



# **California Wisdom of the Giveaway Conference**

November 21-23, 2002  
San Diego, California


## **Conference Report**

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*Prepared by*

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First Nations wishes to thank  
all the people who contributed their time and effort  
to making the conference such a great success.

Special acknowledgment is extended to:

Salvador Garcia, Garcia's Management Consultants  
Viejas Band of Kumeyaay Indians  
Ms. Jane Dumas, Kumeyaay Nation Elder

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Foundation.

# **California Wisdom of the Giveaway Conference**

## **November 21-23, 2002**

### **San Diego, California**

### **Conference Report**

#### **PURPOSE**

The purpose of the California Wisdom of the Giveaway Conference series is to create a forum where tribes, foundations, and regional nonprofits can share experience, knowledge, and networks. It is designed to:

- Facilitate the creation of sovereign Native American philanthropic funds and foundations;
- Strengthen the Native American nonprofit sector as a whole;
- Bring non-Native and Native philanthropies together to share knowledge and expertise;
- Create partnerships to strengthen Native American philanthropy for the benefit of both Native and non-Native communities;
- Inform tribes, intertribal organizations and mainstream foundations on the myriad sovereign legal structures that support asset building in a way unique to tribes as they create nonprofit and philanthropic structures;
- Leverage national education, research, networking and policy activities with regional knowledge, networks, and hands-on philanthropic activities to strengthen Native philanthropy on a regional basis; and
- Increase the capacities of tribes, intertribal organizations, and other Native entities to control, manage, leverage, and increase philanthropic assets.

By leveraging new resources and information, the Wisdom of the Giveaway Conference series seeks to:

- Gain and disseminate a greater understanding of the legal considerations in forming a tribally controlled foundation;
- Bridge the cultural gap between the foundation community and tribal organizations; and
- Develop personal relationships between local, regional, and national constituencies involved in philanthropic activities.

The California Wisdom of the Giveaway Conference took place in San Diego, California, November 21-23, 2002.

***Conference Sponsors:***

First Nations Development Institute  
Viejas Band of Kumeyaay Indians

***Conference Supporters:***

Rosenberg Foundation	The California Endowment
San Diego Grant Makers	Viejas Band of Kumeyaay Indians
First Nations Development Institute	San Manuel Band of Mission Indians
Garcia's Management Consultants	

***Conference Coordinators:***

Sarah Dewees  
Terence Douglas  
Joe Linkevic  
Raymond Orr

## INTRODUCTION

The California Wisdom of the Giveaway Conference was the second in a series of regional meetings to promote Native American philanthropy at the local, regional, and national levels. Organized to bring together tribes and foundations to share their experience, knowledge, and networks, the three-day conference was attended by approximately 60 participants who represented a variety of tribal programs and foundations, non-tribal foundations and local, state, and federal government offices.

## CONFERENCE PROCEEDINGS

**Day One: Thursday, November 21, 2002**

Day One of the conference focused on an overview of legal options available to tribes for establishing philanthropic structures for giving and receiving funds. The sessions of Day One acted as a theoretical primer for the next two days of presentations. Panelists shared their experiences in setting up new foundations and other nonprofit organizations. Participants explored how tribes are using new investment tools, such as social screens, to protect Indigenous rights and assets while leveraging their own financial portfolios.

### Welcome and Keynote

Ms. Jane Dumas, Elder of the Kumeyaay Nation, provided the opening greeting and welcome.

Ms. Rebecca Adamson, First Nations Development Institute, provided the keynote address entitled *Native American Philanthropy Today*. Ms. Adamson emphasized the importance of Native assets and discussed how tribal nations, Native communities, and Native individuals can control, build, and use these assets to their fullest potential to empower their communities. By so doing, Ms. Adamson noted, tribes and tribal members would strengthen their ability to make informed decisions, truly exercise tribal sovereignty, and exert tribal self-determination. One way to enhance tribal asset building, according to Ms. Adamson, is through partnerships with non-Native foundations and funds. This will enable both communities to share knowledge and resources.

## Topical Discussions

### Overview of the Legal Structures for Tribal Asset Building, Fundraising and Grantmaking

Ms. Kathleen Nilles, of the law firm Gardner, Carton & Douglas, presented an overview of the legal options available to tribes for establishing philanthropic structures for giving and receiving funds. The philanthropic vehicles presented included the use of Internal Revenue Codes 7871 and 501(c)(3).

### Tribal Law and the Creation of Nonprofit Charitable Organizations (Panel Discussion)

Mr. Terence P. Douglas, First Nations Development Institute, moderated a discussion on the creation of 501(c)(3) organizations. The panelists were Ms. Susan Jenkins, Cherokee Preservation Foundation; Ms. Christie Jacobs, International Revenue Service; and Ms. Zhao Qiu, Redwood Valley Little River Band of Pomo Indians.

