



#### **ABOUT THE SOUTHERN POVERTY LAW CENTER**

The Southern Poverty Law Center based in Montgomery Alabama is a nonpro, t civil rights organization founded in 1955 and dedicated to eradicating hate and bigotry and to seeking justice for the most vulnerable members of society

[www.splcenter.org](http://www.splcenter.org)

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#### **ABOUT CAIR**

Since its establishment in 1989 CAIR has worked to protect civil rights and to promote a positive image of Islam and American Muslims Through public outreach education and advocacy CAIR puts forth a mainstream perspective to ensure the American Muslim voice is represented in all levels of society In offering this perspective CAIR seeks to empower American Muslims and encourage their participation in political and social activism Today CAIR is the most prominent voice for American Muslims and is a reliable resource and partner for media public officials and policy makers and civil rights and interfaith partners

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# INTRODUCTION

In recent years numerous charitable institutions have been used by donors to indirectly support organizations that use their nonprofit tax status to actively seek funds to promote racism and bigotry. In 2017 and 2018, for example, the National Policy Institute, an organization started by white nationalist leader Richard Spencer, received two anonymous Donor Advised Fund (DAF) grants from the Community Foundation for the Central Savannah River Area.

## Richard Spencer has used the National Policy Institute to advocate for an “ethno-state” that would be a “safe space” for white people.

discussion from the convening no part of this paper should be attributed to any of the participating individuals or organizations

This document discusses the points of consensus and constraint that sector leaders identified during the roundtable discussions. The analysis and recommendations are also informed by a review of relevant literature as well as continued consultation with sector actors, experts, and advocates. It starts with an overview of the problems on hate funding in the philanthropic sector, followed by a summary and analysis of the roundtable discussions convened during the dialogue, covering three broad thematic areas: the role of DAFs in hate funding, anti-hate initiatives in the tech sector as a model for philanthropy, and the potential for sector-wide solutions and shared frameworks.

In addition to identifying specific aspects of the problem, the discussion at the symposium yielded

several key themes that deserve special mention. These include the unique role of community foundations in combating hate funding, the need for foundations to abandon the pretense of neutrality in their giving strategies and to expand their commitment to diversity, equity, and inclusion, the need for sector-wide reform and coordination, and the importance of safety and risk assessment. The conclusion contains a series of immediate and actionable recommendations for stakeholders to consider. Also included are appendices that contain useful information for practitioners, such as suggested further readings, resources on security for organizations thinking about screening out hate groups, definitions of key terms, and frequently asked questions.



## I. HATE AND HATE-FUNDING IN PHILANTHROPY

In recent years we have witnessed the normalization of hate throughout society. FBI data shows a percent increase in violent hate crimes in fact hate crime violence is at its highest level in years. Latinos, the LGBTQ community, and the Jewish community all experienced an increase in hate crimes in that year. One in five hate crimes stemmed from anti-LGBTQ bias while hate crimes against Latinos were at their highest level since

CAIR recorded more than bias incidents against Muslims between and with significant spikes in hate crimes, harassment, and property damage during the period of the presidential election. These findings by the FBI and CAIR closely mirror those of the SPLC, which documented a percent increase in the number of hate groups from to. Anti-immigrant and anti-Muslim hate groups have seen particularly strong growth in these years.

Hate groups often disseminate lies, conspiracy theories, and other propaganda that demonizes African Americans, Muslims, Jews, immigrants, LGBTQ people, and other groups. The SPLC has also found through nationwide teacher surveys that bias incidents and the harassment of children of color have spiked sharply in schools in the past three years.

Philanthropy is not immune to this climate of hate. By adeptly using the tax code to provide a veneer of legitimacy and respectability, hate groups in recent years have raised millions of dollars to fund their rallies, websites, recruitment, and indoctrination efforts and other activities. The New Century Foundation, for example, a self-styled white nationalist think tank that promotes pseudo-scientific studies that purport to show the inferiority of African Americans, raised more than million in tax-deductible donations since

Jared Taylor, its founder, said in an interview with the Associated Press that he isn't raising money to enrich himself or his group. Instead, he said, "We hold it in trust for the white race. We take this seriously. This is not something we do for fun or profit. This is our duty to our people." The Connecticut-based VDare Foundation, a white nationalist organization that serves to promote the work of white supremacists, antisemites, and

others on the radical right, raised nearly million between and.

