

## Feminist Movement Exploits Sports to Advance Agenda

*“Gender Equity” Groups and Think Tanks Target Professional and Collegiate Athletics*

by John K. Carlisle

*Summary: Martha Burk is chair of an obscure group called the **National Council of Women’s Organizations (NCWO)**. But she won extraordinary publicity by demanding that the Augusta National Golf Club end its men-only membership policy. Burk also called on golfer Tiger Woods to withdraw from the Masters Golf Tournament, which the Club hosts. Two key feminist policy groups – the **Women’s Sports Foundation** and the **National Women’s Law Center** – are members of NCWO. We publish updated excerpts from CRC’s Guide to Feminist Groups by Kimberly Schuld, which surveys their activities.*



Martha Burk’s high-profile campaign against Augusta National Golf Club’s all-male membership policy generated great publicity for the feminist cause.

### **M**artha Burk and the National Council of Women’s Organizations

The National Council of Women’s Organizations (NCWO) is an umbrella organization that coordinates messages and pools the resources of its member organizations, “a bipartisan network of more than one hundred women’s organizations, which together represent more than 6 million members.” That’s the claim.

In truth, NCWO is pretty much one woman, Martha Burk, a long-time but little-known feminist activist. Burk has a Ph.D. in psychology, is a diversity consultant for corporations and public agencies, edits a feminist fax newsletter, and has served on the boards of a number of organizations, including the National Organization for Women and Wider Opportunities for

Women. She also chairs the Legislative Task Force of the National Committee on Pay Equity and is on the Sex Equity Caucus of the National Association for the Education of Young Children. NCWO, her 501(c)(3) nonprofit, is “advised” by an eight-member Steering Committee, which includes the heads of the Feminist Majority Foundation, the National Abortion Federation, and the NOW Legal Defense and Education Fund.

NCWO had \$198,000 in revenue in 2001. Its tax forms show that about \$130,000 came from eleven grants, in amounts from \$5,000 to \$30,000. Federal law does not require donor disclosure. However, the John D. and Catherine T. MacArthur Foundation reported that in 1999 it provided \$200,000 over two years to support NCWO’s programs on strengthening Social Security. Tax forms for the Ms. Foun-

ation for Women show it gave NCWO \$8,000 in 1999 and \$10,500 in 2000. The Retirement Research Foundation of Chicago donated \$15,000 to the group in 2001.

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# Foundation Watch

## The Golf Controversy

Burk burst on to the public scene in June 2002 when she publicly challenged the Augusta National Golf Club, site of the celebrated Masters Tournament, to end its policy of excluding women as club members. In a letter to Augusta National Chairman William "Hootie" Johnson, Burk wrote:

*"Our member groups are very concerned that the nation's premier golf event, the Masters, is hosted by a club that discriminates against women by excluding them from membership... We know that Augusta National and the sponsors of the Masters do not want to be viewed as entities that tolerate discrimination against any group, including women. We urge you to review your policies and practices in this regard, and open your membership to women now, so that this is not an issue when the tournament is staged next year."*

Burk's references to the tournament's corporate sponsors – with its dreaded implication of boycotts — clearly indicated she was prepared to exert pressure

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on Augusta National. Johnson firmly rejected Burk's demand. Noting that Augusta National "is a distinctly private club," he answered Burk in a July letter, "I found your letter's several references to discrimination, allusions to the sponsors and your setting of deadlines to be both offensive and coercive." With that sharp exchange the feud ignited, and it generated a crescendo of heated public debate and media coverage about gender equity in sports.

## Attacking Corporate Sponsors

After Johnson refused to accede to her demand to end the private club's male-only membership policy, Burk began targeting corporate sponsors of the April 2003 Masters tournament. On July 30, she wrote to the CEO of IBM, Samuel Palmisano, and called on the company to end its sponsorship of the Masters Golf Tournament because Augusta National "discriminates against women by excluding them from membership." Burk's letter also played the race card: "Sponsoring the Masters legitimizes the discrimination engaged in by Augusta National...this position directly contradicts IBM's actions regarding discrimination." She noted that in 1990, IBM withdrew its sponsorship of the PGA Golf Championship because it was held at Shoal Creek Golf Club which discriminated against African-Americans. Burk wrote, "We urge you to use the same criterion with regards to discrimination against women at Augusta National Golf Club." Perhaps taking a cue from Jesse Jackson's successful corporate campaigns, Burk may have expected that skittish corporations would cave in rather than risk the sully of their reputations.

