

Responsive Philanthropy

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The Associated Press

Equality's Frontier

Funding an End to Discrimination Based on Sexual Orientation and Gender Identity

By Allison McGee Johnson

This has been a year of significant progress toward equal rights for lesbian, gay, bisexual and transgender (LGBT) Americans, especially on the issue of including the LGBT community in nondiscrimination protections enjoyed by other Americans, and in securing the right to privacy for gay and straight Americans alike in their homes. On the other hand, both the Vatican and President Bush have publicly spoken out against civil marriage for same-sex partners, and anti-gay groups are seeking to federalize marriage and amend the Constitution to deny same-gender couples the rights and responsibilities of civil marriage. Even on less contentious issues, federal nondiscrimination and hate crimes laws continue to omit protections for sexual orientation and gender identity. But momentum toward fairness is strong and there is much to celebrate:

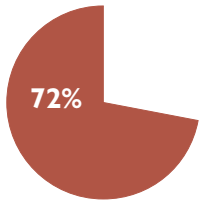
"Equality's Frontier" continued on page 14

Above: Plaintiffs Tyrone Garner, left, and John Lawrence celebrating this summer's landmark U.S. Supreme Court victory for privacy and equal protection.

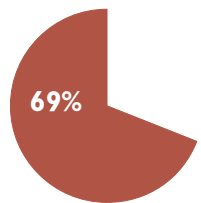
Anti-LGBT Discrimination More Pervasive Than the Funding to Fight It

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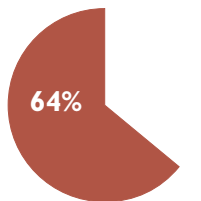
Broad Support for Equal Rights On the Job For Gay Americans¹



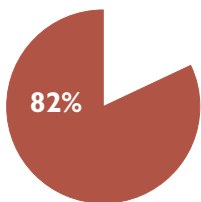
All Americans



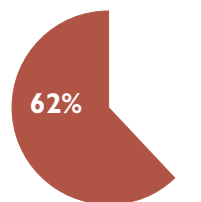
All Protestants



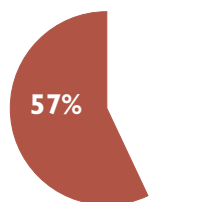
Born-Again Protestants



Catholics



Conservatives



Republicans

- Perhaps most significantly, in a 6-to-3 decision in the *Lawrence v. Texas* case brought by Lambda Legal Defense and Education Fund, the U.S. Supreme Court on June 26 struck down the nation’s remaining laws against certain common forms of intimacy between consenting adults in the privacy of their own homes. Though the laws nominally applied to same-sex and opposite-sex couples alike in nine of the 13 states that still had these so-called sodomy laws before the landmark ruling, they were often cited to specifically single out LGBT people for discrimination. From denying LGBT parents custody of their own children and promoting anti-gay employment discrimination, to allowing police to arrest couples for being intimate in the privacy of their own homes, the laws powerfully stigmatized LGBT Americans as second-class citizens. Those government-sanctioned barriers to simple justice and common decency were swept away with the Supreme Court’s ruling. In writing for the majority, Justice Anthony Kennedy recognized that the Texas law the court overturned sought to “control a personal relationship that ... is within the liberty of persons to choose without being punished.” The decision also said that adults have the right to “choose to enter upon this relationship in the confines of their homes and their own private lives and still retain their dignity as free persons.” Homosexuals, the court wrote, also share in this “liberty protected by the Constitution.” By eliminating the threat of criminal prosecution of any person participating in a same-sex relationship, this ruling opens the door to many other rights and responsibilities for LGBT people, including marriage.
- In July, both British Columbia and Ontario, Canada, legalized same-sex marriage, and several European Union nations are considering similar legislation.
- California recently enacted a measure that prohibits discrimination based on gender identity.
- Kentucky Gov. Paul Patton issued an executive order to protect state employees from unfair discrimination, including bias based on sexual orientation and gender identity.
- The Massachusetts legislature is considering a bill to allow same-sex couples to marry.
- This year, New Mexico added sexual orientation and gender identity to its statewide non-discrimination laws, making it the 14th state to protect its citizens from sexual orientation discrimination and the fourth to include gender identity. The New Mexico victory came only a few months after New York Gov. George Pataki, a Republican, signed a bill outlawing discrimination based on sexual orientation.
- On July 2, Wal-Mart—the nation’s largest private employer—expanded its anti-discrimination policy to include gay and lesbian employees. Wal-Mart became the ninth of the 10 largest Fortune 500 companies to institute a policy barring sexual orientation discrimination.
- In July, New York City announced the opening of the nation’s first high school for lesbian, gay, bisexual and transgender students.
- In August, the Episcopal Church elected Gene Robinson as the church’s first openly gay bishop. Shortly after that historic vote, the Episcopal Church also voted to allow member congregations to bless gay unions.