These groups are not alone. Of the hate groups the SPLC identified as operating across America in, have tax-exempt designations, making them eligible to raise significant funds, which are subsidized by the IRS. In light of the total number of nonprofits in the U.S., the number of hate groups with tax-exempt status is minuscule. Their influence on public life, however, is massive.

It should be noted that not all hate groups are violent. However, vilifying or demonizing groups of people on the basis of their immutable characteristics, such as race or ethnicity, can—and often does—inspire hate violence, even when the group itself does not engage in or promote violent activity. A growing body of academic and independent research demonstrates a clear correlation between hate rhetoric and actual physical acts of violence against targeted communities. The University of Warwick, for example, recently found that with spikes in anti-refugee sentiment on German social media, attacks on refugees became disproportionately more likely. Similarly, researchers at the Dangerous Speech Project found that there are particular kinds of rhetoric that increase the risk that an audience will condone or participate in violence against members of another group.

For example, Dylann Roof was indoctrinated into white supremacist ideology before he massacred nine black members of the Emanuel African Methodist Church, Mother Emanuel Church, in Charleston, South Carolina, in. Roof was not a member of any hate group. But, according to his own manifesto, his act of terror was inspired by the ideology of the white nationalist group Council of Conservative Citizens (CCC). The CCC has no track record of its leaders or members engaging in violence, but its ideas and rhetoric, specifically its fabricated claims about black-on-white crime, led Roof to explore other racist materials online, leading to his radicalization and eventual attack on a prayer service, an act he hoped would ignite a race war.

In another example, the previously mentioned Richard Spencer, founder of the National Policy Institute, organized a white nationalist protest in





hate group they would take every measure possible to prevent it The attending community founda



A central concern raised by all stakeholders is the issue of anonymity. Because a DAF is in and of itself a charitable vehicle, when a DAF donor contributes to a fund, they are not necessarily identified in the public and private records of where the donation ultimately arrives. Rather, it is the sponsoring DAF organization that is identified as the origin of the donation. This is the case even though the donor receives the tax benefit at the time of the contribution to the DAF. With standard charities or nonprofits, if a donor provides a financial contribution, that donor understands that they lose control over the way their funding is managed or used. Thus, with DAFs, both elements—surrender of control and transparency—are avoided. The structure of the DAF creates a scenario in which a donor contributes to an account that is legally and logistically managed by an external agency but in practice and reality remains in the control of the donor. In this way, a donor can direct a contribution anonymously to a specific organization while ensuring that the original source of the contribution remains hidden from public view. The public sees only an untraceable DAF account serving as a buffer and intermediary between anonymous donors and recipients. This structure allows donors to give anonymously to nonprofits that promote hate, while only the name of the sponsoring charity is listed in public records.

The philanthropic and charitable sector has traditionally advocated self-regulation by developing self-governance and industry standards that avoid federal or state interference. While some stakeholders and critics urge regulatory intervention, the legislative track record on DAF reform is poor. In 2011, for example, former US Rep. Dave Camp (R-MI) suggested placing a five-year limit on undistributed DAF monies as part of a larger tax reform bill, but the proposal never reached the floor for debate. Even more modest regulations to close

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### III. INTERNET GOVERNANCE AS A MODEL FOR PHILANTHROPY

In many ways the tech industry especially social media companies and internet service providers mirrors the philanthropic sector especially public charities such as community foundations and DAF providers For example they both interface with public and private interests in a similar fashion in that they are private institutions while simultaneously exerting a strong influence in the public space Both sectors also claim to function as neutral platforms that serve their users and clients needs and both have significant concerns about managing the line between dangerous hate speech and free speech And both sectors are grappling with the rise of hate in general JT amr TDd







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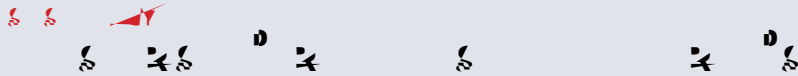
## IV. TOWARD A SHARED FRAMEWORK — BEST PRACTICES ON SCREENING HATE GROUPS

