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# LIBERTY COUNSEL

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Post Office Box 540774  
Orlando, FL 32854-0774  
Telephone: 407•875•1776  
Facsimile: 407•875•0770  
www.LC.org

122 C St. NW, Suite 360  
Washington, DC 20005  
Telephone: 202•289•1776  
Facsimile: 202•289•7474

Post Office Box 11108  
Lynchburg, VA 24506-1108  
Telephone: 407•875•1776  
Facsimile: 407•875•0770  
liberty@LC.org

Reply to: Florida

August 17, 2017

**Via E-Mail and Facsimile:**

Mr. David C. Vigilante,  
Senior Vice President, CNN Legal  
One CNN Center, 13<sup>th</sup> Floor  
Atlanta, GA 30303  
david.vigilante@turner.com  
F: (404) 885-3900

RE: CNN article with false and defamatory “hate group” label applied to Liberty Counsel

Dear Mr. Vigilante:

Prior to CNN’s article of today’s date, “[Here Are All the Hate Groups Where You Live<sup>1</sup>](#),” Liberty Counsel’s Founder and Chairman, Mathew D. Staver, stated the following in reaction to the recent tragic events in Charlottesville, Virginia:

*Much has been said about the tragedy and violence in Charlottesville. At its core is the rejection of God and the dignity of every human being created in His image. This ideology is promoted by fascists on the left and fascists on the right. As Christians we condemn the hate and violence of the KKK and White Supremacists and the hate and violence of other identity movements. In Christ there is no identity politics grounded in race or behavior. We are all created in the image of God and share a common humanity. Jesus is the answer to that which seeks to divide and destroy us.*

However, the article nevertheless repeats the defamatory claim that Liberty Counsel is a “hate group.” This is causing significant harm to our organization. **We hereby request an immediate retraction of the “hate” label/classification applied to Liberty Counsel and a removal of Liberty Counsel’s name from this article.**

Liberty Counsel is not a “hate group.” It is an international non-profit litigation, education, and public policy organization established in 1989 as a 501(c)(3) nonprofit organization. Liberty Counsel provides *pro bono* legal representation and services within our mission of advocacy for life, religious liberty, and the family. All of Liberty Counsel’s services are provided at no cost. Liberty Counsel

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<sup>1</sup> <http://www.cnn.com/2017/08/17/us/hate-groups-us-map-trnd/index.html>

provides numerous services and resources. Any claim that Liberty Counsel is a “hate” group is simply false.

The false “hate” label is very damaging to our reputation and is a safety risk to our staff. Liberty Counsel is a Christian ministry, and hates no one. We believe every person is created in the image of God and should be treated with dignity and respect. We believe that discourse should be civil and respectful. We condemn violence and do not support any person or group that advocates or promotes violence. Some who disagree with the religious and moral values of Liberty Counsel have falsely called Liberty Counsel a so-called “hate group.” This is false, defamatory, and dangerous. Liberty Counsel hates no one, and does not support or advocate hate or violence of any kind.

Among Liberty Counsel’s many initiatives, we provide aid to persecuted and displaced persons in the Middle East and around the world through our program Liberty Relief International. We also sponsor many programs and opportunities for young college-age students who have leadership potential through our ministry, Covenant Journey. We have produced a feature film and are currently airing a 13-part original series on nationwide TV regarding Israel and seek to combat anti-Semitism. The program features a wide variety of individuals and perspectives.

Liberty Counsel has appeared before the U.S. Supreme Court presenting oral arguments and has filed many briefs before the High Court.

The false “hate” claim about Liberty Counsel can be traced to falsehoods continually promulgated by the Southern Poverty Law Center (“SPLC”). SPLC has wrongly claimed that Liberty Counsel is a so-called “hate group” because of Liberty Counsel’s advocacy from a Christian or Judeo-Christian viewpoint.

Liberty Counsel rejects the “hate group” label. Liberty Counsel loves all people and believes all people are made in God’s image, and are thus inherently valuable; have inherent dignity; and are worthy of respect. Liberty Counsel “hates” no one.