IBM, however, refused to terminate its sponsorship. But the company did distance itself from Augusta National's male-membership policy by noting that it sponsors the Masters event and not the club. In an August letter to Burk, Rick Singer, director of IBM's Worldwide Sponsorship Marketing, said the company was committed to diversity and pointed to "our support of NCWO's member organizations." Burk replied that IBM's position on the tournament was unacceptable and contended that its positions on race and sex discrimination were inconsistent.

Burk also went after other key tournament sponsors like Coca-Cola, General Motors and Citigroup. In letters to the companies, she continually emphasized race: "We urge you to follow the lead of IBM, Toyota, Honda, and Sharp Electronics, which withdrew or threatened to withdraw their sponsorships from the PGA Golf Championship in 1990 until the club hosting the event...opened its membership to African American men." The corporations refused to end their sponsorships. But, like IBM, they were put on the defensive and showed no interest in affirming Augusta National's right as a private association to set its membership policies. Leah Johnson, director of Citigroup's Public Affairs division, wrote: "We have communicated our views privately to the management of the tournament. We believe that such dialogue is the most constructive approach to this issue."

To shield the corporate sponsors from further Burk demagoguery, Augusta National announced that it would suspend all commercial advertising during the Masters tournament. In an August 30 press statement, Johnson wrote:

*"We are sorry, but not surprised, to see these corporations drawn into this matter but continue to insist that our private club should not be 'managed' by an outside group... We also believe that the Masters and the Club are different, and that one should not affect the other. Augusta National is NCWO's true target. It is therefore unfair to put the Masters media sponsors in the position of having to deal with this pressure."*

The decision cost Augusta National \$20 million

While Johnson let corporate sponsors off the hook, Burk was by no means done. NCWO simply shifted tactics. In September, Burk demanded that CBS not broadcast the golf tournament because in doing so, the company would be "an active underwriter of an organization that discriminates against half of its viewers." CBS refused, noting that not showing the Mas-

## Women's Sports Foundation

By Kimberly Schuld

The Women's Sports Foundation provides financial resources and equipment to budding female athletes. But it also encourages girls to attribute their successes to Title IX, the law that prohibits statistical disparities between the sexes when institutions receiving federal funds provide education services. WSF supported Olympic ice skater Michelle Kwan, who was not enrolled in a school-based program falling under Title IX guidelines. However, its policy confuses personal achievement with political success. Because it cannot tell the difference, many of the athletes it supports cannot either.

The mission of the Women's Sports Foundation (WSF) is "to ensure equal access to participation and leadership opportunities for all girls and women in sports and fitness." Founded in San Francisco in 1975 as a resource center and library, WSF published the first college athletic scholarship guide for women. Since 1993, its national office has been on Long Island, New York. Nassau County donated office space as well as land for a future International Center for Women's Sports.

WSF offers awards programs, grants and scholarships to women athletes, coaches, and sports researchers. It also promotes advocacy for gender equity in sports, relying on enforcement of Title IX of the Education Amendments of 1972, a federal law that prohibits sex discrimination in education programs receiving federal aid. WSF awards and scholarships programs are generally uncontroversial, but donors and recipients often know nothing about WSF's advocacy in Washington for gender equity, Title IX, and equal pay issues.

WSF tends to issue manifesto-like statements laying claim to women's equality. Here, for instance, is part of WSF's statement of mission and goals.

### *OUR VISION IS A SOCIETY IN WHICH:*

- *girls and women of all ages fully experience and enjoy sports and fitness with no barriers to their participation.*
- *girls and women are confident and comfortable identifying themselves as athletes.*
- *everyone believes that sports and fitness are important to the health, leadership development and well-being of all girls and women.*
- *everyone agrees that society benefits when females reach their full potential.*
- *no one underestimates the sports ability of a person simply because of gender or appearance.*
- *sports for males and females embrace positive values and respect for others.*
- *equal opportunity is assured and equal ability assumed in the sports workplace.*
- *there is extensive interest in, and quality media coverage of, women in sports.*

WSF is a member of the National Coalition for Women and Girls in Education, a program of the National Women's Law Center. It is also a Non-Governmental Organization (NGO) member of the United Nations and has "consultative status" to the U.N. Economic and Social Council.

WSF agreements with other organizations help build its network. WSF collaborations include:

- Girls Incorporated
- Girl Scouts of the U.S.A.
- National Association of Girls and Women in Sports (an affiliate of the American Alliance for Health, Physical Education, Recreation and Dance)
- YWCA of the U.S.A.