In light of the current political climate a number of foundations and philanthropic actors have sought to tackle the problems of inequity and social polarization by directing funding to advocacy organizing and educational programs, fighting these dangerous trends. However as current research shows it is not enough for philanthropy to support these efforts through dollars alone. The sector also must take measures to combat hate within its own ranks. Indeed a growing number of foundations funding collaboratives workplace giving programs corporate giving entities and other organizations in the philanthropic sector have individually developed more extensive policies and practices to ensure that their giving is both in compliance with the law and aligned with their mission and values statements. While participants all recognized the urgency of the problem called for immediate action to address it and understood the importance of sector wide change the question remains with regard to how to implement systems to screen out hate groups from DAF portfolios. Despite the challenges several key areas of consensus and constraint emerged in the discussion that can help stakeholders identify concrete steps to implement systems that prevent hate groups from exploiting their platforms.

As has been mentioned throughout this paper participants again repeated the unique role that community foundations play in serving as vanguards in the effort to screen out nonprofits that promote hate and discrimination. Through the course of the conversation it became clear that foundations would need to approach the problem in a tiered and phased approach recognizing that the problem requires long term capacity building solutions. It was recommended that the most immediate step all foundations can take is to begin instituting a conversation among staff executive teams and governing boards. These discussions can and should take the form of task forces composed of members from various levels of the organization who review how the issue affects the foundation and what corrective measures can be implemented to shield it from being indirectly used by hate groups.

Unfortunately many participants and stakeholders have raised the issue that even beginning a

conversation around hate groups can be controversial. Unf



GuideStar is a respected organization that gathers, organizes, and distributes information about US nonprofits in order to advance transparency in the philanthropic sector. Its role in the sector is undisputed as a key hub of information about nonprofit organizations. It relies on data from tax documents, external reviews, opinions, and other sources of data to offer visitors to its website a multidimensional view of nonprofits.

At the urging of some of its users, GuideStar in early 2017 started using the SPLC's hate group list

After aligning DAF agreements in accordance with existing DEI and anti-discrimination policies found in most every organization, foundations can take measures to explicitly endorse anti-hate policies and programs. The most immediate way for a foundation to move in this direction is to become a signatory to the Amalgamated Foundation's Hate is Not Charitable campaign and thereby make its commitment to anti-hate part of its overall mission and values statement. The Hate is Not Charitable campaign argues that using tax-deductible dollars to support hate groups undermines a shared value of democracy inherent to the logic of promoting the public interest, and it calls on both providers

**By asking a foundation to notify a donor about the problematic nature of one of its intended grantees, a charity can turn a difficult subject into an educational and relationship-building opportunity.**

country's largest commercial providers of DAFs recently banned contributions to the National Rifle Association (NRA). This ban came after the City of San Francisco passed a resolution on September 15, 2016, that labeled the NRA a terrorist organization and called for companies to limit their engagement with the organization, and after regulators in Washington, D.C., and New York opened an investigation into whether the NRA abused the nonprofit status of a charity it controlled.

Of course, due diligence is a routine part of all grantmaking activities. All grantmakers check, for example, whether the IRS has awarded an organization nonprofit status. The problem with relying only on the IRS to determine if an organization is charitable is that nonprofit status can be easily abused, especially since the agency started relying on assurances from small nonprofit organizations rather than the submission of actual documents in 2015.

In the fall of 2016, during a hearing of the House Ways and Means Oversight Subcommittee, some lawmakers argued to strip hate groups of their tax-exempt status. To be clear, denying or removing tax-exempt status from a group espousing hate does not necessarily violate free speech protections, as it would not seek to bar these groups. Instead, it would merely ensure that groups promoting hate and discrimination would not be recognized as charitable and therefore not be subsidized by U.S. taxpayers.

