

KU KLUX KLOWNSHOW

The Justice Department Sides With the Ku Klux Klan

The administration's vindictive targeting of the Southern Poverty Law Center is yet another mask-off moment.



NATHAN POSNER/GETTY IMAGES

Acting Attorney General Todd Blanche speaks at a press conference with FBI Director Kash Patel following the indictment of the Southern Poverty Law Center for money laundering, at the Department of Justice in Washington, D.C.

Matt Ford /

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The United States did not always have a Department of Justice. President Ulysses S. Grant founded it in 1870 to help suppress the Ku Klux Klan in the Southern states and enforce federal civil rights protections for formerly enslaved Americans. On Tuesday, Justice Department officials announced what may be the first Klan-friendly prosecution in the department's history.

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The Southern Poverty Law Center, or SPLC, is one of the most influential civil rights groups in the nation. Founded in 1971, it has spent the last five decades monitoring, documenting, and exposing hate groups and violent extremists. The group rose to national fame in the 1980s by financially breaking the modern Klan through strategic lawsuits on behalf of its victims. The SPLC's most persistent targets have been white nationalist groups like the Klan and various neo-Nazi gangs, but its work has expanded over the years, as well. (More on that later.)

Trump Justice Department officials struck a much different note about the SPLC's work when announcing the indictment. Acting Attorney General Todd Blanche claimed on

Tuesday that the SPLC was “manufacturing the extremism it purports to oppose by paying sources to stoke racial hatred.”

“The SPLC is manufacturing racism to justify its existence,” Blanche later said in a press release. “Using donor money to allegedly profit off Klansmen cannot go unchecked. This Department of Justice will hold the SPLC and every other fraudulent organization operating with the same deceptive playbook accountable. No entity is above the law.”

Those are serious accusations, even without the claims of criminal misconduct. The SPLC is one of the nation’s best-known anti-racism groups, and accusing it of “manufacturing racism to justify its existence” is akin to claiming that anti-abortion groups are secretly funding abortion clinics or that the Sierra Club was buying oil and gas leases in Texas. Blaming white nationalist violence on the groups that oppose it may have been the entire point.

Tuesday’s indictment lists 11 counts against the organization. The first six counts involve allegations of wire fraud. To prove wire fraud, prosecutors need to describe some sort of scheme to obtain money under false pretenses. Another count, conspiracy to commit concealment money laundering, also hinges on the premise that the SPLC was trying to conceal details about “fraudulently obtained donated money.”

According to the indictment, the SPLC “explicitly sought donations under the auspices that donor money would be used to help ‘dismantle’ violent extremist groups.” Instead, the indictment claimed, SPLC donors “were not told that some of the donated funds were to be used by the SPLC to pay high-level leaders of violent extremist groups,” as well as for similar undercover purposes.

There are a few problems with this theory of fraud. First of all, the SPLC was not paying members of these groups to provide material support to their activities or out of ideological

sympathy. They were cultivating informants who could provide damaging (or even basic) information about extremist groups, their members, and their operations, thereby furthering the SPLC's goals of "dismantling" those groups. Sunlight, as Justice Louis Brandeis once said, is a potent disinfectant.

Prosecutors were fully aware of this because they describe it elsewhere in the indictment. One of the undercover informants, the indictment noted, "entered the headquarters of a violent extremist group and stole 25 boxes of their documents," then passed them along to an SPLC employee. "Thereafter, the high-level SPLC employee utilized the documents, in part, as the basis for a story published on the SPLC's Hatewatch website," it claimed. This obviously did not further the violent extremist group's goals. It's also hard to believe that an SPLC donor might find these activities—and these results—to be a fraudulent use of their money.

Second, it was hardly a secret to the public or to donors that the SPLC used undercover sources. (The practice reportedly stopped a few years ago.) You don't have to look hard to find press reports that describe the SPLC's clandestine work. In a 1996 *New York Times* article that was published on the eve of the first anniversary of the Oklahoma City bombing, for example, the newspaper reported that the SPLC had "spies" at a white nationalist convention at Lake Tahoe the preceding weekend.

Nor was any of this news to the federal government. Law enforcement agencies routinely worked with the SPLC to track and monitor hate groups. As a private nonprofit group, the SPLC is not bound by the First Amendment when tracking and identifying hate groups and their members. The FBI and other agencies, on the other hand, face greater legal constraints when it comes to surveilling domestic political groups.