Had CNN performed due diligence, it would be evident that the SPLC’s false “hate” label is illegitimate, and must be rejected:

- 1. The FBI removed SPLC as a “resource” from its website in 2014, during the Obama Administration.**
- 2. In 2016 (publicly released in 2017), the United States Department of Justice (“DOJ”) reprimanded SPLC’s lawyers for repeating “hate” misinformation.** The DOJ’s Disciplinary Counsel for the Executive Office for Immigration Review ([the “DOJ Disciplinary Counsel”](#)) [sharply rebuked and reprimanded attorneys representing the SPLC](#) and its allies for employing the SPLC’s “hate group” label to denigrate [a conservative advocacy group and its attorneys](#) engaged in advocacy in front of the Executive Office for Immigration Review. The DOJ Disciplinary Counsel concluded that employing the SPLC’s “hate group” designation to denigrate attorneys and public interest groups engaged in advocacy on issues with which the SPLC disagrees **“overstepped the bounds of zealous advocacy and was unprofessional.”** According to the DOJ Disciplinary Counsel, employing the SPLC’s “hate group” designation to denigrate conservative public interest

groups and their attorneys is “uncivil” and **“constitutes frivolous behavior and does not aid the administration of justice.”**<sup>2</sup> (Emphasis added).

3. **The SPLC has no objective criteria for its “hate group” label or what it views as “extremist.”** SPLC’s Mark Potock admitted in an [interview](#): “Our criteria for a ‘hate group,’ first of all, **have nothing to do with criminality or violence or any kind** of guess we’re making about ‘this group could be dangerous.’ **It’s strictly ideological.**” [Mark Potok is on video](#) in a public meeting stating, “Sometimes the press will describe us as monitoring hate crimes and so on. I want to say plainly that our aim in life is to destroy these groups, to completely [destroy them](#)...”
4. **The SPLC labels the expression of traditional Christian morality as “extremist.”** In addition to Liberty Counsel, SPLC has even called Dr. Ben Carson an “extremist,” simply for his Christian ideals. In October 2014, SPLC labeled the famed neurosurgeon, philanthropist, and Republican presidential candidate an “extremist” for, as the SPLC alleged, “linking gays with pedophiles, comparing the U.S. to Nazi Germany and endorsing biblical economic practices for 21st century America.” Public outrage poured in, forcing the SPLC to retreat four months later and issue a rare semi-apology. Under intense criticism, SPLC “reviewed” its posting on Carson and “concluded that it did not meet our standards, so we have taken it down.”<sup>3</sup> SPLC declined to articulate on those “standards,” or how it failed to meet them. After he was attacked by SPLC, Dr. Carson said, “When embracing traditional Christian values is equated to hatred, we are approaching the stage where wrong is called right and right is called wrong.” “It is important for us to once again advocate true tolerance,” he added. “That means being respectful of those with whom we disagree and allowing people to live according to their values without harassment. It is nothing but projectionist when some groups label those who disagree with them as haters.”<sup>4</sup>
5. **The SPLC’s caustic and false rhetoric and “Hate Map” listing so-called “hate groups” is inaccurate, dangerous and has led to violence.** The [SPLC has now admitted](#) James Hodgkinson, the D.C. shooter who gunned down Rep. Steve Scalise, two staff members and two U.S. Capitol Police officers, [“liked”](#) the SPLC on Facebook. In 2015, the [SPLC](#) wrote an article pushing the idea that Rep. Scalise promoted white supremacy and supported a “hate group” founded by former KKK member David Duke. The SPLC article clearly tries to infer that Rep. Scalise is a so-called “hater” and supporter of a “hate group.” The [SPLC is also linked to the attempted mass murder](#) in the 2012 shooting at the Washington, D.C. office of the Family Research Council (FRC). Floyd Corkins II was stopped by the FRC security guard, who was shot in the process. [Corkins confessed to the FBI](#) that he intended to commit mass murder and was motivated by the so-called “Hate Map” on the SPLC website that listed FRC as a “hate group.” The video of Corkins and the security guard is chilling, as is his confession to the FBI.
6. **Numerous experts, columnists, and commentators from across the political spectrum have objected to SPLC’s false “hate” rhetoric.**
  - a. Researcher Laird Wilcox, founder of the Wilcox Collection on Contemporary Political Movements at the University of Kansas’s Kenneth Spencer Research Library and a leading

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<sup>2</sup> <http://immigrationreformlawinstitute.org/Docs/EOIRDecision.pdf>

<sup>3</sup> SPLC Statement on Dr. Ben Carson,” Southern Poverty Law Center, Feb. 11, 2015.  
<https://www.splcenter.org/news/2015/02/11/splc-statement-dr-ben-carson>