The discussion focused on the experiences of creating nonprofit 501(c)(3) organizations under both tribal law and state law with the pros and cons identified. The two panelists representing tribal foundations shared their experiences in making decisions and determining procedures to incorporate into their foundation programs. Ms. Susan Jenkins provided information about the Cherokee Foundation, a 501(c)(3) organization established as part of a gaming compact in the state of North Carolina. Ms. Zhao Qui shared her experience setting up a 501(c)(3) organization to promote economic development for several tribes in Northern California. The experiences of the speakers varied, and examples were presented of how tribal politics can hamper efforts to establish tribal foundations, as well as the positive role tribal involvement can play in ensuring the legitimacy of the organization. While the pros and cons of whether to incorporate under tribal or state law were discussed, two points were stressed: 1) that 501(c)(3) organizations can incorporate under tribal law, and; 2) that the IRS recognizes tribal incorporation in its exemption process.

## Tribal Sovereignty and Internal Revenue Code 7871

Mr. Terence P. Douglas, First Nations Development Institute, led a discussion on how IRC 7871 can be used to create organizations. The panelists were Ms. E.B. Ferdig, Spirit of the Salmon Fund; and Ms. Christie Jacobs, Internal Revenue Service.

The session examined the benefits of tribal use of IRC 7871 to establish philanthropic organizations. In 1982, Congress passed the Indian Tribal Government Tax Status Act, codified as Section 7871 of the Internal Revenue Code. Section 7871 treats tribal governments as states for a variety of specific tax purposes. One of these purposes was to allow tribal governments (and their political subdivisions) to receive tax-deductible donations. The awareness level of the IRC 7871 in Indian Country and in the philanthropy world is varied. There is a need to increase awareness of Section 7871. It is important for the philanthropy world to understand that Section 7871 organizations can receive tax-deductible donations from foundations, corporations, and individuals. It is also important for tribal governments to understand the options provided for setting up philanthropic organizations under Section 7871.

Ms. Ferdig discussed her experiences in helping set up the Spirit of the Salmon Fund, a foundation established under Section 7871 of the IRS code. So far, the fund has been successful in raising funds from mainstream foundations. Ms. Christy Jacobs provided information about Section 7871 and its application to tribal philanthropy.

## Philanthropic Models as a Means to Self-Sufficiency (Workshop)

Mr. Terrence P. Douglas, First Nations Development Institute, moderated the workshop on the possibilities available to tribes in providing services to its members through the use of philanthropic models. Examples such as educational, health, and general welfare programs were explored and discussed. The panelists were Ms. Rebecca Adamson, First Nations Development Institute; Mr. Roger Gugger, Salomon Smith Barney; and Mr. Ted Haberfield, Salomon Smith Barney.

Ms. Adamson discussed the various ways in which tribal philanthropic models are used to provide services to tribal members. Mr. Haberfield and Mr. Gugger presented options for responsibly managing philanthropic funds. As part of

this, they presented charts and spreadsheets on investment strategies showing the difficulty in gauging portfolio performance, and emphasized that performance of funds are time sensitive and that investors need both a diverse and managed portfolio.

### Financing Your Sovereignty

Mr. Terrence P. Douglas, First Nations Development Institute, facilitated the discussion on financing tribal organizations. The panelists were Ms. Rebecca Adamson, First Nations Development Institute; Mr. Jeff Ashton, Calvert Social Investment Fund; and Mr. Roger Guggar, Salomon Smith Barney.

The discussion addressed how tribal programs and foundations can increase the impact of their activities by making informed decisions on how to invest their organizational capital. Those who participated demonstrated how they used 'investment social screens' in their financial planning. Panelists stressed the importance of considering culture and values issues when determining an investment tool or option suitable for Native asset development. The Indigenous Social Screen, an investment screen developed by First Nations and used by the Calvert Group that assessed companies based on their treatment of Indigenous populations' cultural and legal rights, was discussed.

## **Day Two: Friday, November 22, 2002**

Day Two of the conference was designed to meet the following goals:

- To provide an information exchange between mainstream foundations and tribal programs (including tribal foundations, tribal government programs, and tribal non-profit organizations).
- To provide an opportunity to bridge the cultural gap that exists between these groups.
- To hear from tribal charitable organizations about how they are becoming more effective grantmakers and/or grantseekers. This discussion also included experiences with overcoming cultural, legal, technical, and financial barriers.