“2003 is proving to be one of the most extraordinarily significant years in the gay rights movement,” said Geoffrey Kors, executive director of the lobbying group Equality California. But the work of Equality California and countless other organizations across the country fighting to secure equal rights is far from finished; there is still much more to be done to ensure equality under the law. For instance, the IRS code doesn’t address domestic partnerships, gays don’t have the right to openly serve in the military and state laws don’t provide gays the same rights straight couples have to adopt

children. Only 197 of Fortune 500 companies provide domestic partners with medical coverage.

Most shocking to many, however, is that it remains legal in most of the country for hardworking, tax-paying Americans to be fired from their jobs solely because of their sexual orientation or gender identity. (See box on page 18.) Current national anti-discrimination laws provide no protection, even in the workplace, for discrimination based on sexual orientation or gender identity; it is up to individual states, municipalities and companies to make their own laws and guidelines regarding sexual orientation. This, despite *USA Today/CNN/Gallup* polling results from May showing that nearly nine out of 10 people said gays deserve equal job opportunities and almost two-thirds said gay couples should share the same health-care and retirement benefits as married straight couples.

According to *USA Today*, publicity in the wake of recent steps forward is likely to create significant backlash from anti-gay organizations and constituencies. In the latest survey from *USA Today/CNN/Gallup*, 50 percent said that homosexual relations between consenting adults should be legal. That's a decline from 60 percent in May. Analysts at Gallup said the question would be asked again to determine whether the finding reflected a change in attitudes or was a temporary blip.

Still, despite fluctuations in public opinion, the trend in recent years has been toward broader public support on certain questions of basic equal rights—even among constituencies that are not always thought of as supportive. For example, a November 2002 poll¹ found that overall—by a margin of 72 percent to 22 percent—Americans affirmed that companies should not be able to deny employment to people just because of their sexual orientation. But the data is even more striking when examining sources of support that some might mistakenly categorize as unlikely to favor equal rights:

- 69 percent of Protestants—including 64 percent of those who identified themselves as born again—said that companies should not

1. This poll involved interviews of 1,600 U.S. citizens age 18 and older. It was conducted Nov. 14-18, 2002, by Penn, Schoen and Berland Associates for the Gill Foundation. The survey's margin of error is ± 2.5 percentage points and is higher for subgroups.
2. The Newsweek poll was performed by Princeton Survey Research Associates, which surveyed a random sample of 803 adults on March 9-10, 2000. The poll's margin of error for the total sample is ± 4 percentage points.

be able to deny employment to people just because of their sexual orientation. For born-again Protestants alone, there were more than twice as many equal rights supporters (64 percent) as opponents (28 percent).

- Among Catholics, support for equal rights in the workplace was even stronger: 82 percent to 15 percent.
- Among conservatives, supporters exceeded opponents by 62 percent to 33 percent.
- Among Republicans, supporters bested opponents by 57 percent to 35 percent.

Other polling research has also confirmed strong support (about 75 percent) among white evangelical Protestants for equal rights for lesbian and gay Americans in the workplace. This finding, from a 2000 *Newsweek* poll,² is all-the-more interesting because a similar majority of this generally more conservative demographic group also reported believing homosexuality to be a sin.

Polls like these have repeatedly revealed that Americans strongly favor ending job discrimination based on sexual orientation—and that this support is strong even among politically and religiously conservative demographic groups. Nonetheless, such discrimination remains legal throughout most of the U.S.

Summarizing the current status of equal rights for LGBT Americans, Matt Foreman, executive director of the National Gay and Lesbian Task Force, notes, "There's never been a time of greater

The trend in recent years has been toward broader public support on certain questions of basic equal rights—even among constituencies that are not always thought of as supportive.

Changing Attitudes: *USA Today/CNN/Gallup* Poll

Would you favor or oppose a law that would allow homosexual couples to legally form civil unions, giving them some of the legal rights of married couples?

	Favor	Oppose	No Opinion
2003 July 25-27	40 %	57 %	3 %
2003 May 5-7	49	49	2
2002 May 6-9	46	51	3
2002 April 8-11	45	46	9
2002 Feb. 8-10	41	53	6
2001 May 10-14	44	52	4

Results are based on telephone interviews with 1,006 National Adults (NA), age 18 and older, conducted July 25-27, 2003. The survey's margin of error is ± 3 percentage points.