<sup>4</sup> Dan Riehl, “Ben Carson Responds to SPLC Over ‘Extremist’ Charge,” Breitbart.com, Feb. 9, 2015.  
<http://www.breitbart.com/big-government/2015/02/09/ben-carson-responds-to-splc-over-extremist-charge/>

expert on “extremist” organizations, has identified the false, misleading and destructive nature of the SPLC’s “hate group” designations. Mr. [Wilcox has noted](#) that the SPLC has gone into “ideological overdrive and has developed many of the destructive traits that characterize moral crusaders, including the demonization of critics and dissenters.” Mr. Wilcox stated that the “hate group” designations reflect a “kind of selective attention and biased reporting” that “simply illustrates [the SPLC’s] unscrupulousness.” He continued that it is “**pretty hard to deny that the SPLC is a political operation that is trying to tar right-wingers and conservative Republicans**” (emphasis added). Wilcox also noted that “[t]he dirty little secret behind the SPLC is that they actually *need* racial violence, growing ‘hate groups,’ and more racial crime to justify their existence and promote their agenda.” (emphasis in original). Wilcox concluded, “**When you get right down to it, all the SPLC does is call people names. It’s specialized a highly developed and ritualized form of defamation, however—a way of harming and isolating people by denying their humanity and trying to convert them into something that deserves to be hated and eliminated.**” (Emphasis added). He also noted that the SPLC’s “victims are usually ordinary people expressing their values, opinions, and beliefs—and they’re up against a very talented and articulate defamation machine.” Laird Wilcox has observed of the SPLC that “[m]oralizing crusades that demonize and stereotype the opposition can be very damaging, even when they claim to be working on behalf of what objectively seems to be a ‘good’ cause—and the more venerated the cause the more excessive and extreme tactics are seen to be justified. Movements to right wrongs are very dangerous when they let the end justify the means.”

- b. [Alexander Cockburn](#), a columnist for the liberal publication *The Nation*, has labeled the SPLC and its leaders as “the archsalesmen of hatemongering.” Mr. Cockburn noted that the SPLC represents nothing more than “hate-seekers scour[ing] the landscape for hate like the arms manufacturers inventing new threats, and for the same reason: it’s their staple.” Other commentators researching the SPLC’s “hate group” label have found that there is a “serious objection to the SPLC’s hate list” because of “the loosey-goosey criteria by which the [SPLC] decides which organizations qualify as hate groups.” The SPLC has been charged with “being willing to slap the hate label on groups that may merely interpret data differently from the SPLC.”
- c. [Foreign Policy Magazine](#) has been harshly critical of SPLC’s “hate group” label, noting, “The problem is that the SPLC and the ADL (Anti-Defamation League) are not objective purveyors of data. They’re anti-hate activists.” Foreign Policy concluded that the **methodology used by the SPLC is fundamentally flawed, and that “[i]f there is any lesson in all of this [hate group labeling], it’s that the study of domestic American extremism shouldn’t be the exclusive province of activists.**” (Emphasis added).
- d. [Other commentators](#) have noted that “[w]hen an organization as prominent and powerful as the SPLC turns its guns on you, it can cost you your job, your livelihood – even your standing in the community. Not because you have done anything wrong. Not because what they say about you is true, but because a focused vilification campaign forces others to avoid you out of fear. You become what they call ‘radioactive.’”
- e. The [Philanthropy Roundtable](#) has noted the SPLC’s “hate group” designation is “not a Consumer Reports Guide. It’s a political tool.” The *Philanthropy Roundtable* also noted that the SPLC is a “notoriously partisan attack group” and that its “hate group” designations are

intended solely as a fundraising tool and that the “hate group” designations “spread stigmas just by innuendo” and that the SPLC has an “utter lack of any reasonable criteria for who goes on its lists.” The *Philanthropy Roundtable* concluded that “[i]t is entirely fair to disagree with any of these charities or individuals—but utterly unfair to insist they are hate criminals” merely because the SPLC disagrees with them. It also concluded that the SPLC is a “bullying organization that aims to intimidate and even criminalize philosophical opponents” and that “the SPLC’s tactics lead directly to hate and violence.”

**7. SPLC conflates all opposition to its political goals as “hate” in its promotion of “intolerance.”**

The SPLC’s focus is not on the enemies of America, but the enemies of the political Left, a strategy charted by Herbert Marcuse, a leftist icon with whom long-time SPLC board member Julian Bond was friendly. Marcuse, known as the “Father of the New Left,” was an advocate of cultural revolution. His 1965 essay, “Repressive Tolerance,” promoted the reinvention of “tolerance” to advance social change and give primacy to the Left:

This essay examines the idea of tolerance in our advanced industrial society. The conclusion reached is that the realization of the objective of tolerance would call for intolerance toward prevailing policies, attitudes, opinions, and the extension of tolerance to policies, attitudes, and opinions which are outlawed or suppressed....<sup>115</sup>

The solution he offered to the so-called “repressive tolerance” is to shut down dissent and subdue all voices but those of the Left:

Liberating tolerance, then, would mean intolerance against movements from the Right and toleration of movements from the Left.... Not “equal” but more representation of the Left would be equalization of the prevailing inequality.<sup>116</sup>

That is the goal toward which the SPLC seeks to drag America. A top-to-bottom creature of the Left, the SPLC, with few exceptions, only sees hate on the right. And it employs snarling and inflammatory rhetoric to transform mainstream immigration control and pro-family groups into xenophobes, racists, homophobes and gay-haters. To reprise the flavor of the biting prose to which the law center is prone, consider this characterization of WND.com writers:

WND columnists comprise a cross-section of reactionaries and fringe wingnuts, including arch-conservative Alan Keyes; actor and mud-slinger Chuck Norris; failed presidential candidate Rick Santorum; race-baiting and homophobic ex-Major Leaguer John Rocker; radio hothead Rush Limbaugh; and white nationalist writer Pat Buchanan...<sup>117</sup>

But, SPLC tells us that Bill Ayers, an unrepentant domestic terrorist and former Weather Underground leader, is a “highly respected figure in the field of multicultural education.” This, despite Weather Underground claiming responsibility for 25 bombings targeting the U.S. Capitol, Pentagon and police stations in the early 1970s, or that Ayers labeled the Weather Underground an “American Red Army.” Its mission, he said, was to “Kill all the rich people. Break up their cars and apartments. Bring the revolution home, kill your parents.”<sup>96</sup> Instead of castigating Ayers for his own heritage of hate and intolerance, the SPLC warmly praised him, lightly touching on his violent past, in contrast to its treatment of those with whom it ideologically disagrees.

The use of false labels and jeering and derisive language toward Christians and political conservatives is the native tongue of the Left and of the SPLC. One Leninist maxim instructs: “We can and must write ... in a language which sows among the masses hate, revulsion, scorn and the like toward those of differing opinion.”<sup>118</sup> SPLC abides by that maxim.

**8. The SPLC’s “Hate Map” wildly inflates the number of “hate” organizations by using sketchy reporting inconsistent with FBI statistics.** “No one has been more assiduous in inflating the profile of [hate] groups than millionaire huckster, [and SPLC founder] Morris Dees,” says JoAnn Wypijewski, a writer for the leftist *Nation* magazine. “Dees would have his donors believe” that “militia nuts” are “lurking around every corner.”<sup>63</sup> And one tool to project that false image is the SPLC’s “Hate Map,” an annual listing of “active hate groups in the United States.” The 2014 map lists 784 hate groups, down almost 20 percent from the year before—but still well up from the 537 groups said to be menacing America in 1998.

**a. The SPLC counts as “active” all hate groups that engage in First-Amendment protected conduct such as “marches, rallies, speeches, meetings, leafletting, and publishing literature.”** Merely having a post office box may also get a group on the list, Potok said in 2009.<sup>64</sup> So will criminal conduct, but the SPLC provides no summary listing about which groups, if any, violated the law, making it hard to assess just how dangerous the groups are—or if they pose any threat at all.

**b. The SPLC “Hate Map” counts each individual chapter of a hate group, rather than just the collective organization, a practice first implemented in 1997<sup>65</sup> and which sends the tally upwards.** The “National Socialist Movement,” for example, is listed 49 times in the SPLC’s 2015 Hate Map, rather than just once, since the count includes each one of the NSM’s individual chapters. A review of SPLC’s “Active U.S. Hate Groups” count for 2009 **showed just four organizations accounted for 229 “hate groups,”** as the SPLC counts them, and roughly 25 percent of the hate groups listed that year.<sup>66</sup> Unfortunately, the SPLC provides no detail about the size or activity of individual chapters to help gauge the “hate.” All that is given is the group’s name and the city in which the chapter is located—no address is shown. **The result is a count utterly inconsistent with Federal Bureau of Investigation statistics.** Hate crimes plummeted 24% between 1998 and 2013, according to the FBI. Yet the SPLC claims the number of hate groups in the U.S. shot up by 75% during this same period.<sup>67</sup>

**c. What others have said about the “Hate Map:”** “The SPLC has listings I had never heard of and I know this area pretty well,” says Laird Wilcox who published his *Guide to the American Left* and *Guide to the American Right* annually from 1979 to 2000. “Even my own contacts in various movements had never heard of some on SPLC’s list,” he said in 2007.<sup>68</sup>