The agenda featured speakers from tribes who created charitable foundations, and speakers shared information about the formation of productive and

supportive philanthropic relationships between mainstream foundations and tribal charitable organizations.

## **Welcome**

Ms. Jane Dumas, an elder of the Kumeyaay Nation, welcomed the participants and opened Day Two of the Wisdom of the Giveaway Conference.

## **Topical Discussions**

### Successful Tribal Funders

Mr. Raymond Orr, First Nations Development Institute, moderated the discussion on Native grantmakers. The panelists were Ms. Reajean Kanter, Forest County Potawatomi Community Foundation; and Ms. Johnna Walker, Chickasaw Foundation.

The session featured stories and experiences of Indigenous giving and tribal philanthropy. Some of the models cited were foundations established as a result of state compacts, and tribal-based foundations or funds setup as a 501(c)(3). Ms. Kanter provided an overview of the activities of her organization, the Forest County Potawatomi Foundation, that serves the greater Milwaukee area. The foundation, established as part of a state compact in Wisconsin and registered as a 501(c)(3), has both provided philanthropic services to the greater Milwaukee area and given the Forest County Potawatomi more social and political recognition in the state. Ms. Johanna Walker provided information about the Chickasaw Foundation, a 501(c)(3) organization established in 1971 by the tribe to serve the Chickasaw community. This foundation has successfully served the Chickasaw community with health, cultural, and educational programming. They offer educational scholarships and honor community artists, among other programs.

Panelists highlighted the importance of asset development and control of tribal assets in Indian Country and noted that the creation of a foundation was only part of a larger effort to promote and maintain the cultural values of each community. Panelists also pointed to the importance of long-term self-sustainability rather than short-term gratification for tribal funders interested in philanthropy as an investment tool.

## How to Develop and Manage a Donor Base in the 21<sup>st</sup> Century

Mr. Joe Linkevic, First Nations Development Institute, moderated the discussion on fund raising. The panelists were Ms. Sarah Echohawk Vermillion, American Indian College Fund; and Mr. Mark Steers, Salomon Smith Barney.

This session focused on the practical considerations in raising funds through the legal structures available to tribes. The panelists reviewed the issues relevant when making donations to tribally incorporated 501(c)(3) tribal and freestanding organizations. The eligibility for using Internal Revenue Code (IRC) 7871 was also discussed. Ms. Echohawk-Vermillion presented information about her fundraising work with the American Indian College Fund, and provided an overview of her work with a direct marketing campaign.

## Grantmaking to Indian Country - Bridging the Cultural Gap

Mr. Joe Linkevic, First Nations Development Institute, led the discussion on the cultural differences between non-Native funders and Native organizations. The panelists were Ms. Laurie Betlach, Lannan Foundation; and Ms. Rebecca Adamson, First Nations Development Institute.

This session was designed to feature a more holistic approach to bridging the cultural gap between foundations and tribal communities. Panelists stressed the importance of not only knowing the “core” or “culture” of a community, but the underlying values as well. Great emphasis was placed on knowing the structures of the community as a way to better understand the people who are being served.

## Building Better Partnerships In Philanthropy (Open Interactive Session)

Mr. Joe Linkevic, First Nations Development Institute, facilitated this discussion. The panelists were Ms. Laurie Betlach, Lannan Foundation; and Ms. Rebecca Adamson, First Nations Development Institute.

This interactive discussion focused on the various strategies for enhancing tribal and mainstream foundation partnerships. Panelists talked about site visits being a particularly important step in building successful partnerships. Other suggestions included working with each community to determine their needs

and devising an appropriate strategy to address those needs. Panelists and participants alike noted that misconceptions of Indian Country continue to plague tribes when applying for funding. They cited a general misunderstanding among non-Native funders that Indian Country is flush with money because of gaming, and therefore does not need additional support.

### **Day Three: Saturday, November 23, 2002**

Day three of the conference concluded with two workshops that addressed financial savings and the creation of wealth for community members. The first workshop, *Assets for the Future*, presented information on how to start and implement a tribal Individual Development Account (IDA) program. The second workshop presented the financial literacy curriculum titled, “Building Native Communities: Financial Skills for Families,” produced by First Nations Development Institute and the Fannie Mae Foundation.

#### Assets for the Future: Saving for the Seventh Generation

This workshop, led by Ms. Sarah Dewees, First Nations Development Institute, and Mr. Joe Linkevic, First Nations Development Institute, provided conference participants with the “nuts and bolts” of how to start and implement a tribal Individual Development Account (IDA) program, and offered participants an opportunity to learn how the community may benefit. IDA programs are designed to assist low-income individuals in building financial self-sufficiency by providing matching funds for individual savings and requiring financial literacy training. Participants use IDAs to build assets such as homeownership, businesses, and education. There are currently 11 Native-run IDA programs in the nation. Examples of existing IDA programs were shared, and information about how to design, initiate, and fund an IDA program was discussed.