In fact, denying tax-exempt status to groups promoting hate is not without precedent. In 1985, the IRS revoked Bob Jones University's nonprofit status over its prohibition on interracial dating. That same year, the neo-Nazi group National Alliance was denied a tax exemption because its materials advocated for the violent removal of nonwhites and Jews from society. In 2003, the IRS denied

tax-exempt status to the Nationalist Movement, a group advocating social, political, and economic change to counteract minority tyranny while exalting freedom as the highest virtue, America as the superlative nation, Christianity as the consummate religion, social justice as the noblest pursuit, English as the premier language, the White race as the supreme civilizer, work as the foremost standard, and communism as the paramount foe. This decision was upheld by the United States Tax Court in 2005. In its decision, the court noted that tax exemption is a privilege derived from legislative grace, not a constitutional right. The U.S. Tax Court also noted it followed the Supreme Court's clear rejection of the notion that First Amendment rights are somehow not fully realized unless they are subsidized by the State. And in 2017, the Nationalist Foundation, a group favoring Americans of northern European descent, was denied tax-exempt status. However, despite this abundance of precedent, one has to be careful in allowing the government to have the sole authority to define what is hateful. A system where the government, without substantive input from a broad coalition of civil society groups, philanthropy, and academia, has the power to strip groups of tax-exempt status because of their views, no matter how abhorrent, and could easily be weaponized against groups based on where they fall on the political or ideological spectrum.

Further due diligence by grantmakers is often done by checking whether intended grantees' websites have a .org domain name under the false but widespread assumption that .org groups are necessarily registered as nonprofits. Grantmakers also vet potential grantees to ensure they do not appear on money laundering or international terrorist watchlists, such as FBI, INTERPOL, and the Office of Foreign Assets and Control. To ease the work of vetting against multiple watchlists, some grantmakers rely on third-party commercial databases that combine these watchlists with their own research. There are problems with both methods.

To start with, .org is an open domain available to anyone willing to pay a minimum annual registration fee. In fact, 10 percent of SPLC-designated hate groups, including neo-Nazi, anti-LGBTQ, anti-Muslim, and anti-immigrant groups, have a .org website, regardless of their tax-exempt status. Third-party commercial databases are equally problematic. One example of such a database is WorldCheck. It is used by the banking

and financial services industries. It is also used by and actively markets to the charitable sector. World Check is often criticized by civil rights organizations, advocates, and experts on international terrorism for bias and misinformation that can result in the blacklisting and deplatforming of legitimate charitable groups. The commercial nature of World Check, its lack of coordination with civil society organizations, its use of unsubstantiated data, and its lack of transparency make it a highly problematic tool to screen out hate. Despite the numerous problems with the product, World Check is still used widely in the philanthropic sector and is integrated into a number of grant management software programs.

Adding new steps in due diligence processes will take up more time and staff capacity—two things in short supply at most foundations. Indeed, most stakeholders acknowledged the fact that their organizations simply lacked the human resources and in-house subject area expertise to implement comprehensive due diligence and vetting processes to screen out hate. For these reasons, nearly all participants agreed that while comprehensive due diligence *policies* are needed, there is also a need for advocacy organizations, academia, and philanthropy to work together to develop easy-to-use due diligence *tools*.

If these three sectors—academia, advocacy, and

the organizations

and philanthropy together do

## V. RECOMMENDATIONS

Philanthropy is at a crossroads. With the growth of bias, discrimination, and violent hate crimes and white supremacist terror attacks affecting our communities, philanthropy has a responsibility to address hate both in society and in the sector itself. Community foundations, due to their big tent, local nature and civic missions, occupy a unique space in society, allowing them to transcend much of the polarized and fragmented nature of public life today. And while community foundations regularly combat social inequity, revelations that their charitable platforms have been used by special interest networks to funnel money to hate groups has resulted in more demands that the philanthropic sector take measures to insulate itself. As thought leaders in philanthropy have argued, even if the actual dollar amounts to hate groups from community foundations remain small in the context of the sector's enormous contribution to the public good, those funds nonetheless contribute to the normalization of hate speech and activity. More importantly, hate funding directly undermines the civic mission of community foundations by going against their values and harms the safety of the communities they represent.

