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FORD FOUNDATION GRANTMAKING UNDERScores CHALLENGES OF CONGRESSIONAL INVESTIGATIONS

by
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When asked his thoughts about reacquiring the chairmanship of the vaunted House of Representatives Committee on Energy and Commerce, Representative John Dingell was quoted as saying “As the Lord High Executioner said in *The Mikado*, ‘I have a little list.’” Michael Crowley, *Subpoena Envy*, <https://ssl.tnr.com/p/docsub.mhtml?i=20061106&s=crowley110606>. Chairman Dingell was not alone in this sentiment, as the leadership and committee chairs of the 110th Congress have repeatedly stated their intent to vigorously utilize their oversight and investigations authority. Attorneys and others who represent targets of congressional oversight note that a number of industry sectors are highly likely to be investigated or subject to committee hearings, including pharmaceutical, oil producers and refiners, financial services, and government contractors. *See, e.g., 2006 Election Results: Some Likely Consequences*, <http://www.cov.com/files/Publication/72182424-2fe2-4626-af94-7f3e94d5ff28/Presentation/PublicationAttachment/417d318f-eeeb-40b4-88c3-85089046bd1e/704.pdf>. Businesses should also expect to be caught up in committees’ probing oversight of federal regulatory agencies.

While there is certainly no shortage of signals that businesses should be factoring oversight and investigations into their legal and public policy strategies, one significant warning sign that has gone largely unnoticed is the financial investment the Ford Foundation recently made in congressional investigations. A Ford grant underwrites a “Congressional Oversight Training Seminars” series offered by an activist group, Project on Government Oversight (POGO). A self-described proponent of open government and ally to public and private sector whistleblowers, POGO advertises the seminars as “for Congressional Staff only – Not Open to the Public.” *See* <http://www.pogo.org/p/x/cots.html>.

The title of one session – which plays upon a legal term of art with which all businesses and their executives are familiar – was *Piercing the Corporate Veil: Investigating Public and Private Companies*. Others include *Hidden Gems: How to Root Out Documents from Uncooperative Agencies and Companies*, and *Working with Insiders and Whistleblowers*. The group’s literature states that the seminars’ goal is to “educate participants about the true power of Congress,” and promises that attendees will leave “armed with well-honed investigative tools and skills they can use during their entire public service careers.” *Id.*

The interest and involvement of the Ford Foundation in these seminars is rather telling, given its history of grantmaking to interests hostile to free enterprise. One should not be misled by the name of the foundation – while Edsel Ford and two Ford Motor Company executives initially chartered it in 1936, it – and certainly its mission – are entirely separate from the auto company and its founder, 20th Century titan of industry and fierce proponent of free markets, Henry Ford. See Martin Morse Wooster, *The Ford Foundation*, CRC FOUNDATION WATCH, available at <http://www.capitalresearch.org/pubs/pdf/x3790839062.pdf>. After the Gates Foundation and the Lilly Endowment, Ford is America's third largest foundation. *Id* at 1. Through its contributions, which totaled nearly \$512 million in 2005 according to its 1,681page 990-PF tax form, the Ford Foundation maintains a huge presence in the “social justice” and other activist movements, even though “for an organization as big as it is, it makes little news.” *Id.* at 2.

Terrence Scanlon is the President and Chairman of the board of trustees of the Capital Research Center (CRC). CRC was established in 1984 to study non-profit organizations, with a special focus on reviving the American traditions of charity, philanthropy, and voluntarism. Mr. Scanlon recently spoke at a Washington Legal Foundation Web Seminar “Hijacking Donor Intent: How Free Enterprise Philanthropy Is Diverted to Fund Activist Causes,” which can be viewed at http://iiscast.wlf.org/vod_internet.html.

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