

ENGLISH only

OSCE Supplementary Human Dimension Meeting

Rule of Law in the Promotion and Protection of Human Rights

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Session I: *The Role of Legislative, Regulatory and Institutional Frameworks as well as Governments and Civil Society in the Promotion and Protection of Human Rights.*



International Civil Liberties Alliance Recommendations regarding US Government direct and indirect support for activities of the Southern Poverty Law Center outside the rule of law

Our friend from the United States, Mr. Wilton, has defended the Southern Poverty Law Center's blacklisting of a wide range of US citizens and organizations as "hate groups" by tacitly accepting that the list is legitimate, and stating that "They are attempting to have counter-speech to the hate groups." We entirely agree that the Southern Poverty Law Center has the right to free speech under the US Constitution's First Amendment. The problem is not their free speech rights, but the US Government's legitimization of their lists of "hate groups" and "patriot groups" through its funding of research based on their lists – research which is then used by those same US government agencies to set government-wide policies.

In the totalitarian tradition of show trials from Stalin's Soviet Union with their vague accusations and no rights of appeal, the SPLC tries to intimidate conservative and libertarian organizations with their "hate group" and "patriot group" labels. They also list at the same time, groups that present real dangers - criminal gangs and violent groups self-identified as Nazis or similar attributions, groups that most of us would agree are a potential threat if they turn to violent activity. Whether the group is a genuinely dangerous violent criminal syndicate and white supremacist group like the Aryan Brotherhood¹ or – alternatively - the St. Michael's convent of elderly nuns (the "Singing Nuns"²) in Spokane Washington³ which uses the Tridentine Latin Mass and is therefore, without any other cause, labeled "anti-semitic" - or a grassroots civic organization such as "Stop the Islamisation of Nations" which educates the public about Shariah doctrine's conflict with human rights⁴ - for the SPLC, all are equally "hate groups."

The SPLC is also noteworthy for those groups that it does NOT list. For example, the SPLC does not list radical Islamic groups other than the Nation of Islam as "hate groups." In fact, although they have listed the "Singing Nuns" since 2006 for anti-semitism because of their use of the Latin Mass, the SPLC has

1 <http://vault.fbi.gov/Aryan%20Brotherhood%20Aryan%20Brotherhood%20Part%201%20of%201/view>
2 <http://www.singingnuns.com/>
3 <http://www.spokesman.com/stories/2013/mar/09/hate-groups-watchdog-has-mount-st-michael-on-list>
4 <http://freedomdefense.typepad.com/>

determinedly partnered with an actively anti-semitic organization, the Muslim Public Affairs Committee, even after being asked to repudiate them by a group of interfaith community leaders.⁵

The United States has no law defining the terms “hate group” or much less, “patriot group” – these are SPLC-created terms and taxonomies, imposed without the rule of law or rules of evidence. Nor does the SPLC provide a methodology subject to academic peer review or community review, nor even an easily vetted list from year to year of groups. As a result, local communities and law enforcement cannot follow up on what are presented as dangerous extremists in their neighborhoods. Nor has the SPLC taken any responsibility for the fact that its “blacklist” of “hate groups” was used as a hit-list in the shooting of security guard Leo Johnson by Floyd Lee Corkins II on August 15, 2012. In Corkins’s videotaped statement he says, “Southern Poverty Law lists anti-gay groups ... I found them online, did a little research, went to the website, stuff like that.”⁶ Even liberal commentators have noted the irresponsibility of the SPLC⁷ – yet the SPLC still lists the Family Research Council as a hate group, because the FRC opposes gay marriage.⁸ To put the FRC’s position in context, thirty-five of the 50 US states have either constitutional or statutory laws holding the same position on gay marriage as the FRC.⁹

Yet our concern is not with the SPLC but rather with the actions of the US Government, so ably represented here by Mr. Wilton. Our informed concern is that these SPLC lists are used as the foundation for US government funded research, without any due diligence by researchers into the SPLC’s methodology, biases or expertise, and that these studies then guide governmental policy in a way that can seriously impede the civil liberties of those groups the SPLC finds objectionable. The dynamic is the very opposite of the rule of law and the preservation of civil liberties and due process; instead, the SPLC-government partnership is little more than a watered-down, tricked-out version of the Moscow show trials of the 1930s:

Step 1: The SPLC lists hate groups every year, deleting some prior years’ lists and providing at most just the names of groups in various cities, with no attendant documentation. The “hate group” and “patriot group” lists are organized in a constantly expanding set of categories, with no peer review and no definitions or methodology provided to the user.

