

Commentary

Daniel J. Popeo: Respect the intentions of Rockefeller, Carnegie

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WASHINGTON -

As Americans ponder their year-end gifts, they should consider the charitable giving of some famous philanthropists like [Henry Ford](#), [Andrew Carnegie](#), [John D. Rockefeller](#) and [John D. MacArthur](#).

All made fortunes in the free enterprise system and were passionate believers in market capitalism and self-reliance. Yet the philanthropic remains of their riches have been hijacked by special interests to fund social engineering and legal assaults on economic rights.

One of the most fundamental principles of estate and trust law is that the assets of the deceased must be distributed in full accord with their wishes. However, charitable institutions often ignore the intent of their donors.

Unfortunately, many of these institutions use their benefactor's financial legacy to bankroll professional activist organizations that attack free enterprise. Literally hundreds of foundations across the country have been turned into cash cows for radical causes.

John D. MacArthur, who once said that some environmentalists "are obstructionists who throw rocks in your path," would not be amused that his foundation funnels millions each year to activists. [J. Howard Pew](#) explicitly stated that his riches be used to "study the evils of bureaucracy" and "the paralyzing effects of government control on the lives of people." Today, Mr. Pew's money is not being put to the good uses he intended.

Instead, these pioneering business leaders' foundations fund a cadre of activist groups that espouse causes contrary to the values of the entrepreneurs whose commitment to free enterprise made their existence possible.

Many of the organizations agitate on behalf of laws, regulations and lawsuits that restrict rights to private property, stifle business civil liberties and generally expand government control over everyday life.

Other beneficiaries of free enterprise money seek to judicially legislate an ever-expanding list of new "rights" for criminals, illegal aliens and even terrorists. These "charities" bear little resemblance to their founders' vision.

In addition, other special interest group activism is funded by corporations and individuals, some of whom likely don't pay enough attention to the activities of the organizations they subsidize.

An increasing number of businesses, however, do seem well aware of their grantees' activities. Perhaps the leaders of such businesses support the grant recipients' ideological agenda. But if the company is publicly traded, shouldn't the shareholders — the true donors when such businesses give out grants — have a say in what grantees and causes receive support?

After all, the sole purpose of a corporation is to return its shareholders' investments through profit maximization. If donations help activist groups create a less-friendly legal and regulatory environment for free enterprise, how does that benefit the "donors"?

Support for causes with which they might disagree often occurs in educational giving as well. Corporate benefactors and alumni regularly send checks to law schools without any knowledge they could be supporting ideological law clinics. Essentially training camps for the next generation of activist lawyers, these clinics are on the vanguard of efforts to hammer free enterprise with newly concocted theories of legal liability.

When they are not tormenting small businesses with frivolous lawsuits, they are busy filing endless appeals and petitions on behalf of convicted murderers. Law school benefactors' assets are now being used to assist advocates who lean toward Eurosocialism and protectionism.

Whatever one's philosophical stripe, donors have a right to expect that the dignity of their ideas will be respected in the

years to come through the charitable distribution of their assets. Sadly, this is often not the case.

It is critically important that those who make donations or create foundations and their lawyers be very clear about how their assets should be used. As brilliant as they were at creating wealth, men like Rockefeller, Ford and MacArthur regretfully did not have the foresight to leave specific instructions on how their foundations should distribute their riches.

Unless they do their homework, today's entrepreneurs and other Americans can expect that the money they charitably earmark today may well wind up paying for causes they find unacceptable. It's not hard to imagine, decades from now, [George Soros'](#) largesse and intentions ironically being hijacked to fund causes sympathetic to free enterprise and economic freedom.

Too frequently, the wishes of donors are given little more than lip service by the beneficiaries of their largesse. Before writing that next check to charity, be very careful [America](#) — philanthropy has too little respect for donor intent.

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