

A Guide to Understanding
the Tactics of the
Southern Poverty Law Center
in the Immigration Debate

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Overview

The debate about U.S. immigration policy is a difficult and often emotional one. In recent years, a new component has been added. Shifting focus away from a debate based on the merits of various policy options, some of those advocating higher levels of immigration and amnesty for illegal aliens have resorted to attacking and impugning the motives of their opponents.

The largest and most prominent immigration reform group to come under attack is the Federation for American Immigration Reform (FAIR). The basis for the attacks against FAIR is a report by the Southern Poverty Law Center (SPLC) that designates FAIR as a “hate group.” This single report serves as the cornerstone of a relentless assault by the mass immigration and amnesty lobby against FAIR and other organizations that promote immigration reductions and enforcement of our immigration laws.

In the eyes of the law, there is no such thing as a “hate group.”¹ It does not exist in federal statutes. It is a term entirely concocted by the SPLC.

¹The lack of a legal definition of a “hate group,” should not be construed to mean that there are not organized groups dedicated to expressing or acting out hatred against others.

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Moreover, the SPLC itself has no concrete definition. While lacking any useful specificity, the SPLC nonetheless deliberately uses this highly charged term to achieve political ends and to create an illusion that there is a surge of dangerous groups operating in America in order to increase the SPLC fundraising. In the process, the truth gets lost, reputations are damaged, and meaningful discourse on immigration policy is muted.

It is therefore essential that we thoroughly examine and respond to the charges and the motives of those leveling the accusations. This publication is designed for the media, legislators and others who are actively involved in writing about or formulating immigration policy. Its purpose is to provide:

- An overview of the unscrupulous tactics now being used in the immigration debate which distort factual reporting and limit meaningful debate.
- A summary of FAIR's 30-year record of advocacy on immigration.
- An examination into the SPLC's motives, terminology and techniques used against FAIR and others.
- An objective *third* party analysis of the SPLC's tactics and motivations.
- Conclusions and suggestions for fair reporting and open mindedness.

This publication also highlights the journalism profession's own principles for reporting accusations made against individuals or organizations, as the news media are the primary tool in the SPLC's effort to discredit FAIR. However, we believe these are excellent guidelines for *anyone* researching immigration policy or evaluating FAIR.



The SPLC Attacks: Trying to Shut Down Debate

In 2007, big business and special interest lobbies threw an unprecedented level of support and money towards the effort to enact amnesty for illegal aliens, increase legal immigration levels, and to expand big business access to foreign guest workers. Despite an overwhelming disparity in resources, FAIR and a handful of other small organizations educated the American public about the costs and harmful impact of enacting the sort of massive amnesty and guest worker programs called for in the bill. The efforts generated massive public opposition to the bill, and it was ultimately defeated.

Immediately after the Senate legislation was voted down, ethnic interest and illegal immigrant advocacy groups began charging that the defeat was due to a campaign of hatred against immigrants in general and Latinos in particular. Cecilia Muñoz, then the vice president of the National Council of La Raza—a prominent Hispanic advocacy group—claimed that the bill’s demise was a result of a “wave of hate” unleashed by talk radio and groups opposed to amnesty.

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Other left-leaning amnesty groups began echoing Muñoz's allegation, at which point the SPLC capitalized on the growing sentiment by claiming that FAIR was a "hate group."²

This single SPLC claim has become the centerpiece of the amnesty lobby's campaign against FAIR and other immigration reform organizations. Despite being entirely opinion-based, politically motivated, and driven by a need to make their mission appear more urgent, the SPLC "report" has become a breeder document from which these unsubstantiated accusations recycle their way onto blogs and sometimes even into the mainstream press under the guise of "news."