#### Train the Trainers on Building Native Communities: Financial Skills for Families

The second workshop focused on financial literacy and was designed to train participants on a culturally appropriate financial literacy curriculum designed by First Nations Development Institute and the Fannie Mae Foundation titled “Building Native Communities: Financial Skills for Families.” Ms. Malinda Amiotte, First Nations Oweesta Corporation, led the workshop, providing an

overview of the curriculum and engaging the participants in hands-on learning exercises and group discussions. Conference participants were provided with techniques and tips on how to effectively utilize the curriculum when working with their own community members.

### **Conference Closing**

Ms. Jane Dumas, Elder of the Kumeyaay Nation, provided the closing prayers. Mr. Terry Douglas thanked all the participants and closed the conference.

### **CONFERENCE EVALUATIONS**

Conference participants were asked to complete a brief evaluation at the end of each day of the conference. An average of eighteen evaluations (approximately 30% of the attendees) were collected and analyzed.

The first series of questions sought feedback on the participant's view of the conference from an organizational perspective. Participants were asked, for example, how they felt about the location, length, timing and focus of this year's conference. In general, conference attendees responded favorably to the location, focus, and timing, but some indicated there should have been more time for more in-depth discourse on the possibilities of economic development using financial models. One respondent wrote, "Further information on how individuals and communities can build financial autonomy would be great as a way to build nations, economies, and self-sufficiency." Others responded that more workshops and small group discussions would have been helpful: "It might have been useful to have some time set aside for small group discussion in order to encourage participation and identification of individual ideas."

The remaining questions focused on the content of the various sessions. For example, participants were asked, "What topics did you find to be helpful and what would you like to see emphasized more in future Wisdom of the Giveaway Conferences?" In response, many of the participants preferred panel discussions with short introductions rather than traditional lectures. Many of the responses seemed to place a premium on hearing the experiences of speakers as much as learning the subjects the speakers' presentations were based on. Native organization representatives indicated an interest in identifying more foundation contacts; seeking ways to build relationships with

funders; and learning marketing strategies that will help gain them access to foundations.

Additionally, many Native nonprofit representatives indicated a desire to provide an opportunity for tribal elected officials to discuss how they can work more effectively with their staff/departments to create relationships or partnerships with non-Native foundations. Mr. Salvador Garcia, a consultant for tribes in Southern California, proposed a type of mentorship program between well-developed tribes and those tribes who are still trying to organize their governments.

In sum, participants felt that more conferences like the Wisdom of the Giveaway should be held around the country to educate and share best practices and resources. Many of the tribal/Native organizations' attendees expressed an interest in technical assistance to help them better understand how to successfully use the various philanthropic vehicles. For the non-Native organizations and foundations, the consensus was that the conference provided them with a unique opportunity to network and engage in dialogue with tribal members and learn more about the challenges of building and maintaining tribal philanthropic organizations. To help advance such dialogue, a majority of the participants expressed an interest in being part of the First Nations "Sovereign Philanthropy" listserve.

## **CONCLUSION**

The Wisdom of the Giveaway Conference was a step toward building relationships between non-Native and Native philanthropists. The conference served as a starting point for participants to meet and to begin building long-term relationships that will bridge the cultural barriers that exist between tribes/tribal organizations and the foundation community. It was designed to highlight topics and issues that set a framework and context for enhanced communication on Native philanthropy and capacity building.

One of the most important new developments in tribal philanthropy is the establishment of tribal foundations and other tribal nonprofit organizations. By formalizing their giving and engaging in more structured philanthropy, tribes are building their economic assets and partnering more with non-Native foundations. The Wisdom of the Giveaway Conference sought to formally

recognize and provide new resources and technical assistance to tribes that are developing and implementing their own giving programs.

With increased understanding from the non-Native community about the needs and structure of tribal programs, the Wisdom of the Giveaway Conference offered tribes and local, regional and national foundations the opportunity to learn more about the realities of funding in Indian Country. Barriers exist due to the misconception that tribes have funds from gaming revenues and that the federal government provides for tribal communities. The challenge for Indian Country is to clearly articulate needs and to help foundations understand the community, civic and cultural interests, and beliefs of Indian Country. It is also important for Indian Country to continue to develop creative and collaborative programs that will serve multiple communities.

The Wisdom of the Giveaway Conference series offered a “safe haven” for honest discussion about the importance of the ancient tradition of Native giving as well as the modern methods for structured philanthropy.