2001 Total Revenues

(in millions)

\$161.3

promise and greater peril for our community.' Foreman believes that more publicity on recent progressive steps favoring equal rights will undoubtedly provoke an unprecedented backlash. In an article for *advocate.com*, Foreman writes, "No doubt Congress would feel extraordinary pressure to again 'defend marriage,' and they have lots of options for inflicting harm: anything from denying federal funds to any state that recognizes equal rights for marriage (or anything close to it, like civil unions) to approving a constitutional amendment to cement our second-class citizenship for decades to come. ... Make no mistake, this backlash won't be just about 'gay marriage.' It will be about defaming and demonizing us in every hideous way possible and about rolling back the limited rights we've won in some parts of the country."

Many see the gay rights movement as an integral part of a broader, more inclusive civil rights movement of the new millennium. Coretta Scott King, the widow of Martin Luther King Jr. and a strong advocate for human rights, has expressed, "Freedom from discrimination based on sexual orientation is surely a fundamental human right in any great democracy, as much as freedom from racial, religious, gender or ethnic discrimination. ... There are things we achieve together that we can't achieve separately."

Still, the movement to secure equal rights for all people, regardless of sexual orientation or gender identity, is severely underfunded. A recent Foundation Center study, *Foundation Giving Trends 2003*, found that in 2001, among the largest 1,000 foundations, only 0.1 percent of grant dollars designated to benefit specific populations went to gay

organizations or projects. Only one other population group tracked in this report—migrant workers—generated less funding than LGBT groups. Clearly, there is a lot of room to grow.

Nancy Cunningham, executive director of Funders for Lesbian and Gay Issues, estimates more optimistically that of all foundation giving about four-tenths of 1 percent (0.4 percent) goes to LGBT organizations and programs—still a very small amount. "We're starting with so little funding, we can only go up," says Cunningham. She notes that a number of societal factors are converging to potentially increase the amount of funding to the LGBT movement in the future. "Over the past few years we've seen an increase in funding for LGBT issues from every sector of philanthropy, due in part to the heightened exposure of LGBT people and their concerns through all media venues," says Cunningham. "As more people, including funders, become educated about the LGBT community, the greater the likelihood they will support our issues. In addition, as the LGBT nonprofit sector grows, foundations are receiving more funding requests and as a result are awarding more grants. Further, despite the recent economy, many people still have resources to contribute back through philanthropic vehicles. So, over the long term, with resources available and more people educated about LGBT issues, we have the potential to increase support across the board for LGBT organizations."

Cunningham's ultimate goal is that her organization will no longer be needed. That will only happen if we no longer have to educate funders about the reasons to support LGBT issues specif-

\$47.8

10 Largest National LGBT Groups

4 National Anti-Gay Groups

10 Largest National LGBT Organizations*

Organization	2001 Revenue	2001 Expenses
Human Rights Campaign/HRC Foundation	\$22,872,987	\$22,324,034
Lambda Legal Defense and Education Fund	\$5,513,567	\$6,064,633
Gay and Lesbian Alliance Against Defamation	\$4,008,390	\$4,108,529
National Gay and Lesbian Task Force/NGLTF Foundation	\$3,290,124	\$3,305,523
Gay, Lesbian and Straight Education Network	\$3,101,758	\$2,475,557
Parents, Families and Friends of Lesbians and Gays	\$2,363,005	\$2,517,138
Gay & Lesbian Victory Fund/Victory Foundation	\$2,071,063	\$2,062,120
LLEGÓ (National Latino/a Lesbian & Gay Organization)	\$1,807,712	\$1,928,092
National Center for Lesbian Rights	\$1,414,120	\$1,320,538
Servicemembers Legal Defense Network	\$1,343,868	\$1,495,429

ically, and all social justice movements, as vital and necessary in order to secure fairness.

In *Snapshot*, a soon-to-be-released study from the Gill Foundation, researchers examined the capacity of the LGBT movement, including its funding sources. According to the study's authors, the combined level of funding of the top 10 national LGBT organizations in the country is only a fraction of the level of funding of one organization working to oppose equal rights for LGBT people, Focus on the Family (see table below).

Snapshot also found that more than half of LGBT nonprofit organizations were in Los Angeles, New York City, San Francisco and Washington, D.C. The budgets of the organizations in these four cities made up approximately two-thirds of the budget dollars of all LGBT nonprofit organizations. The movement is weakest in rural and Southern communities, where gay rights advocacy is most needed. And in these cities, even organizations with budgets of \$200,000 to \$300,000 are paying salaries to an average of 3.5 people, as well as operating costs. Often, it is only with the help of volunteers that these organizations are able to function at all. While this study only reflects LGBT organizations that filed an IRS 990 tax return, and therefore might not take into account smaller or student-run organizations, it is nonetheless clear that organized support is lacking for LGBT people in some areas of the country where it is most needed.

