finding strength – not in spite of – but in our difference.

The Charles Koch Institute believes that “Uniting with anyone to do right isn’t about compromise at all. It’s about standing firmly on principle to make more progress than any of us could do on our own. The easy thing to do is to refuse to pull up a seat at the table or stand at a distance and virtue signal through censorship. The effective long-term solution is to create a space for dialogue and ideas.”
CASE STUDY

FACEBOOK, A GLOBAL SOCIAL MEDIA CORPORATION, BANS THE USE OF THEIR FUNDRAISING TOOLS TO FUND HATE AND VIOLENT EXTREMISM

In the past few years, the world of philanthropy has shown increasing awareness of the potential for hate-based groups to leverage fundraising tools. By developing its own policy standards, Facebook has sought to bring Facebook Fundraisers in line with other industry efforts in this area. Facebook’s work of policy development was based on extensive outreach with worldwide stakeholders, including experts on extremism and counter-terrorism; experts on philanthropy; and members of civil society (especially NGOs).

Facebook Policy

Facebook has made this policy public on their Facebook Fundraisers instructions page.

“Facebook may deny or remove access to fundraising tools for organizations that violate Facebook’s Community Standards, Legal Terms, or other policies.

Violation examples:

- Vaccine misinformation
- Militarized social movements and conspiracy groups that prompt or bring about violence

We may also block access to our fundraising tools for organizations that have supported or promoted hate speech or violence. We consider a number of factors about an organization when deciding whether or not to deny access to our tools.

Factors include:

- Organization or its leadership, like an executive officer or a board member, engage, advocate, or lend support to purposeful and planned acts of violence
- Organization has violated Facebook’s Hate Speech policies on Facebook
- Organization or its leadership, like an executive officer or a board member, has made public statements or has actively praised/supported an ideology or a public figure with an ideology that attacks people based on protected characteristics, including:
  - Ethnicity
  - National origin
  - Religious affiliation
  - Sexual orientation
  - Caste
  - Sex
  - Gender
  - Gender identity
  - Serious disease or disabilities