Although FAIR was the target of this recent and particularly vicious attack by the SPLC, it was not the first time the organization had used these tactics. While disavowing any position on immigration policy, the SPLC has for nearly a decade targeted organizations and individuals who support immigration enforcement and reductions in overall immigration to the United States. In countless articles and "investigative reports," the SPLC concluded that just about everyone actively opposed to amnesty and mass immigration was a "nativist" a "white supremacist," or had ties to such groups and individuals. These claims, absurd and unsubstantiated as they were, became even more exaggerated when other groups also began using them. Replicating the SPLC tactics, the National Council of La Raza, made the ridiculous assertion recently that one in seven Americans (45 million people) belong to hate or extremist groups.

FAIR condemns any individual or group that engages in hateful or violent behavior, and has done so publicly on many occasions. While FAIR has been consistently critical of many aspects of U.S. immigration policy and

²Beirich, Heidi, editor's note to "The Teflon Nativists," *The Intelligence Report* Winter 2007. "After issuing this report in December 2007, the Southern Poverty Law Center added the Federation for American Immigration Reform to its list of hate groups."

long-term failures to adequately enforce immigration laws. We have a longstanding abiding policy of never advocating discriminatory immigration policies. If the record proves anything at all, it is that FAIR draws a clear distinction between immigration policy and immigrants. Immigration is an important public policy that can and must be debated openly; immigrants are human beings who must always be treated with respect and dignity.

Those who are committed to free and open debate about important policy matters must also deplore the indiscriminate use of an inflammatory term such as “hate group” directed at FAIR or any other responsible individual or organization committed to reforming our immigration policies for the public good. In the absence of a clear definition, the SPLC has been free to engage in the odious habit of taking legitimate organizations with which they disagree, calling them hate groups, and then mixing them in with despicable and truly dangerous groups like the KKK, insinuating comparable status. This practice is fundamentally unfair and unconscionable.

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FAIR

Founded in 1979, FAIR is the country's largest immigration reform group. With more than 250,000 members and activists nationwide, FAIR fights for immigration policies that serve national interests, not special interests. We believe that immigration reform must enhance national security, improve the economy, protect jobs, preserve our environment, and respect the rule of law.

In its 30 years of operation, FAIR has earned a reputation for reliability and integrity in all aspects of immigration policy, and we are proud of our long history of achievement in this very emotional debate.

FAIR is a nonpartisan organization supported by a broad based membership, a range of foundations, a diversified funding base, and a strong, professional staff. Our Board of Directors and National Advisory Board are comprised of highly respected and nationally-known Republicans, Democrats and Independents. FAIR is also one of the very few charities in the United States certified by the Better Business Bureau as meeting all of its giving standards for a charitable organization, highlighting management, honesty and re-

sponsibility. **By contrast, the SPLC has been singled out as an organization that fails virtually every standard for accountability as a charitable nonprofit corporation.**

FAIR also has a reputation of transparency, objectivity, and credibility with the national news media. *The New York Times*, *Wall Street Journal*, *Washington Post*, CNN, Fox News, MSNBC, and National Public Radio are several examples of the elite news organizations that rely on FAIR for information, commentary and analysis. These highly reputable news organizations, employing some of the profession's most experienced journalists, would have long ago turned up any nefarious agenda of FAIR—if one truly existed. The reason FAIR's views are widely sought all across America is because our work is informed by facts and our approach to immigration policy is responsible and temperate.

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Even the highest levels of government recognize and rely on FAIR's work. Members of the Democratic and Republican leadership, as well as committee and subcommittee chairmen have invited members of FAIR to testify on the issue of immigration on nearly 100 occasions. The expertise of departments in our organization has been repeatedly tapped by congressional offices of both parties. Among the many members of Congress who have sought FAIR's input and assistance is the current Senate Majority Leader Harry Reid, who worked closely with FAIR to formulate legislation in the 1990s. Senator Reid has since changed his stance on immigration policy, but he has never questioned FAIR's motives or integrity.

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Unlike many of the groups attacking us, FAIR is a membership organization that raises a considerable share of its operating budget through voluntary membership dues. Currently, FAIR has over 250,000 members and supporters nationwide. Our membership base is made up of Americans of all ages, races, religions, ethnic groups, income strata, and cuts across political ideological lines. In addition, FAIR has received and continues to receive support from charitable foundations that are among the most respected in the nation.