Community foundations can do so by shedding the myth that they operate as value-free, neutral platforms. Just like the tech industry, long reliant on *free speech* arguments, is moving toward a recognition of the importance of *equal speech*, community foundations should not rely on the argument of neutrality to justify a lack of action addressing hate funding. Rather, they should recognize that hate speech and activity are actually a public safety issue, not one about entertaining multiple and diverse political voices. The sector should recognize that there is a bright line between organizations that are inclusive of diverse voices and those that seek to deny individuals and groups the right to equally participate in society by spreading false, discriminatory propaganda and hatred related to immutable characteristics of whole populations and communities. Foundations can demonstrate their commitment to public safety by being fully transparent to their donors, the charities they

support, and the public about their values, their policies, and their contractual agreements.

Community foundations should support the work of Change the Terms, a coalition of community foundations that has been instrumental in advocating for transparency and accountability in the sector. A first step is to continue to convene with leaders at Change the Terms to explore how its model policies can be modified to apply to the philanthropic sector.

To move this sector in the right direction, foundations should support the work of **Hate-Free Communities** by encouraging private and public foundations to sign on as part of a larger coordinated campaign to raise awareness about the issue. Thereafter, foundations should work in close coordination with civil society and academia to sponsor public and private roundtables and discussions about sector reform. There is an opportunity for membership organizations and philanthropic affinity groups to influence the sector by developing model policies and standards that go beyond simply reacting to crises caused by hate and instead work toward addressing hate proactively.

Community foundations should also have robust anti-discrimination policies in their HR ecosystems, providing another base upon which to build anti-hate infrastructures within their organizations.

As it pertains to DAFs, community foundations and commercial sponsors should also be held to the same standards of transparency and accountability.

Community foundations should also be held to the same standards of transparency and accountability.

Instead of government regulation, advocacy organizations, academia, and philanthropy have an opportunity to work together to provide guidance to the sector.

[REDACTED]

The current state of reporting and research is largely piecemeal and ad hoc in nature. Philanthropic organizations can and should help fund university research centers focused on DAFs as well as support advocacy and journalistic initiatives aimed at identifying the role of hate in the sector.

Strengthening due diligence practices necessarily requires increased capacity and expertise that foundations must build out over the long term. Just as the industry has continually grown to comply with regulations, achieve compliance standards, and implement risk prevention systems around issues such as money laundering and terrorist finance, so too should it implement systems that provide robust screening systems against hate groups.

[REDACTED]

It should be noted, however, that even if screening systems and due diligence processes are

adopted by foundations, the question of variance power—a charity's discretionary judgment to redirect a donor's funds—remains unclear to many in the industry. While there is a long trail of legal and industry precedent when it comes to the adjustment of donor funds in traditional charities, often due to outdated mandates or institutional change, the way variance power applies to DAFs is still being explored by sector actors and experts.

[REDACTED]

In closing, philanthropy must do more than simply condemn hate. It must take the next step and confront it. In the words of Sharon Alpert, CEO of the Nathan Cummings Foundation:





# APPENDIX A



## APPENDIX B

The Southern Poverty Law Center defines a hate group as an organization that based on its official statements or principles the statements of its leaders or its activities has beliefs or practices that attack or malign an entire class of people typically for their immutable characteristics We do not list individuals as hate groups only organizations

The organizations on the SPLC group list vilify others because of their race religion ethnicity sexual orientation or gender identity prejudices that strike at the heart of our democratic values and fracture society along its most fragile fault lines

The FBI uses similar criteria in its definition of a hate crime:

*[A] criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.*

We define a group as an entity that has a process through which followers identify themselves as being part of the group This may involve donating paying membership dues or participating in activities such as meetings and rallies Individual chapters of a larger organization are each counted separately because the number indicates reach and organizing activity There are currently hate groups operating in the United States

As defined in the model terms of service of Change the Terms hateful activity means activities that incite or engage in violence intimidation harassment threats or defamation targeting an individual or group based on their actual or perceived race color religion national origin ethnicity immigration status gender gender identity sexual orientation or disability

CAIR defines the Islamophobia Network as a decentralized and close knit family of organizations and individuals that share an ideology of extreme

anti Muslim animus and that work with one another to negatively influence public opinion and government policy about Muslims and Islam

Each year since the SPLC has published an annual census of hate groups operating within the United States The number is a barometer albeit only one of the level of hate activity in the country Other indicators of hateful ideas include the reach of hate websites for example The hate map which depicts the groups approximate locations is the result of a year of monitoring by analysts and researchers and is typically published every February It represents activity by hate groups during the previous year