### **Personnel**

Donna Lopiano, a former women's athletic director at the University of Texas, Austin has been WSF executive director since 1992. Her duties include monitoring enforcement of Title IX and overseeing a staff of about thirty. Lopiano has testified as an "expert witness" in court cases to convince juries that differential treatment of school sports teams makes girls victims of sex discrimination under Title IX.

*(Continued on page 4)*

# Foundation Watch

The founder and chair of the WSF board of trustees is former tennis star Billie Jean King. Other board members include a mix of former sports figures (Olympians Donna DeVarona and Judy Foudy), and academics, lawyers and corporate executives involved in sports and fitness. WSF also relies on outside experts when it pursues Title IX cases alleging discrimination against women athletes. They include:

Linda Bunker—This University of Virginia professor testifies in Title IX athletic lawsuits for plaintiffs identified by the Women’s Sports Foundation and the National Women’s Law Center. WSF uses Bunker’s study correlating risky behavior and teen sports participation as a staple of its policy advocacy.

Richard E. Lapchik—A founder of the Center for the Study of Sport in Society, this Northeastern University law professor writes extensively on Title IX, arguing for methods of compliance that discriminate against male athletes.

Deborah Slaner Larkin—A member of the board of directors for the National Women’s Law Center, Larkin was WSF executive director from 1986 to 1991, and was key to developing the relationship between NWLC and the WSF on Title IX litigation.

ters would be a disservice to the millions of male and female fans who avidly watch the event each year.

## Going After Tiger

Burk kept herself in the media spotlight for the next eight months until the April 2003 tournament. She next used race against famed golfer Tiger Woods in an attempt to force him out of the tournament to protest Augusta’s membership policy. Drawn into the debate at a July press conference in Scotland, Woods responded, “[The members] are entitled to set up their own rules the way they want them. It would be nice to see everyone have an equal chance to participate if they wanted to, but there is nothing you can do about it. It’s unfortunate, but it’s just the way it is.”

That wasn’t good enough. In a *Washington Post* article, Burk blasted the 26-year-old. Damning Woods for not following in the tradition of civil rights activists, Burk said Woods “is uniquely positioned to help make changes and should reconsider his notion that nothing can be done.” She told the *New York Times*: “For all my respect for him, Tiger is naive when it comes to changing course.” Woods also felt compelled to distance himself from Augusta National and issued a statement on his web site, tigerwoods.com: “Would I like to see women members? Yes, that would be great, but I am only one voice. Everyone has to understand that Augusta isn’t quick to change. No matter what I or

the press says, they do things at their own pace ... and won’t buckle to outside pressure.” Woods later suggested that Burk and Johnson meet to resolve the matter.

But the pressure only intensified. On November 18 a *New York Times* editorial urged Woods to withdraw from the Masters: “A tournament without Mr. Woods would send a powerful message that discrimination isn’t good for the golfing business.” Woods angrily rejected the idea, saying it was unfair to ask him to “give up an opportunity no one has ever had—winning the Masters three years in a row.”

Burk’s campaign, which persuaded the *Times* to pressure Woods to pressure the Masters to pressure Augusta National was the very definition of zealotry. She never seems to have considered that she was undermining the career of arguably the greatest golfer who ever played the game – and a hero to many African-Americans.

## Attacks Backfire

“To go to these drastic measures I think is totally wrong. I think this Martha Burk lady that is running this women’s group has gone a little overboard.” That was the understated response of former Masters winner Fred Couples.

Burk’s increasingly strident attacks began to put off people who were sympathetic to her cause. When she tried to link Augusta National to the Iraq war by urging that the Masters be canceled “out of def-

erence to our fighting men and women,” an exasperated Tony Kornheiser, sports columnist for the *Washington Post* and a supporter of opening the club to women, retorted: “By binding the Masters together with this war and female soldiers Burk has diminished her issue and reduced her relevance.”

For all the heated controversy Burk provoked, when NCWO finally staged its protest, the demonstration was anti-climatic and even rather pathetic. The NCWO protest consisted of no more than nine women who were forced to demonstrate a half-mile from Augusta’s main gate. The throngs of reporters and photographers who arrived expecting a larger crowd felt cheated. Susan Reimer, a *Baltimore Sun* reporter, wrote that she “witnessed from a distance the deterioration of Martha Burk’s protest into an embarrassing circus that featured a big pink pig, a guy from a KKK fringe group, and giant puppets. It lasted less time than lunch out with friends, and it accomplished much less.” (NCWO had competition from Klu Klux Klan counter-demonstrators and from Jesse Jackson, who staged his own demonstration during the tournament.)