FAIR offers complete organizational transparency for any and all interested in knowing the full scope of our operations, our publications, our staff and our mission. We stand by our record and invite the media, scholars and the public to scrutinize it.



What do Journalists Think of the SPLC?

Journalists whom have no ideological or financial interest in skewing the outcome one way or the other have conducted examinations of the SPLC's nearly 40-year history. While the political leanings of the publications and journalists who undertook several of the investigations would lead one to expect a favorable evaluation of the SPLC, quite the opposite was the case.

Articles published in *The Nation*, *Harper's*, and even the SPLC's hometown newspaper, the *Montgomery Advertiser* all make the same assertion: the SPLC exaggerates, and manipulates incidents of "hate" for the sole purpose of raising vast sums of money.

The Nation. In response to a letter published in the February 26, 2001 edition of the magazine from Richard Cohen (the SPLC's president and CEO) defending the SPLC's activities, journalist JoAnn Wypijewski questioned what the organization does with its vast war chest:

The center doesn't devote all of its resources to any kind of fight. In 1999 it spent \$2.4 million on litigation and \$5.7 million on

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fundraising, meanwhile taking in more than \$44 million—\$27 million from fundraising, the rest from investments. A few years ago the American Institute of Philanthropy gave the SPLC an F for 'excessive' reserves. On the subject of 'hate groups,' though, Cohen is almost comically disingenuous. No one has been more assiduous in inflating the profile of such groups than the center's

millionaire huckster Morris Dees, who in 1999 began a begging letter, 'Dear Friend, The danger presented by the Klan is greater now than at any time in the past ten years.' Hate sells; poor people don't, which is why readers who go to the center's web site will find only a handful of cases on such unlucrative causes as fair housing, worker safety or healthcare, many of those from the 1970s and '80s. Why the organization continues to keep 'Poverty' (or even 'Law') in its name can be ascribed only to nostalgia or a cynical understanding of the marketing possibilities in class guilt.

The Nation's opinion of the SPLC has only diminished with the passage of time. Syndicated columnist Alexander Cockburn wrote a scathing article entitled "King of the Hate Business," for the April 29, 2009 edition of the magazine. In his piece, Cockburn lambasted the SPLC and its founder, Morris Dees. Noting the election of Barack Obama and solid Democratic majorities in both houses of Congress, Cockburn observed, "It's also



horrible news for people who raise money and make money selling the notion that there's a right resurgence out there in the hinterland with legions of haters ready to march down Main Street draped in Klan robes, a copy of *Mein Kampf* tucked under one arm and a Bible under the other.”

Cockburn, like just about everyone else who has examined the SPLC's record, noted the organization's shameful record of hyping hate for profit.

What is the archsalesman of hatemongering, Morris Dees of the Southern Poverty Law Center, going to do now? Ever since 1971, U.S. Postal Service mailbags have bulged with his fundraising letters, scaring dollars out of the pockets of trembling liberals aghast at his lurid depictions of a hate-sodden America in dire need of legal confrontation by the SPLC.

Harper's. In the November 2000 edition, Washington editor Ken Silverstein published an exposé of the SPLC and its tactics and operational activities. Entitled “The Church of Morris Dees,” Silverstein concluded that the SPLC “spends most of its time—and money—on a relentless fundraising campaign, peddling memberships in the church of tolerance with all the zeal of a circuit rider passing the collection plate.”

In a follow-up in March 2007, Silverstein noted that not much had changed since his 2000 article.

Back in 2000, I wrote a story in *Harper's* about the Southern Poverty Law Center of Montgomery, Alabama, whose stated mission is to combat disgusting yet mostly impotent groups like the Nazis and the KKK. What it does best, though, is to raise obscene amounts of money by hyping fears about the power of those groups; hence the SPLC has become the nation's richest "civil rights" organization.