**i.** The *Cleveland Scene* newspaper investigated in 2002 at the actual number of hate groups in Ohio after the SPLC claimed 40 active “hate or militia groups” in the state, and another group proposed an even higher number. “While a few groups on the monitors’ lists warrant attention,” the paper concluded, “most have dissolved or amount to little more than a guy with a copy of *Mein Kampf* and a Yahoo! account.” Reporter David Martin joked most “white-nationalist groups would have trouble staging a poker game, let alone a revolution.”<sup>69</sup>

- ii. When the SPLC listed a “Brotherhood of Klans” chapter in Rutland, Vermont, in 2007 a local reporter started looking and found nothing. A police detective said he doubted the group was active in Rutland where no hate crimes had taken place in the recent past. “We’d have had some intel, we’d have some names of people if they were here,” said Detective Sgt. Kevin Stevens.
- iii. Mark Pitcavage, Director of Investigative Research at the Anti-Defamation League (ADL), says the SPLC exaggerates the hate by counting single individuals as a group or chapter. “The Southern Poverty Law Center’s list is wildly inflated,” Pitcavage declared. Responding to the SPLC’s 2015 listing of 40 active hate groups in New Jersey, the fourth highest number in the nation, Pitcavage remarked, “They list skinhead groups in places where there are no organized groups, but instead it’s just a couple of individuals.” “There definitely are white supremacists in New Jersey, but it’s overstated by the SPLC’s list,” Pitcavage told the *South Jersey Times*. “Most skinheads don’t belong to any group — they’re just part of the scene.”<sup>71</sup>
- iv. “If the SPLC was actually going after racial violence they would go after the racial and ethnic gangs,” asserts extremist group expert Laird Wilcox. “In southern California, Hispanic gangs have been driving blacks out of some neighborhoods for years,” he said. “Imagine if whites tried to do that. ... The SPLC is very choosy in what it complains about. This kind of selective attention and biased reporting simply illustrates their unscrupulousness.”<sup>74</sup>

SPLC’s Mark Potok himself admitted in 2011 that SPLC’s Hate Map is “a very rough measure” and the result of “an imperfect process.”<sup>72</sup> Indeed, SPLC’s definition of hate groups is broad and imprecise. “We do not have a formal written criteria,” Heidi Beirich, then SPLC director of research and special projects, conceded in an email several years ago. The SPLC now says hate groups have “beliefs or practices that attack or malign an entire class of people, typically for their immutable characteristics.” Beirich, now Intelligence Project director at SPLC, tried to shed more light in October 2015, telling a reporter, “**I think there’s a common misunderstanding about the way you get on our Hate List. We post groups on the basis of ideology, not whether they’re violent or not.**”<sup>73</sup> That gives the SPLC wiggle room to pick and choose its targets – and helps explain why almost none are politically liberal or leftist organizations.

In sum, the SPLC

- Primarily targets Christians and political conservatives.
- Uses the “hate” label to bludgeon its ideological foes.
- Employs a vague and subjective definition of “hate.”
- Was dropped from the FBI’s list of “hate crime resources.”
- Was reprimanded by U.S. Department of Justice for its inflammatory rhetoric.
- Has no objective “hate group” criteria: “Our criteria for a ‘hate group,’ first of all, have nothing to do with criminality or violence...”
- Inflates the threat posed by “hate” in America.
- Labels the expression of traditional Christian morality as “hate” and “extremist.”
- Called Ben Carson, America’s most prominent neurosurgeon, an “extremist,” later backtracking under heavy criticism.
- Has created a false “Hate Map” listing so-called “hate groups” which is inaccurate, dangerous and has led to violence, and has included Liberty Counsel on that map.



- Is trying to destroy Liberty Counsel with its false and defamatory labeling.
- Is counting on credulous media republishing its defamation with reckless disregard to the truth.

For these reasons, we hereby request that you **remove Liberty Counsel from the article** "[Here Are All the Hate Groups Where You Live](#)," and **provide confirmation of the same**. As noted above, this kind of false labeling has resulted in physical violence and attempted mass murder against nonviolent groups, like the Family Research Council. Falsely lumping nonviolent groups in with violent racist groups like the KKK, Neo-Nazis, white supremacist, and others, is offensive and dangerous. This kind of false labeling places our good staff in danger.


We hope CNN would work to help heal the nation and report on real hate groups. But the reporting in this article makes the situation worse. CNN must not lump us in with groups and actions we detest and deplore.

Thank you for your immediate attention to this matter. If you require any clarification in the meantime regarding any aspect of this request, we would be happy to discuss with you.

Sincerely,



Mathew D. Staver<sup>†</sup>



Richard L. Mast, Jr.<sup>††</sup>

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<sup>†</sup> Licensed in Florida and the District of Columbia

<sup>††</sup>Licensed in Virginia