Burk plans to continue her pressure campaign. She has a website — [augustadiscriminates.org](http://augustadiscriminates.org) — which tries to provoke protests against corporation CEOs who are Augusta National members. (Burk ignores the fact that not many average housewives could join anyhow

because the membership fee is \$230,000 plus an additional \$28,000 in annual playing fees.) But judging by the failure of her tournament protest, little is likely to come of it. Observed Reimer, “The Masters protest surely set her back. It illustrated to all who watched that there isn’t much interest in this cause.”

Burk accomplished little. That’s only fitting because NCWO is a tiny operation of just three staffers and a meager budget. But there is no denying that Burk and NCWO created a public uproar. That she could generate so much controversy with so few resources shows the power of feminist activism to create turmoil and confusion.

## **Feminist Think Tanks Aid Burk’s Cause**

Martha Burk could take her not-so-lonely stand because she was supported by an impressive infrastructure of feminist allies. Even though the Augusta protests fell flat, Burk could count on support from her NCWO member groups. They would insist that the issue was discrimination, not sports.

Two NCWO members have been major public policy players in the area of sports and recreation, and they are key organizations in the fight over “gender equity” in sports. The Women’s Sports Foundation directly associated itself with Burk’s crusade. The National Women’s Law Center (NWLC) stood apart, but its work laid the ideological and legal foundations for Burk’s dispute with club president Hootie Johnson.

In September 2002, the Women’s Sports Foundation (WSF) issued a position statement and press release explaining why Augusta National should have to admit women members. Said Donna Lopiano, WSF executive director, “While we fully support the right of ‘private’ clubs to self-determination, as soon as that club engages in staging public events and public commerce, they are no longer a private entity and the privileges of ‘privacy’ should therefore cease.”

Like Burk, Lopiano likened Augusta

National’s membership policy to pernicious racial discrimination. “Since the LPGA and the PGA have policies against playing their sanctioned events at clubs which practice race or gender discrimination, it would be assumed that LPGA and PGA players would not participate in a tournament hosted by a club that does discriminate – as a matter of principle.” WSF also issued a formal statement of principles that private clubs hosting sports events should follow. It includes:

*\*Sports for males and females should embrace positive values and respect for others;*

*\*Equal Opportunity, treatment and benefits in sports participation, sports leadership and sport-related careers should be assured;*

*\*Sports and sports related careers should include people of every age, color, gender, national origin, physical disability, race, religion and sexual orientation.*

Echoing Burk’s harangue against Tiger Woods, the WSF statement also called on athletes to take an active role in addressing gender discrimination: “Athletes, professionals in sports related careers and members of the general public who are members of sports organizations and clubs that have policies” that discriminate based on gender should “immediately call for a formal review and revision of such policies and practices.”

WSF’s response was typical of the think tanks and policy centers that are playing critical roles in the feminist movement. They are eager to supply statistical data, policy arguments and philosophical direction to aid front-line activists like Martha Burk.

Another key feminist group is the National Women’s Law Center (NWLC). While it did not directly enter the controversy, NWLC is a member of Burk’s National Council of Women’s Organizations and it is unlikely that it disputes her position on membership policies at private sport clubs. While Burk was trading arguments with Hootie Johnson, the National

Women’s Law Center was advancing a wide range of legal positions to secure the feminist policy agenda.

One major issue for NWLC is Title IX. This is the law passed 30 years ago to prohibit sex discrimination at educational institutions that receive federal funds. The law was especially instrumental in forcing universities to significantly increase spending on women’s athletics. A January 2003 *Washington Post* article profiling Center president Marcia Greenberger indicates the importance of Title IX to the organization: “In her 30-year career as co-president of the Washington-based National Women’s Law Center, no issue has consumed more of Greenberger’s energies than Title IX. She fought to implement it, she fought to enforce it, and she has fought to preserve it. Now she is fighting once again.”

Greenberger’s latest fight is against the Bush Administration’s proposals to reduce Title IX’s onerous mandates. One proposal would decrease the number of athletic scholarships that colleges are required to provide women. Title IX critics argue that the law has undermined men’s athletic opportunities and resulted in the loss of men’s programs such as wrestling and gymnastics. But Greenberger dismisses these criticisms: “The same arguments being made today have been made for the last 30 years. They’ve been rejected by Congress, they’ve been rejected by the courts, and now there is a full-court press by this administration to do the work the courts refused to do.”

