



LETTER OF INQUIRY

**TO: GoFundMe Inc.
Cogency Global, Inc., Registered Agent
1325 J Street, Suite 1550
Sacramento, CA 95814**

The Attorney General of Montana is charged with enforcing Montana's Unfair Trade Practices and Consumer Protection Act, Mont. Code Ann. § 30-14-101, et. seq. We request your assistance with our investigation of potential violations of this Act in connection with GoFundMe's redirection of funds from the Freedom Convoy in Ontario on February 5, 2022.

BACKGROUND

On January 30th, 2022, thousands of protestors, nicknamed the "Freedom convoy," arrived in Ottawa, Ontario to protest COVID-19 "mandates and restrictions in their lives that now seem to be doing more harm than good."¹ Supporters of the protest started a fundraiser on GoFundMe to provide funds for the rally.² After \$1 million of a donated \$10 million was distributed to the protestors, GoFundMe announced that, although "[o]rganizers provided a clear distribution plan for the initial \$1M" and "confirmed funds would be used only for participants who traveled to Ottawa to participate in a peaceful protest," after "a review of relevant facts and multiple discussions with local law enforcement and city officials," it had determined that the Freedom Convoy was in violation of its Terms of Service, specifically "Term 8, which prohibits the promotion of violence and harassment."³ GoFundMe announced that it would withhold the remaining \$9 million in donations from the Freedom convoy and instead

¹ *Freedom Convoy: No plans to call in military, says Trudeau*, BBC (Feb. 4, 2022), available at <https://www.bbc.com/news/world-us-canada-60251921>.

² *Id.*

³ *GoFundMe Statement on the Freedom Convoy 2022 Fundraiser*, MEDIUM (Feb. 4, 2022), <https://medium.com/gofundme-stories/update-gofundme-statement-on-the-freedom-convoy-2022-fundraiser-4ca7e9714e82>. See *GoFundMe Terms of Service*, GOFUNDME (Dec. 31, 2021), <https://www.gofundme.com/c/terms>.

DEPARTMENT OF JUSTICE

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would “work with organizers to send all remaining funds to credible and established charities verified by GoFundMe.”⁴

INQUIRIES

In connection with this investigation, please provide responses to the following inquiries:

1. Explain in detail the process by which GoFundMe makes the decision to appropriate donations from donors and send those funds to recipients not chosen by donors but instead chosen by GoFundMe.
2. List all past instances of GoFundMe appropriating donations from donors and sending those funds to recipients not chosen by donors but instead chosen by GoFundMe, and explain GoFundMe’s rationale for doing so.
3. Explain in detail how GoFundMe determines that a Fundraiser violates Term 8 because it is “an abuse of power or in support of hate, violence, harassment, bullying, discrimination, terrorism, or intolerance of any kind relating to race, ethnicity, national origin, religious affiliation, sexual orientation, sex, gender, gender identity, gender expression, serious disabilities or diseases.”
4. Explain the decision-making process that led GoFundMe to determine that the Freedom Convoy violated Term 8 to such a degree that suspension of the fundraiser and appropriation of the raised funds was warranted.
5. Explain how GoFundMe identified participants in the Freedom Convoy who went to Ottawa to peacefully protest and how GoFundMe then distributed funds to them.
6. Explain in detail how GoFundMe intended to identify “credible and established charities” to receive the remaining \$9 million after GoFundMe decided not to give these donations to the donors’ chosen recipients.
7. Explain whether GoFundMe considered cancelling fundraisers for protests in the summer of 2020, such as the Portland protest bail fund⁵ or the Seattle city

⁴ *GoFundMe Statement.*

⁵ *See PDX Protest Bail Fund*, GOFUNDME (May 30, 2020), <https://www.gofundme.com/f/pdx-protest-bail-fund>.

center protests,⁶ including whether GoFundMe had discussions with law enforcement regarding whether those protests included violations of law or support of violence or harassment, and how GoFundMe reached the decision to allow these fundraisers to remain on its website.

Information obtained pursuant to this inquiry will not be made public or disclosed by the department or its employees beyond the extent necessary for law enforcement purposes in the public interest.

Please submit your completed responses within 30 days via U.S. mail and email to:

Joshua Pierson
c/o Montana Attorney General's Office
215 N Sanders Street
P.O. Box 201401
Helena, Montana 59620-1401
OCPIInvestigations@mt.gov

Thank you for your assistance in this matter. If you have any questions regarding this Letter, please contact Joshua Pierson at the contact information below.

Sincerely,

February 17, 2022



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⁶ See *Black Star Farmers*, GOFUNDME (June 29, 2020), <https://www.gofundme.com/f/black-star-farmers>.