

Tips for Funders

Preparing for the Possibility of a Politically Motivated Attack

Following are tips Alliance for Justice has developed for funders to help guide their thinking in preparing for a potential politically-motivated attack, and tips about how to deal with an attack if it happens. Since attacks are very likely to be prompted due to the work and organizations you fund, we also have provided a checklist of some potential areas of vulnerability for your grantees.

Be Prepared

1. Identify in advance potential vulnerabilities internally at the foundation. Know the risks, and make sure your board knows them too. Pinpoint weaknesses/training needs for staff and trustees and implement a plan to address them. Transparency in your operations and grantmaking helps mitigate any vulnerability.
2. Know the vulnerabilities of key grantees.
 - Your trustees should know about grantees doing cutting-edge work that might draw fire. Such work can be a point of pride for some boards.
 - You should have a grasp not only of grantee programs but other areas of vulnerability. Poor governance practices, complex organizational structures, managing numerous remote offices, and rapid growth can all provide opportunities for attack.
3. Develop a crisis response plan:
 - Identify a point person in the organization who will coordinate the response effort, including the research, message development, and communications strategy;
 - Cultivate outside validators, such as public officials, institutional allies, and even unlikely allies who can speak up on your behalf;
 - Develop and distribute talking points about your organization, its mission and accomplishments;
 - Draft a communications and outreach plan for staff, trustees, other stakeholders, and the media; and
 - Identify a range of legal, communications, and organizing strategies to employ in case of attack.
4. Make sure your legal bases are covered. Confirm that your foundation understands and complies with the rules for supporting and/or engaging in advocacy, lobbying, and nonpartisan electoral activities.
5. Understand that in this political environment attacks are very possible. Join in efforts with your colleagues to stand up for the nonprofit sector and fight back against the climate that makes attacks more likely.

If the Foundation or a Grantee is Attacked

1. Don't overreact. Weathering public criticism or even private harassment is stressful for you and your organization, but it is crucial to remain calm and act on accurate information.

2. Get a handle on the facts. Be clear about what you know and what you don't. Research the substance of the criticisms, what the critics seek to accomplish, and assess the efficacy of their effort. Know the opposition: Who is attacking you and why? Everything flows from this first assessment. It will help dictate strategy and the response. Be particularly mindful of knowing all the facts before taking adverse personnel actions.
3. Tell your staff and board members about the attack. Share the facts as you know them, the external communications plan, and the organization's talking points. Internal communication is an important first step to keep the organization strong, unified and delivering a consistent message.
4. Take advantage of your allies and supporters to spread the message. Depending on the attack, your best response might be working behind the scenes while letting others take the public stand whereas, in some cases, a public response is more beneficial. Or it may be to not react until it is clear the attack has made its way into the mainstream media. Think about whom to inform and how.
5. Understand what resources are available and take advantage of them. Do you need legal help? Communications help? Hopefully, you will have done some planning in advance and can implement your crisis response strategy quickly.

Checklist for Potentially Vulnerable Grantees

- ✓ **An ounce of prevention is worth a pound of cure.** Foundations should provide capacity-building support for grantees, especially those working in areas that might be subject to attack from organized opposition. Alliance for Justice can work with your foundation and your grantees to ensure that they understand and comply with the federal and state rules that govern advocacy as well as deal with the complexities of c3/c4/PAC organizations and coalitions.
- ✓ **Grantees annual filings should be in order, including:**
 - Income tax returns (IRS Form 990 and applicable state return)
 - Employment tax returns (state and federal)
 - Lobbying reports (state and federal)
 - Charitable solicitation reports (state)
 - Campaign finance filings (state and federal)
- ✓ **Grantees should have written policies to deal with issues such as:**
 - Personnel, including executive compensation
 - Whistleblowers
 - Document retention and destruction
 - Conflicts of interest
 - Investments
- ✓ **Grantees should train staff, volunteers and board so that mechanisms are functioning such as:**
 - Holding and recording minutes of board and membership (if applicable) meetings

- Operating in compliance with Articles of Incorporation and bylaws
 - Following written fiscal policies and procedures, including internal controls for handling cash and deposits
 - Complying with public disclosure rules
 - Understanding the proper use of c3, c4, and political funds
 - Complying with campaign finance regulations
 - Conducting an annual financial audit
 - Complying with applicable charitable contribution rules
- ✓ **Check with your state nonprofit association or state or regional grantmaker association for a state-specific governance checklist.**
- ✓ **You should have a crisis management plan and review it at least once a year, more if your organizing has multiple vulnerabilities.**