*John K. Carlisle is the Editor of Foundation Watch.*

# National Women's Law Center

By Kimberly Schuld

Despite its name, the National Women's Law Center provides no legal services to women. Instead, it tries to change public policies affecting women by lawsuits and political advocacy. Originally called the Women's Rights Project of the Center for Law and Social Policy, it became an independent organization in 1981.

NWLC chooses a few cases every year to raise new legal issues that expand women's rights. When it's unsuccessful in court, the Center lobbies Congress. For example, in 1976 the Supreme Court ruled against NWLC clients who claimed that Title VII of the Civil Rights Act of 1964 should guarantee them health insurance or disability coverage for pregnancy. President Marcia Greenberger and her allies immediately headed to Capitol Hill where they lobbied to include pregnancy in federal civil rights law. NWLC claimed victory in 1978 with passage of the Pregnancy Discrimination Act.

### Policy Agenda and Sports-Related Activism

NWLC covers legal and policy issues across an array of categories. These include athletics, education, sexual harassment, women in the military, child care, employment, social security, child support, health and taxation.

However, NWLC has a voracious appetite for Title IX sex-discrimination lawsuits directed at job training programs and school athletic programs. During the 1990s, it was a strong supporter of Clinton appointee Norma Cantu, assistant secretary in the Department of Education's Office for Civil Rights, who pushed hard for women's quotas in school athletics that resulted in the abolition of more than 350 men's collegiate athletic teams.

NWLC works closely with the Women's Sports Foundation and the Gender Equity Committee of the National Collegiate Athletic Association (NCAA) for more money and positions for female athletes. On the twenty-fifth anniversary of the passage of Title IX it issued a national report card on "gender equity" and identified areas where it thought more legal action was needed. NWLC also worked with all-male Virginia Military Institute to admit women as cadets and adapt the training regimen to accommodate their reduced physical capacity. NWLC is a member of the National Council of Women's Organizations, and it operates the National Coalition for Women and Girls in Education.

NWLC cites many accomplishments. Its publications, coalition-building and lobbying activities promote policy changes in women's health and reproduction, child care, child support and Title IX enforcement.

- NWLC demands that employers be required to provide health insurance for contraceptive care. In 2001 it testified before Sen. Edward Kennedy's health committee and filed complaints with the Equal Employment Opportunity Commission.
- NWLC touted the military's child care system in a report, *Be All That We Can Be: Lessons From the Military for Our Nation's Child Care System* which argues for state child care reforms.
- It co-chaired a national coalition of over 100 organizations demanding that child and dependent care tax credits be made refundable to low-income families. It also issued a 1998 report, *Making Care Less Taxing: Improving State Child and Dependent Care Tax Provisions*, whose recommendations were adopted by nine states.
- Its publication *Check It Out: Is the Playing Field Level for Women and Girls at Your School?* shows readers how to measure schools' commitment to "gender equity" in athletics and enforce the Equity in Athletics Disclosure Act.

### Personnel

Co-president Marcia Greenberger was the first full-time paid staff attorney in Washington to work exclusively on women's issues when she founded NWLC's predecessor, the Women's Rights Project in 1972. Greenberger focuses on federal and state employment, education and health policy. She serves on many boards, including the ABA Individual Rights and Responsibilities Section Council; the executive committee of the Leadership Conference for Civil Rights; and the policy council of the Disability Rights Education and Defense Fund. NWLC employs about 25 staff, including staff attorneys.

## Major Donors to National Women's Law Center

In fiscal year 2001, NWLC reported assets of \$4,874,576, \$3,888,047 in revenue, and \$3,787,615 in expenses. NWLC is funded by many of the nation's leading liberal philanthropies and corporations:

American Express Foundation — \$10,000 (2000)  
AT & T Foundation — \$25,000 (2000)  
Gwendolyn and Morris Cafritz Foundation — \$40,000 (2000)  
Robert Sterling Clark Foundation — \$85,000 (2001)  
Fannie Mae Foundation — \$25,000 (2000)  
Ford Foundation — \$400,000 (2002)  
Ford Motor Company Fund — \$50,000 (2000)  
General Service Foundation — \$25,000 (2000)  
Wallace Alexander Gerbode Foundation — \$25,000 (2002)  
George Gund Foundation — \$80,000 (2001)  
Moriah Fund — \$40,000 (2000)  
David and Lucile Packard Foundation — \$460,000 (2000)  
Rosenberg Foundation — \$250,000 (2000)  
Turner Foundation — \$50,000 (2000)  
Verizon Foundation — \$10,000 (2000)

