

# Inside Philanthropy

## **New Funding and New Alliances Fuel a Stepped Up Legal Push for Racial Justice**

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A PROTEST AGAINST THE POLICE KILLING OF ERIC GARNER IN NEW YORK CITY. A KATZ/SHUTTERSTOCK

The NAACP Legal Defense and Educational Fund (LDF) plays a key role in the ongoing civil rights movement, describing itself as “America’s premier legal organization fighting for racial justice.” The rise in hate groups and white supremacist terrorist attacks, the persistent racial wealth gap, and ongoing police abuses of people of color are just a few examples of contemporary racial injustice, which also endures in areas like housing, voting rights and education. LDF’s efforts to seek racial equity through litigation, advocacy and public education have garnered support over the years from funders like Ford, Kellogg and Rockefeller, among others. LDF has also received multiple grants from the Open Society Foundations (OSF), including \$15 million in late 2019.

Tom Perriello, executive director of Open Society U.S. (and former congressman and diplomat), says, “LDF is at the forefront of the fights for civil rights and full democratic participation that are at the core of OSF’s mission.” OSF’s principal goal is to create “inclusive and vibrant democracies,” and its foundations work in more than 120 countries around the world. This philanthropic powerhouse was started in 1993 by investor and philanthropist George Soros. Inside Philanthropy recently named

Soros the 2019 “[Philanthropist of the Year](#),” noting that, at 89, no donor does more to push back against the rising tide of authoritarianism worldwide, and that he is now engaged in his [biggest battles yet](#) at home and abroad.

In 2018, OSF granted approximately \$585 million in total, and \$145 million in the U.S. OSF [states](#) about one out of every five dollars it spends is used in America. In this country, OSF focuses on immigration, criminal justice reform, democratic participation, and free and independent media.

LDF’s President and Director-Counsel Sherrilyn Ifill says, “The fight for civil rights is, [essentially], a fight for our democracy. We’re pleased OSF understands this and [decided] to provide critical support as we expand and deepen our work.”

Rashad Robinson, president of civil rights advocacy nonprofit Color of Change, says he “wholeheartedly supports” the new funding from OSF to LDF, with whom his organization has partnered. He says, within the multifaceted U.S. racial justice movement, “litigation is incredibly important.”

## **A Fabled Legal Powerhouse in the Era of Trump**

While the NAACP began its shift to 501(c)(4) status in late 2017 (a popular [strategy](#) among nonprofits these days), LDF remains a (c)(3). After emerging as an outgrowth of the NAACP’s legal department in the 1930s, it became a stand-alone entity in 1940 under the leadership of Thurgood Marshall, who went on to become the first African American U.S. Supreme Court Justice (OSF’s recent grant to LDF recognizes the nonprofit’s 80th anniversary). LDF has operated as a separate organization from the NAACP since 1957, though they sometimes advocate for similar goals.

LDF is well-known for its success in the landmark Supreme Court case *Brown v. Board of Education*, and it continues to litigate on behalf of black

Americans. Its main areas of focus are political participation, criminal and economic justice, and education. Securing voting rights for African Americans and people with [felony convictions](#), freeing people in public housing from [police harassment](#), and defending university [admissions policies](#) that consider race are just a few of the issues LDF has engaged.

Periello says the victories LDF has won for communities of color are now under threat by “the weaponization of race, generational setbacks on civil rights jurisprudence,” and “the propaganda power of media platforms and misinformation.” He says OSF is thankful LDF is fighting back at this political moment and for “a leader like Sherrilyn Ifill.”

Similarly, Lori Villarosa, executive director of the Philanthropic Initiative for Racial Equity (PRE), says the litigation arm of the movement for racial justice in the U.S. “is a critical element, and probably more so, in the current attacks on so many of the advances we [made] over the last several decades. We need that branch of the movement so we are able to both monitor and fight some of the ways basic rights are getting eroded.”

### **Bankrolling an Expanded Agenda**

To put the \$15 million from OSF in perspective, consider that, in 2017, LDF’s assets were about \$66 million and it took in about \$21 million in grants. The OSF grant will help LDF establish a southern office and expand the work of the Thurgood Marshall Institute, a multidisciplinary center within LDF that carries out research, leads advocacy campaigns and houses its archives.