While the LGBT community has been able to rely on some stalwart allies over the past 35 years, many other organizations have not wanted to be seen as LGBT-friendly, for fear of alienating their

Anti-Gay Comparison Groups*

Organization	2001 Revenue	2001 Expenses
Focus on the Family	\$126,251,827	\$133,598,142
American Family Association	\$13,658,691	\$11,660,948
Concerned Women for America	\$11,032,216	\$10,952,211
Family Research Council	\$10,323,420	\$11,266,441

*Sources: Gill Foundation, IRS 990 forms, Gay & Lesbian Victory Fund/Victory Foundation and the Human Rights Campaign/HRC Foundation Annual Report for 2002.



Copyright Getty Images

Even same-gender life partners who have been together for years are routinely denied the most basic rights.

donor/support base. Many foundations and corporate-giving programs have been reluctant to fund LGBT issues and concerns either because of a lack of knowledge on these issues at the board and staff level or an unwillingness to take the heat from the vocal minority who protest these grant awards. But this only further highlights the need for collaboration. The gay rights movement must identify and encourage the role allies can have in building support for key issues and stretching limited resources. Because the LGBT movement as a whole is underresourced, building support for gay rights as a new civil rights issue will be important if the movement is to progress.

Building support for gay rights requires that we all recognize a new standard of equality. The Gay & Lesbian Fund for Colorado acknowledges that investing in nongay organizations in the areas of arts and culture, children, youth and families, civic participation, leadership development, public broadcasting and social justice helps create a standard of fairness and equality for everyone. As our country sees more and more communities recognizing the value of supporting the gay movement, that new standard of equality could become reality.

Research indicates that gay and lesbian donors contribute at least half of their charitable dollars to mainstream programs that benefit the whole community, such as children's programs, arts events and health issues, and yet there is little awareness of this support. Because there has been no way of identifying this money as coming from the gay and lesbian community, the philanthropy of LGBT Americans has been largely invisible.

Models such as the Gill Foundation's Gay & Lesbian Fund for Colorado "brand" giving from gay

Although gay men and lesbians contribute significantly to nongay causes, the same can't be said about financial support from the straight community for gay and lesbian organizations and issues.

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and lesbian donors, building awareness of their contributions to nongay causes. "It is easy to forget that gay men and lesbians have the same investment in their communities as any citizen: a concern for children and families, a desire for a rich arts and cultural sector; a commitment to a high quality of life," notes Jan Brennan, former director of the Gay & Lesbian Fund for Colorado. Branding contributions as coming from the Gay & Lesbian Fund provides an opportunity to increase awareness of the presence of gays and lesbians in the community, challenges stereotypes and builds an appreciation for the role of LGBT people in supporting non-profit organizations. And the fund's requirement that all grantees have a nondiscrimination policy that includes sexual orientation is slowly but surely effecting real and measurable change.

Although gay men and lesbians contribute significantly to nongay causes, the same can't be said about financial support from the straight community for gay and lesbian organizations and issues. This may be due largely to a lack of awareness regarding the need and opportunity to advance civil rights and social justice issues through giving to gay causes. Most gay men and lesbians live in communities where it is still legal to fire them from their jobs and evict them from their homes just because of their sexual orientation, where violence against them is not addressed in hate crimes legislation, where their committed relationships are not recognized, and where gay youth are more likely to experience violence and homelessness and to attempt suicide. When more straight donors recognize that supporting civil rights issues for gays and lesbians is critical to supporting equal opportunity for all people, the gay rights movement will truly have come into its own.

A collaborative effort between LGBT and allied organizations is the only way to bring about profound changes. Collaboration with allies has to be the benchmark of the LGBT movement, because LGBT organizations don't have the clout, finances or power to succeed on their own. Two examples of progressive collaboration serve as insightful guides for successful partnerships:

The leaders of the North Carolina Coalition Against Domestic Violence believe that all voices must be heard and represented if there is going to be a long-term change in domestic-violence attitudes, perceptions and policy. One population they believe hasn't been invited to the table is the LGBT

Did You Know...

Employment and Housing Discrimination

- In 36 states, someone can be legally fired or denied employment or promotion based on nothing more than his or her sexual orientation. Federal law also does not protect Americans from this form of discrimination.*
- In 36 states, a person can be denied housing or turned away from hotels, restaurants and other public accommodations simply because of his or her sexual orientation.

