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Handcuffing the Foundations

The great pacemaking foundations that have contributed so much to medicine, education, and welfare will be sadly crippled if the tentative recommendations of the House Committee on Ways and Means become law. This danger is imminent. Congress rightly wants to curb those "foundations" that operate for private rather than public benefit, but has not yet written legislation that differentiates between such organizations and those foundations that work for the public good in the manner of the Carnegie Corporation or the Rockefeller Foundation. As written, the proposals apply to all foundations, and indeed to many other nonprofit organizations, for the definition of a foundation is widely, but vaguely, extended.

Several of the proposals should be adopted, and have been endorsed by officers of some leading foundations: prohibition against self-dealing between a donor (or related parties) and a foundation; the requirement that income be distributed promptly; and the requirement of an annual public report of a foundation's operations.

But other proposals would be damaging. One would prohibit fellowship or similar grants made directly to individuals. Criticism of a few recipients of foundation awards does not justify outlawing a form of grant that has been so valuably used by many private foundations and that is now widely used by NSF, NIH, the Office of Education, and other governmental agencies.

A second wrong proposal is that foundation income be taxed. Taxation would violate the tax-exempt concept and would constitute an entering wedge for possible later extension to schools and churches. The present proposal applies only to foundations, but breaching the principle of tax exemption would invite later extensions and would make it easy to increase the rate above the initially proposed 5-percent level.

Even more restrictive would be the proposed prohibition of any activity, even though minor, that is intended to influence either directly or indirectly the decision of any governmental body. Foundations and certain other tax-exempt organizations are already barred from any substantial effort to influence legislation or the outcome of elections, and this restraint is proper. But the extreme wording of the new proposal would threaten foundation study or grants for the study of legal or social practices, economic trends or policies, health and medical problems, agricultural or ecological matters, or almost anything else worth studying. For almost any study worthy of foundation support might, directly or indirectly, influence a decision of some governmental body. Are only government agencies and profit-making organizations to be allowed to try to influence national policy?

Wilbur Mills, chairman of the Committee on Way and Means, is the highly respected leader of the House on fiscal matters. In distributing the committee's recommendations in tentative form he has, in essence, invited comment and discussion. His invitation should be quickly and widely accepted. Some foundation officers have already stated their opposition.* But it is not the foundations that will be the ultimate losers if these proposals become law; educational institutions, scholars, scientists, and students will lose much, and so will society as a whole if the foundations that have pioneered so many advances in medicine, education, science, and welfare are put into handcuffs. Surely the committee can write legislation that will curb perversions of the foundation form of organization without preventing the true foundations from continuing to serve society as thoughtful, independent pioneers in tackling the problems that beset mankind.—DAEL WOLFLE

* The press has also published a number of critical analyses. A good example is "Let's Not Fence in the Foundations," by Irwin Ross, in the June 1969 issue of *Fortune*.