## Women's Sports Foundation Corporate Partners

In fiscal year 2001, the Women Sports Foundation reported \$4,993,893 in revenue, \$4,323,476 in expenses and assets of \$5,307,908. Major corporate partners include:

America Online – Internet Service Provider  
AthleticLink.com – Web Partner  
DuPont Lycra – Official Sponsor of the Women's Sports Guide  
ESPN – Co-Presenter of the Salute to Women in Sports Awards Dinner and Television Show  
Gatorade – Official Sports Drink; Presenting Sponsor of www.GoGirlGo.com; Presenting Sponsor of Equipped 2 Play Grant Program  
Getty Images, Inc. – Official Photographic Sponsor  
Girlzone – Web Partner  
iVillage.com – Web Partner  
Nassau County – National Office Space Provider  
RYKA – Sponsor of the RYKA Fitness Grant  
The Sports Authority – Exclusive Sports Equipment Provider for the Equipped 2 Play Grant Program

# PhilanthropyNotes

University of California professors want university administrators to reject research funding from tobacco companies. In January, 52 percent of the faculty at UC San Francisco (UCSF) voted for the ban. Stanton Glantz, a UCSF researcher and veteran anti-tobacco activist, says: "It is not appropriate to take money from an industry that kills 5 million people worldwide and constantly lies." But Lawrence Coleman, UC vice provost for research, says academic freedom is at stake. The issue involves the **American Legacy Foundation**, a Washington, DC-based tobacco research and education nonprofit set up in 1998 with funding from the multi-billion dollar settlement between state governments and the tobacco industry. The foundation donates \$25 million each year to researchers, but only if their institutions expressly ban tobacco money. To date, 15 universities have debated the Foundation's funding restrictions. Ten have agreed to accept the restrictions while five declined to accept grants.

A three-part *Washington Post* series (May 4-6) exposes the financial dealings of the **Nature Conservancy**, which purchases land and resells it to trustees or supporters at a loss. Buyers then cover the loss by donating cash to the Conservancy roughly equal to its loss on the sale while they take a tax deduction—just as if they had contributed to a local charity. Tax specialists say the deals are questionable: Federal tax rules do not allow charitable deductions for ordinary payments to purchase property. But Philip Reed, a Conservancy trustee who benefited from the tax breaks, insists the transactions are "not illegal." He was reluctant to discuss details, however, because he did not want to alert the Internal Revenue Service. Capital Research Center examined Nature Conservancy land deals in "The Green Land-Grabbers," *Foundation Watch*, November 2001.

In May, the **U.S. Supreme Court** ruled that fundraisers who intentionally mislead donors about how their **charitable contributions** will be used can be sued for **fraud** by state charity officials. In a unanimous decision, the Court upheld a fraud suit by the Illinois attorney general against two telemarketing firms that raised \$7.1 million for Vietnam veterans between 1987 and 1995, but kept \$6 million for alleged expenses. The Court ruled that the telemarketers made false statements to potential donors by claiming that "90 percent or more goes to the vets." Nonprofit watchdog groups praised the ruling. Diana Avis, president and CEO of the **Independent Sector**, says: "The Court provided clear direction to state charity officials that will allow them to pursue prosecutions of charitable fraud without imposing unconstitutional restrictions on the ability of charities to speak out and educate the public about important issues."

Congress is considering legislation to prevent **foundations** from counting salaries, travel, facilities, and other **administrative expenses** as part of their annual mandated payout. To qualify for tax-exempt status, foundations must spend at least 5 percent of their assets, averaged over three years, on philanthropy. However, this currently includes spending on administration, which accounts for about 13 percent of giving at most large foundations. Members of Congress, including **Senator Charles Grassley** (R-IA), chairman of the Senate Finance Committee, object: "Every dollar that featherbeds a foundation executive doesn't help a person in need." Some groups support rescinding the administrative costs provision and raising the minimum payout to 6 percent. But Max Kramer, chairman of the **Center for Effective Philanthropy**, says excluding administrative costs could force foundations to cut back on support services which are crucial to grantmaking oversight, and the **Council on Foundations** argues that the move would deplete foundation endowments. But the **National Committee on Responsive Philanthropy** estimates that the 100 largest foundations could give nearly \$900 million more each year if administrative costs were excluded.