Partner Benefits

- Gay and lesbian Americans in committed relationships do not have the right to make decisions on their partner's behalf in a medical emergency and can be prevented from visiting their partner in the hospital.
- Individuals in gay and lesbian relationships are denied Social Security survivor benefits when a life partner dies. A child also is ineligible for survivor benefits if the deceased parent was not the biological parent or was unable to obtain a second-parent adoption.
- Same-sex partners are excluded from the Family and Medical Leave Act, allowing workers to take up to 12 weeks of unpaid leave to care for a seriously ill partner.
- Same-sex couples do not have the right to inherit property from a life partner in the absence of a will.

community, so the organization partnered with LGBT and allied groups to change that. While some programs serve lesbians as part of their focus on women, resources directed toward providing community education, direct-care service and staff training on LGBT issues had been minimal, until now.

The Pride Foundation, working to strengthen the LGBT community in the Pacific Northwest, works with mainstream and allied communities to advance equality and social change. Through its Shareholder Activism work, which invests 6 percent of its assets to support granting and scholarship organizations, the foundation introduces shareholder resolutions and negotiates with companies in which they own stock to take a proactive role in encouraging these

Marriage and Parenting

- No state allows same-sex couples to legally marry.
- Thirty-six states and the federal government have laws that prohibit recognition of marriages of same-sex couples that may be performed in other countries.
- All gay and lesbian families are denied the more than 1,000 federal benefits and protections of marriage and, in 49 out of 50 states, they are denied most of the state rights and responsibilities that come with marriage.
- Children denied a legal relationship to both parents (where one parent is not the biological parent and/or cannot obtain a second-parent adoption) can be denied access to insurance on the nonbiological or nonadoptive parent's health insurance policy.
- Children denied a legal relationship to both parents (where one parent is not the biological parent and/or cannot obtain a second-parent adoption) can be denied the opportunity to remain with the nonbiological or nonadoptive parent if the legal parent dies while the child is still a dependent.
- Children denied a legal relationship to both parents (where one parent is not the biological parent and/or cannot obtain a second-parent adoption) can be denied medical treatment in an emergency.

Sources: Census 2000 and the Human Rights Campaign Foundation's State of the Family.

Violence

- Half of the states and Congress have failed to adequately protect citizens from bias-motivated violence based on sexual orientation.
- Thirty percent of all teen suicides are committed by young people struggling with issues surrounding their sexual orientation or gender identity.
- Forty-six states have failed to enact laws that address crimes motivated by prejudice based on gender identity.

Other Rights and Responsibilities Denied

- Members of the U.S. armed forces—even those who serve with great distinction—are routinely discharged solely based on their sexual orientation. Discrimination against gay and lesbian service members is mandated under current U.S. law, regardless of how well these service members perform their duties and no matter how much their superior officers may wish to retain them.
 - In most of the nation, America's schools fail to protect students from discrimination and harassment based on sexual orientation—even though studies show this to be perhaps the most widespread form of harassment in schools today.
- * Congress has not yet passed the Employment Non-Discrimination Act, a bipartisan bill to protect Americans from job discrimination based on sexual orientation.

workplaces to adopt written policies of nondiscrimination that would protect their LGBT employees. Through this activism, the Pride Foundation helped Wal-Mart, General Electric and McDonald's to draft inclusive nondiscrimination policies, affecting more than a million employees worldwide.

These are but two of the many organizations that are finding success as models of progressive collaboration and action to end discrimination.

In recent years, polling and progress on LGBT equal rights issues suggest an emerging understanding among Americans that, in all of our diversity, we can disagree with each other without being disagreeable and without discriminating against one another. In time, and with more philanthropic support for equal rights advocacy work,

the laws of our land will more fully reflect the growing consensus for fairness. ☺

Allison McGee Johnson is senior communications manager for the Gill Foundation. The Gill Foundation is a Colorado-based nonprofit philanthropic organization and, with an endowment of approximately \$200 million, is the country's largest funder of lesbian, gay, bisexual and transgender (LGBT) organizations. Since its inception, the foundation has invested nearly \$54 million in nonprofit organizations throughout the country, with a focus on LGBT and HIV/AIDS organizations and non-LGBT organizations located in Colorado. Several Gill Foundation staff members, including Jan Brennan, Matt Brown, Marci Eads, Lisa Goettel, Rick Jung and Kristen Shew, contributed to this article.

“Freedom from discrimination based on sexual orientation is surely a fundamental human right in any great democracy, as much as freedom from racial, religious, gender or ethnic discrimination.

... There are things we achieve together that we can't achieve separately.”

— Coretta Scott King