



PHILADELPHIA STATEMENT

On Civil Discourse and the
Strengthening of Liberal Democracy

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Additional Signatories Added: Friday, Jan. 21, 2022

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To Fidelity Investments and Fidelity Charitable Leadership,

We write in response to Unmasking Fidelity's list of demands that would jeopardize donor privacy and charitable choice.¹ The signatories to this letter include, among others, recipients of Donor-Advised Funds through Fidelity Charitable, financial advisors and investment professionals who manage Fidelity Investment accounts, and individual Fidelity Investment account holders.

As a leader in philanthropy, Fidelity Charitable has an outsized opportunity (and responsibility) to resist demands to inject polarization, division, and enmity into charitable giving. A healthy philanthropic culture has at least two crucial features. First, donor intent must be respected. Donors must be free to give to a broad diversity of causes and interests. In this way, charitable giving contributes significantly to a flourishing, open marketplace of ideas, which is essential to the maintenance of a free society and for driving societal improvements.

Second, donor privacy must be protected. The U.S. Supreme Court recently decided a case involving donor privacy. In *Americans for Prosperity Foundation v. Bonta*, the Court struck down a state donor disclosure regulation because it violated the First Amendment rights of charities and their supporters.² Requiring that nonprofits disclose their donors not only exposes existing donors to the threat of doxing and harassment, but also discourages charitable giving and participation in the marketplace of ideas. Public advocacy is for everyone, not just those able to weather abuse. And donors have good reason to fear abuse. In our present age of cancel culture and social media mobs, too many are quick to ostracize, lambast, and threaten those with whom they disagree.

Acceding to Unmasking Fidelity's demands will immediately harm the philanthropic freedom of Fidelity's donor advised fund account holders and cause untold damage to America's rich philanthropic tradition. Unmasking Fidelity has demanded that Fidelity "[p]ublicly disclose all contributions in the last five years"

¹ <https://docs.google.com/document/d/1nupvrWYOMtGXliGXUF66MrD5H6-BjYr3Q3js7BEZogo/edit>

² 141 S. Ct. 2373 (2021).



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to 10 target organizations.³ They also plainly want Fidelity to impose viewpoint-based limits on the charities and causes its account holders can support.

Unfortunately, Unmasking Fidelity cites the Southern Poverty Law Center’s “hate group” list in making these demands. Commentators and journalists across the ideological spectrum have warned that this list is unreliable and politically motivated.

Politico acknowledged the longstanding criticism that SPLC is “becoming more of a partisan progressive hit operation than a civil rights watchdog.”⁴ Shikha Dalmia observed that “the SPLC is not up to the task” of monitoring actual hate groups because “[i]t is too busy enforcing liberal orthodoxy against its intellectual opponents.”⁵ And Nathan J. Robinson, the editor-in-chief of *Current Affairs*, scrutinized SPLC’s “Hate Map” and concluded that it is an “outright fraud” and “a willful deception designed to scare older liberals into writing checks to the SPLC.”⁶

Politico rightly questions whether “[a]t a time when the line between ‘hate group’ and mainstream politics is getting thinner and the need for productive civil discourse is growing more serious, fanning liberal fears, while a great opportunity for the SPLC, might be a problem for the nation.”⁷

There are vanishingly few places where those of good faith can find common ground. Donor privacy is one of them. As the Supreme Court observed in *Bonta*, parties that “span the ideological spectrum” filed briefs supporting protecting donor privacy—“from the American Civil Liberties Union to the Proposition 8 Legal Defense Fund; from the Council on American-Islamic Relations to the Zionist Organization of America; from Feeding America—Eastern Wisconsin to PBS Reno.”⁸

Rather than drive a wedge where there is common ground by adopting Unmasking Fidelity’s divisive and corrupting proposals, Fidelity should continue to work for the good of all its account holders, and society at large, by vigorously protecting philanthropic freedom.

We support Fidelity’s stance of cause neutrality and encourage you to stay true to this commitment by offering donor advised fund account holders the maximum number of charitable choices. To do so, we

³ <https://docs.google.com/document/d/1nupvrWYOMtGXliGXUF66MrD5H6-BjYr3Q3js7BEZogo/edit>

⁴ Ben Schreckinger, Has a Civil Rights Stalwart Lost Its Way?, *Politico*, July/August 2017, <https://www.politico.com/magazine/story/2017/06/28/morris-dees-splc-trump-southern-poverty-law-center-215312/>

⁵ Shikha Dalmia, The Sad Hysteria of the Southern Poverty Law Center, *The Week* (March 20, 2018), <http://theweek.com/articles/759498/sad-hysteria-southern-poverty-law-center>.

⁶ Nathan J. Robinson, The Southern Poverty Law Center Is Everything That’s Wrong With Liberalism, *Current Affairs* (Mar. 26, 2019), <https://www.currentaffairs.org/2019/03/the-southern-poverty-law-center-is-everything-thats-wrong-with-liberalism>.

⁷ Schreckinger, *supra*

⁸ *Americans for Prosperity Found.*, 141 S. Ct. at 2388.



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urge Fidelity to permit account holders to donate to any recognized 501(c)(3) and refrain from imposing viewpoint-based litmus tests on donor's charitable choices. To be clear, we are not calling upon Fidelity to remove SPLC or any groups supporting Unmasking Fidelity from donor advised funding eligibility.

You should give donors the full spectrum of charitable choice. Tolerance is a two-way street. Financial institutions that respect those with diverse values and beliefs contribute to a public culture of trust and tolerance—values that drive a healthy economy and strong democracy. Societal trust and tolerance are possible only when the companies that we depend on for goods and services, jobs, and a voice in the public square respect viewpoint diversity.

We thank you in advance for your consideration and welcome any follow-up conversation you would find beneficial. Please direct any inquiries to jeremy@thephillystatement.org.

Sincerely,

The Undersigned



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Name	Organization	Role
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Alan Sears	Alliance Defending Freedom	Former President, CEO
Jeremy Tedesco	Alliance Defending Freedom	SVP Corporate Engagement
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Lawson Bader	DonorsTrust	President, CEO
Robert Netzly	Inspire Investing	CEO
Mike Sharrow (C12)	C12 Group	CEO
David Bahnsen	The Bahnsen Group	Founder, CIO
Dr. Peter W. Wood	National Association of Scholars	President
Eli Lehrer	R Street Institute	President
Howard Slugh	Jewish Coalition for Religious Liberty	Founder, General Counsel
Christopher DeMuth	Hudson Institute	Distinguished Fellow
Dr. Jenna Robinson	James G. Martin Ctr for Academic Renewal	President
Nicole Neily	Parents Defending Education	President, Founder
Dr. William B. Allen	Michigan State University	Emeritus Dean, Professor
Daniel Pipes	Middle East Forum	President
Dr. Wilfred M. McClay	University of Oklahoma	Professor, Dept. Chair
Ralph Westfall	California State Polytechnic Univ. at Pomona	Professor Emeritus
Dr. Richard Speed	California State University at East Bay	Former Lecturer
Dr. Warren Treadgold	Saint Louis University	Professor
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Prof. Nathan Harter	Christopher Newport University	Professor
Dr. Greg Bonner	Villanova University	Associate Prof. Emeritus
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