Step 2: These SPLC annual “hate group” and “patriot group” lists are then used as the foundation for “academic” studies, and characterized as comprising an expert – and implicitly, approved and vetted – database by individual scholars and institutions funded by government agencies. The recipients of this funding include, as an example, the Department of Defense- supported Social Sciences Department at West Point, which in partnership with the separately funded Combating Terrorism Center at West Point, is credited by author Arlie Perlinger with supporting his November 2012 project “Challengers from the

5 <http://www.voiceofthecoats.org/index.php/categories/press-releases/8765-national-religious-leaders-call-on-southern-poverty-law-center>

6 <http://hotair.com/archives/2013/04/24/frc-shooter-i-targeted-them-because-splc-list-said-they-were-anti-gay>

7 http://articles.washingtonpost.com/2012-08-16/opinions/35493333_1_human-rights-campaign-gay-rights-gay-community-center

8 <http://www.splcenter.org/get-informed/hate-map#s=DC>

9 <http://www.ncsl.org/issues-research/human-services/same-sex-marriage-overview.aspx#1>

Sidelines: Understanding America’s Violent Far-Right” which cites or mentions the SPLC forty-one times.¹⁰

In addition to the DOD study of 2012, since 2009 other studies based on SPLC data have been funded by the Department of Homeland Security (DHS) at the National Consortium for the Study of Terrorism and Responses to Terrorism (START), specifically studies by Steven M. Chermak and Joshua D. Freilich with other authors.

Step 3: These questionable studies, based on the even more questionable SPLC data, are then cited by the SPLC itself, in correspondence to the DHS and DOJ. For example in the March 5, 2013 SPLC letter to DOJ and DHS, Richard Cohen, President and CEO of SPLC writes, “A recent study sponsored by the Department of Homeland Security, it should be noted, found that criminal violence was associated with a significant percentage of far-right hate groups. See Steven M. Chermak, Joshua D. Freilich, Michael Suttmoeller, The Organizational Dynamics of Far-Right Hate Groups in the United States¹¹ at 2, DHS, Dec. 2011.”¹²

But when we look at the sources of that study, cited by the SPLC to the DHS, it turns out it is a study based on SPLC data. In that 2011 study, Chermak et al state in the second footnote, “Our sampling design of hate groups relied on reports from the Southern Poverty Law Center. According to the Southern Poverty Law Center, “Hate Map” (2011). [sic]” In other words, the SPLC provided data used by Chermak et al for a DHS- funded study in 2011, which SPLC then cited in 2013 in correspondence to DHS as objective evidence that action must be taken against “far-right” organizations, who are defined in this study’s first footnote as “nationalistic (as opposed to universal and international in orientation), antiglobal, suspicious of centralized federal authority, reverent of individual liberty (especially their right to own guns, be free of taxes...” – a definition that describes a large proportion of the American public, as well as many of the nation’s founding fathers, but that is apparently “far-right” for the far-left SPLC itself.

To understand the depth of the support for the SPLC by the DHS, note also that in 2010 the Department of Homeland Security appointed Richard Cohen, President and CEO of the SPLC, to the Advisory Board of the “Countering Violent Extremism Working Group”¹³ whose recommendations became government-wide policy in 2011. And to understand the support provided to the SPLC by the Department of Justice, note that in 2012, SPLC founder Morris Dees was a featured speaker at the Department of Justice (DOJ), as recently revealed in emails obtained by the Judicial Watch NGO through a Freedom of Information Act request.¹⁴ According to Judicial Watch, the DOJ emails showed that the SPLC presentation, sponsored by the Civil Rights and Tax divisions of the DOJ, qualified “for mandatory annual diversity training for supervisors” and was to be “simulcast to everyone’s PC throughout the Department,” an image worthy of George Orwell’s “1984.”

10 <http://www.ctc.usma.edu/posts/challengers-from-the-sidelines-understanding-americas-violent-far-right>

11 <http://www.tandfonline.com/doi/abs/10.1080/1057610X.2013.755912#preview>

12 <http://www.splcenter.org/home/splc-letter-to-DOJ-DHS>

13 http://www.dhs.gov/xlibrary/assets/hsac_cve_working_group_recommendations.pdf

14 <http://www.judicialwatch.org/press-room/press-releases/jw-obtains-emails-exposing-connections-between-doj-and-controversial-southern-policy-law-center>

So, Mr. Wilton, the SPLC – an organization with over \$256 million in assets as of 2012¹⁵ – is not simply an ordinary NGO exercising its First Amendment rights attempting “counter-speech to hate groups.” The SPLC receives a variety of kinds of direct and indirect support, both in influence and in things of value, from the DOJ and DHS. Serious questions must be asked by NGOs, the media, advocates for civil liberties and human rights, and indeed by the US Congress and state legislatures, as to the governmental abuse of the rule of law and due process against groups and individuals targeted by the SPLC, groups who have committed no crime other than to espouse conservative or libertarian opinions.

ICLA thus recommends that:

- OSCE make a statement that the government agencies of member countries should stop funding studies and creating policy based on SPLC non-peer reviewed blacklists of so-called “hate groups” and “patriot groups”
- OSCE support member countries’ efforts for law enforcement to investigate and prevent any criminal and terrorist activities that threaten national security
- OSCE make a statement that governments should not directly or indirectly provide material support to private organizations that target other groups as “hate” groups based on disagreements with their opinions and policy positions, because free expression and the right to debate issues within civil society are paramount values for continued rule of law to preserve human rights and civil liberties

15 <http://www.charitynavigator.org/index.cfm?bay=search.summary&orgid=4482>