The Montgomery Advertiser, the city's leading newspaper, began scrutinizing the SPLC, headquartered in Montgomery, Alabama, as early as 1994. In 1995, the Pulitzer Board nominated the *Advertiser's* eight-part series of investigative reports as a finalist for its distinguished Pulitzer Prize. In a May 1999 seminar at Harvard University's Nieman Center, then managing editor Jim Tarpe described the SPLC's efforts to intimidate his reporters during their investigation: "Our series was published in 1995 after three years of very brutal research under the threat of lawsuit the entire time."³

Like *Harper's* and *The Nation*, the *Advertiser's* investigation concluded that the SPLC was little more than a hugely successful fundraising operation that delivered little of what it promised to its donors. Tarpe stated:

The Center was building up a huge surplus. It was 50-something million at that time; it's now approaching 100 million, but they've never spent more than 31 percent of the money they were bringing in on programs, and sometimes they spent as little as 18 percent. Most nonprofits spend about 75 percent on programs.

³Nieman Watchdog, May 1999, "Panel Discussion: Nonprofit Organizations." <http://niemanwatchdog.org>

A sampling of their donors showed that they had no idea of the Center's wealth. The charity watchdog groups, the few that are in existence, had consistently criticized the Center, even though nobody had reported that.

By looking at 990s, what few financial records we did have available, we were able to corroborate much of that information, many of the allegations they had made, the fact that the Center didn't spend very much of its money that it took in on programs, the fact that some of the top people at the Center were paid very high salaries, the fact that there weren't minorities in management positions at the Center.

But the *Advertiser's* investigative reporters found something even more remarkable for an organization that prides itself on "exposing" racism in others. The newspaper was able to corroborate institutional racism within the SPLC. Addressing Harvard's Nieman Center, Tharpe stated:

There was a problem with black employees at what was the nation's richest civil rights organization; there were no blacks in the top management positions. Twelve out of the 13 black current and former employees we contacted cited racism at the Center, which was a shocker to me. As of 1995, the Center had hired only two black attorneys in its entire history.

None of these three publications had any obvious political or economic interest in discrediting the SPLC. In fact, Tharpe, whose newspaper was literally next door to the SPLC's headquarters, noted, "They [SPLC officials] were friends with people at the paper; we hung out with them." Nevertheless, all three, after closely examining the SPLC, independently arrived at the conclusion that the organization is not a credible or objective source of information. Moreover, the conclusion of these three independent

journals establishes that the SPLC has both a political and economic interest in discrediting FAIR. All of these credible news organizations came to the conclusion that the SPLC engages in questionable, if not outright unethical tactics, with the intention of raising money for the organization.



The SPLC Manipulates Hate Crime Data to Fuel Their Cause

The SPLC contends that those who advocate for more sensible immigration policy have caused an increase in hate crime. The assertion is that the debate Americans are having about immigration is “spilling onto the streets” resulting in violence towards immigrants and Hispanics.

This assertion is misleading and the data the SPLC uses is deliberately skewed in order to exaggerate the numbers and stifle debate. While the SPLC and others claim there has been a 25 percent increase anti-Hispanic hate crimes since 2003, in fact, hate crime is down.

- 1.** The base year that the SPLC uses to index increases in anti-Hispanic hate crimes, 2003, was one of lowest years on record for hate crimes against Hispanics—some 12 percent lower than 2002. Consequently, any increase in the number of such crime appears larger when expressed statistically.

2. The SPLC also neglects to mention that during the period in which they allege a dramatic increase in hate crimes against Hispanics, the number of law enforcement agencies reporting hate crimes steadily increased, more than doubling between 1992 and 2004.⁴ Moreover, as *The Police Chief Magazine*⁵ reports in its April 2004 edition, “Once a department begins to actively investigate hate crimes and demonstrate aggressive action, the number of incidents reported to the police will most likely increase. This is to be expected and is not necessarily reflective of sudden increase

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in the community’s frequency of hate crimes... The fact that the number of reported incidents increases does not necessarily mean the actual number of incidents of hate crimes has increased.” The magazine cites two factors for this phenomenon: Police are

better trained to recognize *actual* hate crimes, and “victims in the community will develop a confidence level in the police and report the incidents instead of withdrawing or hiding in shame.”