LDF currently has offices in New York City and Washington, D.C. The location for the new office has not been announced. The opening of a southern branch makes sense—“LDF’s work is, and has always been, based principally in the South,” Ifill says, “[Because] the majority of black people in this country still live in the south.”

Ifill says voting rights, criminal justice and fighting school segregation will remain key areas of work for LDF, while “protecting black home ownership and strengthening African American communities” are also current focuses. She says the nonprofit plans to expand its efforts to address housing segregation, transportation equity and water affordability, and that the new office will help LDF “respond more rapidly” and “be more nimble” when engaging with clients.

Ifill says the Thurgood Marshall Institute is particularly important at this time: “We need to have space to do the intellectual work that undergirds effective law and policy transformation.” She says AI and unregulated online platforms have “complicated and shrouded” racial discrimination. She also mentions voter suppression and police violence against unarmed African Americans as issues that stir LDF and its research arm to action. “We need to deepen our partnerships with the academic community and take full advantage of a multidisciplinary approach to our work,” she says.

## **Connecting Lawyers and Activists**

A growing push is underway to strengthen connections between lawyers and local communities, as well as cooperation among the various arms of the racial justice movement. Villarosa says, within racial justice law, it’s important for attorneys to engage impacted communities and grassroots movement-builders. She references a 2001 [report](#) funded by Rockefeller, “Louder Than Words: Lawyers, Communities and the Struggle for Justice,” which stated, “Racial-justice lawyering is evolving as part of a comprehensive problem-solving effort, where lawyers are one group among many players in a community who have a role... [this lawyering] can be a powerful tool to expand community engagement, mobilize public will and promote social policy.”

Villarosa says that generally, she has seen an increase in community partnerships and cooperative strategies by racially focused litigators over the past few decades, including by LDF and groups with similar goals, like

the Advancement Project. She says there's now also "a number of local community foundations providing support for [legal services] as part of their racial justice approach." For example, the New York Community Trust, San Francisco Foundation, Hawaii Community Foundation, San Diego Foundation and Oregon Community Foundation have made grants in this area.

Ifill says history shows that the greatest racial equality and justice progress happens when grassroots and legal movements work "concurrently." She says it's no "[accident] Rosa Parks took her bold action and the Montgomery Bus Boycott began just two years after *Brown v. Board of Education*. Or that LDF was pushed to file one of its *Brown* cases after 16-year-old Barbara Johns led a walkout of her segregated high school in [Virginia]. The sweet spot of civil rights occurs when there's a symbiotic relationship between civil rights legal movements and grassroots activism." She says LDF does a lot of work around policing reform and is always careful "to consult with community members and leaders" before acting.

Robinson says he has valued working with LDF "with policing work we did in New York City, being able to kick off a lawsuit and know the people leading the lawsuit were connected to the communities."

He also discussed collaborating with Color of Change and LDF on the issue of accountability for [Facebook](#): "As we go in to fight Facebook on the upcoming election, for instance... being able to work with Sherrilyn and have her and her team's expertise and the right level of back-and-forth with Sheryl Sandberg and Mark Zuckerberg on what their platform is going to do on voting rights—having lawyers who are deep in that type of litigation is critical; being able to work hand in hand with litigators... I've appreciated our ability to work with Sherrilyn."

Robinson says that within this movement, "I think you gotta have multiple strategies, [and] you have to have organizations working in the community and accountable to the community that are able to carry out those

strategies.” He is “happy LDF got this money,” and also says there is “not enough money going to racial justice, in general.”

According to [PRE](#), in 2014, 7.4 percent of foundation funding focused on people of color, and 1 percent of those grants used “explicit racial justice language.” Within the branches of the movement, Robinson wants to make sure the funding conversation and focus are “not on competing with one another, but on extending the pot of resources.”

A related new [PRE report](#), “Grantmaking with a Racial Justice Lens,” which Villarosa co-authored, highlights the importance of a collaborative, multipronged approach within the racial justice movement. It states single-strategy efforts are less effective and offers guidance on how funders can support entire “movement ecosystems.”