## **NEXT STEPS**

As part of the continuing effort to educate tribes and non-Native organizations and foundations on the “Wisdom of the Giveaway,” the sponsors of the Conference plan to:

1. Continue to provide workshops and technical assistance to assist tribes in developing philanthropic vehicles for their communities.
2. Continue to provide the “Wisdom of the Giveaway” on a regular basis. A conference is planned for the Eastern region of the United States for late 2003.
3. Create an innovative curriculum based on video/DVD footage of the California Wisdom of the Giveaway Conference.
4. Continue to offer educational support for funders, tribes, and tribal organizations interested in learning more about each other.

## Appendix A

### Wisdom of the Giveaway Conference Agenda November 21, 22 and 23, 2002 San Diego, California

Day One: Thursday, November 21, 2002

**8:30 am – Welcome and Innovation:**

Jane Dumas, Kumeyaay Nation

**8:45 am – Keynote – “Native American Philanthropy Today”**

Presenter: Rebecca Adamson, First Nations Development Institute

**9:00 9:45 am – Overview of the Legal Structures for Tribal Asset Building, Fundraising & Grantmaking:**

Facilitator: Terence Douglas, First Nations Development Institute

Presenters: Kathleen Nilles, Gardner, Carton & Douglas  
Christie Jacobs, Internal Revenue Service – Tribal Governments

**9:45 – 10:30 am – Tribal Law and Creating Non-profit Charitable Organizations**

Facilitator: Terence Douglas, First Nations Development Institute

Presenters: Susan Jenkins, Cherokee Preservation Foundation  
Zhao Qiu, Redwood Valley Little River Band of Pomo Indians  
Christie Jacobs, Internal Revenue Service – Tribal Governments

**10:30 – 12:15 pm – Tribal Sovereignty and Internal Revenue Code 7871**

Facilitator: Terence Douglas, First Nations Development Institute

Presenters: E.B. Ferdig, Spirit of the Salmon Fund  
Christie Jacobs, Internal Revenue Service – Tribal Governments

**12:15 – 1:45 pm – Lunch**

**2:00 – 3:00 pm – *Philanthropic Models as a Means to Self-Sufficiency***

Moderator: Joe Linkevic, First Nations Development Institute  
Presenters: Kathleen Nilles, Gardner, Carton and Douglas  
Ted Haberfield, Salomon Smith Barney  
Roger Gugger, Salomon Smith Barney

**3:00 – 3:15 pm – *Break***

**3:15 – 4:15 pm – *Financing Your Sovereignty***

Facilitator: Terence Douglas, First Nations Development Institute  
Panelists: Jeff Ashton, Calvert Social Investment Fund  
Chris Mukai, Salomon Smith Barney Dave

Day Two: Friday, November 22, 2002

**8:30 am – *Invocation and Welcome: Jane Dumas, Elder Kumeyaay Nation***

**9:00 – 10:30 am – *Successful Tribal Funders***

Moderator: Raymond Orr, First Nations Development Institute  
Presenters: Raejean Kanter, Forest County Potawatomi Community  
Foundation  
Johnna Walker, Chickasaw Nation

**10:30 – 12:00 am – *How to Develop and manage a Donor Base in the 21<sup>st</sup> Century***

Moderator: Joe Linkevic, First Nations Development Institute  
Presenters: Sarah Echohawk Vermillion, American Indian College  
Fund  
Mark Steers, Salomon Smith Barney

**12:00 – 1:45 pm – *Lunch***

**1:30 – 2:45 pm – *Grantmaking to Indian Country - Bridging the Cultural Gap***

Facilitator: Joe Linkevic, First Nations Development Institute  
Panelists: Laurie Betlach, Lannan Foundation  
Rebecca Adamson, First Nations Development Institute

**3:00 – 4:30 pm – *Building Better Partnerships In Philanthropy (Open Interactive Session)***

Moderator: Joe Linkevic, First Nations Development Institute  
Panelists: E.B. Ferdig, Spirit of the Salmon Fund  
Laurie Betlach, Lannan Foundation

**5:00 - 9:00 pm – Reception in the Harbor View of the Marriott Hotel and Marina**

Day Three: Saturday, November 23, 2002

**9:00 – 10:30 am – Assets for the Future: Saving for the Seventh Generation**

Presenters: Sarah Dewees, First Nations Development Institute  
Joe Linkevic, First Nations Development Institute

**12:00 pm – Lunch**

**1:45- 4:30 pm – Information Session on Building Native Communities  
Financial Skills for Families**

Presenter: Melinda Amiotte, First Nations Oweesta Corporation

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