3. The SPLC and other organizations citing these increases, deliberately ignore the FBI’s own admonition that hate crime data is unreliable.
4. Lastly, and most importantly, the SPLC fails to accurately account for the large population increase of Hispanics. Between 1997 and 2007,

⁴ http://www.fbi.gov/ucr/cius_04/offenses_reported/hate_crime/index.html

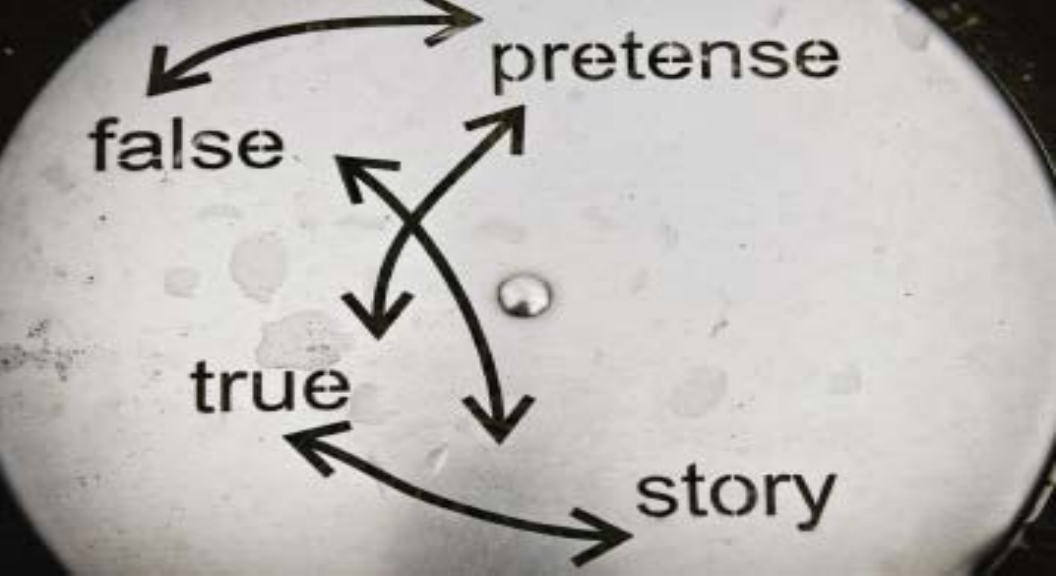
The Uniform Crime Reports Program published the first national hate crime data in 1992 with participation from 6,200 law enforcement agencies. Since then, the hate crime data collection program has been marked by a slow but steady increase in participation. A total of 12,711 law enforcement agencies took part in the national hate crime program during 2004. This number represents a 6.7 percent increase in agency participation from 2003.

⁵ <http://policechiefmagazine.org/magazine/>

the number of Hispanic residents of the U.S. grew from 29 million to 45 million. When indexed for this significant population growth, anti-Hispanic hate crimes actually decreased by 18 percent. A Hispanic living in the U.S. in 2007 was *less likely* to be the victim of a hate crime than he was a decade earlier.

1997 Population	29.2 million
1997 Hate Crime Victims	649
Victims per 100,000	2.22
2007 Population	45.5 million
2007 Hate Crime Victims	830
Victims per 100,000	1.82
NET RESULT	Down 18 %

Not only are anti-Hispanic hate crimes declining despite the ongoing and intense debate about immigration policy, but they occur in far less frequency than documented hate crimes against individuals who are less likely to be perceived as immigrants. There is no acceptable level of hate crimes, directed against anyone, but the data demonstrate conclusively that the immigration debate has not resulted in an increase in hate crimes.