Tracking hate group activity and membership is extremely difficult Some groups do everything they can to obscure their activities while others grossly over represent their operations The SPLC uses a variety of methodologies to determine the activities of groups and individuals These include reviewing hate group publications and reports by citizens law enforcement field sources and the news media and conducting our own investigations

Hate groups tear at the fabric of our society and instill fear in entire communities American history is rife with prejudice against groups and individuals because of their race religion disability sexual orientation or other characteristics As a nation we have made a lot of progress but our history of white supremacy lingers in institutional racism stereotyping and unequal treatment of people of color and others Hate also plays a particular role in crime and thus the existence and location of hate groups is important to law enforcement The US Department of Justice warns that hate crimes more than any other crime can trigger community conflict civil disturbances and even riots For all their patriotic rhetoric hate groups and their imitators are really trying to divide us their views are fundamentally anti democratic and should be exposed and countered

The SPLC hate map depicts the approximate



United States and abroad often marshaling the same debunked myths and demonizing claims in their efforts

A major misconception one that is deliberately promoted by anti-LGBTQ hate groups in order to accuse the SPLC of being anti-Christian

is that the SPLC considers opposition to same sex marriage or the belief that homosexuality is a sin as the sole basis for the hate group label. This is false. There are many organizations and hundreds of churches and other religious establishments that oppose same sex marriage or oppose homosexuality on strictly Biblical grounds that the SPLC does not list as hate groups

The SPLC has listed black separatist groups since the late 1960s. Most prominent are the Nation of Islam and the New Black Panther Party which has no relationship to the Black Panther Party of the 1960s and 70s. The organizations hold beliefs whose tenets include racially based hatred of white people. Other black nationalist groups believe black people are the true Israelites and many espouse virulently antisemitic and anti-LGBTQ beliefs

Black separatist groups have always been a reaction to white racism. These groups are typified by their antisemitic, anti-LGBTQ, anti-white rhetoric and conspiracy theories. They should not be confused with mainstream black activist groups such as Black Lives Matter and others that work to eliminate systemic racism in American society and its institutions

While its critics claim that Black Lives Matter's very name is anti-white, this criticism misses the point. Black lives matter because black lives have been marginalized for far too long. As BLM puts it, the movement stands for the simple proposition that black lives *also* matter.

The SPLC has heard nothing from the founders and leaders of the Black Lives Matter movement that is in any way comparable to the racism espoused by, for example, the leaders of the New Black Panther Party, and nothing at all to suggest that the bulk of the demonstrators hold supremacist or black separatist views. Indeed, people of all races have marched in solidarity with African Americans during BLM marches.

The SPLC lists only domestic hate groups—those based in and focused on organizing in the United States. We do, however, list several US-based groups that are ideologically similar to groups like ISIS. They are usually listed as hate groups because of their vilification of Jews and LGBTQ people.

The SPLC condemns violence in all its forms, including the violent acts of far-left street movements like antifa (short for anti-fascist). But the propensity for violence, though present in many hate groups, is not among the criteria for listing. Also, antifa groups do not promote hatred based on race, religion, ethnicity, sexual orientation, or gender identity (see criteria above).

The SPLC's goal is to identify all US-based groups that meet its definition of a hate group regardless of whether one would think of the group as being on the left or the right. One can always debate whether a group should be considered left or right. The Nation of Islam, which we list for its antisemitism and vilification of white people, is a case in point. Another example is Jamaat al Muslimeen—a Muslim group that is listed because of its vilification of Jews and the LGBTQ community. But as a general matter, prejudice on the basis of factors such as race is more prevalent on the far right than it is on the far left.

This does not mean that extremism and violence on the far left are not concerns. But groups that engage in anti-fascist violence such as antifa groups are not typically organized around bigotry against people based on the characteristics listed above.







gear Peter PayPal CEO Grapples with  
Fringe Groups; Dan Schulman explains  
who gets booted and why *The Wall  
Street Journal*, February <https://www.wsj.com/articles/paypal-ceo-grapples-with-fringe-groups>



Tax Exempt Propaganda: The Case for  
Defining the Second Prong of the Meth  
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