Other Organizations Using SPLC-Like Tactics

The National Council of La Raza. The National Council of La Raza (NCLR) is the largest and most prominent organization promoting amnesty for illegal aliens and higher levels of immigration to the U.S. The NCLR has a vested political and financial interest in expanding the Hispanic population in the U.S., and frequently leverages the rapid growth of the Hispanic population to extract government contracts and corporate support for themselves.

In a publication entitled “Code Words in the Debate,” featured on its web site, www.wecanstopthehate.org, the NCLR identifies “code words” that they claim “demonize” or “dehumanize” immigrants generally and Hispanics specifically. Much like the SPLC’s “hate group” designations, the NCLR is the sole judge of what these “codes” are, based on undefined or undisclosed criteria.

Through this malicious attack on those who simply disagree with them, the NCLR declares virtually every argument against mass immigration and its

impact on the American public to be beyond the scope of “reasoned debate.” Among its litany of examples of alleged hate-laced code words cited in its publication, not a single one is attributed to FAIR.⁶

The NCLR also funds a front group known as the **Center for New Community**, whose mission seemingly is to discredit the NCLR’s opponents. The center specializes in trying to establish connections between mainstream immigration reform organizations and white supremacist groups, asserting without proof, that these organizations are inherently linked.

America’s Voice. America’s Voice is yet another group dedicated to impugning the motive of those who oppose mass immigration and amnesty for illegal aliens. They also rely on the SPLC’s reports as the basis for their attacks against FAIR and others who oppose their political objectives.

For example, America’s Voice has produced and posted on its web site an ominous video entitled “Wolves in Sheep’s Clothing.” The video attacks FAIR and two other like-minded groups, the Center for Immigration Studies and NumbersUSA, noting simply that FAIR has been “designated an anti-immigrant hate group by the Southern Poverty Law Center.” Not a single incriminating statement issued or published by FAIR (or the other two organizations) is cited in the video. Moreover, America’s Voice acknowledges that FAIR is frequently called to present congressional testimony and commentary by major news organizations.

⁶As an example of the sort of rhetoric NCLR claims includes “code words” for hate, the document cites the following 2003 statement made by a spokesman for another immigration reform advocacy group: “We don’t need illegal workers. We’ve got 18 million Americans who can’t find a full-time job right now. The economy has adjusted to the fact that these 8 to 10 to 12 million illegal workers are in the country, but it’s something that has been harmful for the economy as a whole.”



A Note to Journalists

Professional journalists are understandably wary about attempts to use them to attack opponents or otherwise disseminate misinformation. Because of the media's unique ability to reach so many people, the Society of Professional Journalists has established a Code of Ethics to protect members of the media from those sorts of abuse. Below are several principles that should be considered when journalists are confronted with allegations about FAIR.

- 1. Test the accuracy of the information.** Founded in 1979, FAIR has a long, public record of advocacy on immigration policy. FAIR has compiled thousands of media appearances; published hundreds of opinion pieces in newspapers, magazines and online; published hundreds of research studies on virtually every aspect of immigration policy; testified more than a hundred times before Congress and state legislatures; and made hundreds of presentations before academic, civic, religious and political organizations. With such an extensive public record, the accuracy of the charges leveled against FAIR can be easily tested by any journalist who cares to make the effort.

WITH SUCH AN EXTENSIVE PUBLIC RECORD, THE ACCURACY OF THE CHARGES LEVELED AGAINST FAIR CAN BE EASILY TESTED BY ANY JOURNALIST WHO CARES TO MAKE THE EFFORT.

2. **Diligently seek out subjects to respond to allegations.** FAIR is an easily accessible organization. But the ethical requirement goes beyond merely seeking out a response from FAIR. Under the profession's ethical code, the publication or broadcast of an accusation followed by a denial is appropriate only if the journalist has independently tested the accuracy of the underlying accusation and found it to have merit. "He said, she said," falls within the realm of gossip, not responsible journalism. The accusation is inherently more powerful than the pro forma denial.
3. **Always question sources' motives.** The motives of both the SPLC and the organizations quoting the SPLC are plainly transparent. The organizations attacking FAIR have clearly defined political agendas that, by their own admission, are being thwarted by FAIR. The SPLC has a documented history of misrepresenting facts for the purpose of raising money. Those goals and motives must be evaluated by any journalist reporting on the accusations made against FAIR.
4. **Distinguish between advocacy and news reporting.** The act of accusing an opponent of being a "hate group" clearly falls into the realm of advocacy. The SPLC does not use objective criteria when making this determination. Reporting accusations, even if they are attributed to a source, is not inherently "news reporting" if the source has an overt political or hidden agenda that is being advanced by the publication or broadcast of the accusation.

No legitimate journalist who has carried out these four basic professional responsibilities has independently concluded that there is evidence to support the designation of FAIR as a “hate group.” Therefore, including allegations in news stories or broadcasts made by individuals or organizations promoting a political agenda is a clear violation of the professional journalists’ code of ethics, even if they include a statement of denial from FAIR.



Conclusions

The SPLC and its allies' attacks against FAIR have no basis in fact. FAIR's 30-year record speaks for itself. That record is incontrovertible: FAIR's views and advocacy on immigration matters are motivated by legitimate concerns about the impact of mass immigration on the United States and nothing else. FAIR represents mainstream views that are shared by the majority of Americans.

The attacks against FAIR's reputation are politically motivated.

The SPLC, upon whose designation the attacks against FAIR are predicated, has a long and well-documented history of using baseless claims to raise money. FAIR has long impeded the open borders and amnesty lobby from being able to achieve its political goals. Having repeatedly failed to convince the American public that higher levels of immigration and amnesty for illegal aliens will be beneficial to the nation, they have turned to the time-tested tactic of smearing their opponents.

The source of the attacks against FAIR, the Southern Poverty Law Center, is a thoroughly discredited organization. The

operation and tactics of the SPLC have been investigated by independent journalists working for established magazines or newspapers over the course of 13 years. All came to almost identical conclusions:

1. The SPLC exaggerates and fabricates hate as a fundraising tactic.
2. The SPLC misrepresents itself as an advocate for victims of bigotry or racism. The organization does little or nothing to help the victims and instead lines its own pockets with the money that it raises or wins in legal settlements.
3. The most extensive investigation of the SPLC concluded that the organization itself is riddled with institutional racism.

The SPLC offers no objective criteria for the “hate group” designation. The SPLC assigns the “hate group” designation based on their own vague, subjective, and politically motivated criteria. The SPLC’s accusation against FAIR is based entirely on its own inference of motive and casual, even incidental, associations.

Claims aimed at destroying reputations must be independently evaluated. The news media have a professional and ethical obligation to investigate the merits of attacks against reputation before reporting them. Moreover, journalists have an ethical obligation to assess the character and motives of those who issue such attacks. FAIR welcomes any objective journalistic assessment of our organization’s 30-year record.

America needs an open and honest debate about immigration policy. Whatever position one takes on immigration, it is undeniably one of the most important public policy issues facing the nation. As with any other vital issue in a healthy democracy, free and open debate is essential

to finding the right path for the nation. Blatant attempts to silence debate are unhealthy and must not be permitted to prevail.

About FAIR

The Federation for American Immigration Reform (FAIR) is a national, non-profit, public-interest, membership organization of concerned citizens who share a common belief that our nation's immigration policies must be reformed to serve the national interest.

FAIR seeks to improve border security, to stop illegal immigration, and to promote immigration levels consistent with the national interest—more traditional rates of about 300,000 a year.

With more than 250,000 members and supporters nationwide, FAIR is a non-partisan group whose membership runs the gamut from liberal to conservative. Our grassroots networks help concerned citizens use their voices to speak up for effective, sensible immigration policies that work for America's best interests.

FAIR's publications and research are used by academics and government officials in preparing new legislation. National and international media regularly turn to us to understand the latest immigration developments and to shed light on this complex subject. FAIR has been called to testify on immigration bills before Congress more than any organization in America.

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