Third, even if donors were somehow unaware, nonprofit groups often speak in broad terms when soliciting donations. Some promises are more deceptive than others: A super PAC affiliated with President Donald Trump claimed last month that donors would get access to “my private national security briefings” and “unfiltered updates on the threats facing America.” Those donors are obviously not receiving access to classified U.S. intelligence reports—at least, I hope they aren’t.

The indictment appears to be on slightly stronger footing when it comes to the four charges that the SPLC made false statements to a federally insured bank. According to prosecutors, SPLC employees opened bank accounts in the name of at least five dummy organizations with generic names like “North West Technologies” or “Rare Books Warehouse,” then used those accounts to pay informants. The group likely wanted to avoid the risk that a Klansman’s friends might find a check from the SPLC lying around in their apartment.

These companies, however, “were never incorporated, had no bona fide employees, and conducted no actual business,” prosecutors claimed. The unnamed bank later conducted an internal investigation into the accounts, which prompted the SPLC to request their closure in 2020. According to the indictment, SPLC’s leaders “admitted” in writing in 2021 that the accounts were “opened for the benefit of [SPLC] operations and operated under the Center’s authority.”

Even then, this might not be open-and-shut against the SPLC. As legal blogger Ken White noted on Wednesday, the Supreme Court decided a case last year in which a defendant took out three loans from a bank for a total of \$219,000, then later told the Federal Deposit Insurance Corporation, or FDIC, that they “borrowed ... \$110,000” from that bank. This was literally true in the sense that one of the loans was for \$110,000, but highly misleading because it omitted the full scope of his borrowing.

Federal prosecutors charged him with making false statements to a bank under Section 1014, the same offense as in the SPLC case. But the justices unanimously reversed the conviction because the law only criminalized “false statements,” not merely misleading ones. (Some statutes criminalize both.) “Basic logic,” Chief Justice John Roberts wrote for the court, “dictates that at least some misleading statements are not false.”

Could the SPLC’s actions fall within this category? The bank’s internal investigation suggests, at minimum, that the bank thought the SPLC’s account arrangement may have been improper. But the indictment does not say whether the bank referred the matter to the Justice Department for a criminal investigation or whether the bank requested that the SPLC close the accounts. It is also unclear whether bank officials knew all along that these accounts were operated by the SPLC.

Another troubling aspect of the indictment is its target: the SPLC itself. The Justice Department chose to bring these charges against the nonprofit itself, rather than the individual members who allegedly committed the underlying offenses. The SPLC, obviously, cannot be jailed if found guilty. But it could be forced to forfeit “any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, from the offenses” that were alleged.

In other words, this looks like an intentional effort to financially damage or destroy the SPLC as an organization, rather than merely punish specific offenses. Conservatives have largely cheered this prospect. *National Review*’s Dan McLaughlin described the indictment as a “richly deserved humiliation and comeuppance for one of the most toxic organizations in American politics” and “objectively hilarious,” even as he acknowledged that the charges “may not stick legally” and that the Justice Department’s recent track record of allegations “should give us pause.”

Why the ire toward the SPLC? In recent decades, mainstream conservatives have often criticized the SPLC for categorizing anti-LGBTQ organizations as “hate groups,” arguing that the label unfairly treats them as akin to the Klan. Kristen Waggoner, who runs the conservative legal group Alliance Defending Freedom, claimed in a *Wall Street Journal* op-ed in 2025, after Charlie Kirk’s assassination, that the SPLC’s labeling of Talking Points USA and her own organization “encourages violence.” There is no evidence that the SPLC’s labeling had anything to do with Kirk’s murder.

The Trump administration had already taken steps to break ties with the SPLC even before the indictments, citing its research into far-right traditionalist Catholic groups. “The Southern Poverty Law Center long ago abandoned civil rights work and turned into a partisan smear machine,” FBI Director Kash Patel wrote on Twitter last year. “Their so-called ‘hate map’ has been used to defame mainstream Americans and even inspired violence.” He did not specify which, if any, acts of violence the organization’s research had inspired.

That brings us back to Blanche’s claims that the organization was “paying sources to stoke racial hatred.” A cynical observer might suspect that the Trump Justice Department’s goal is to blame the work of white nationalist groups on the civil rights groups that oppose them. There is a long history of Klan denialism in this country that minimizes the actions of violent white supremacists, often by blaming their actions on their victims and opponents.

It is horrifying to see the Justice Department, whose original mission was to fight the Klan, engage in similar denialism. At least some conservative commentators appear to be buying it too. “Given the small and marginal nature of these groups, the obvious conclusion is that the SPLC found that demand for racism outstripped the supply, so it had to spread cash around to keep talking up these fringe groups,” McLaughlin wrote.

In reality, there has been an alarming resurgence in white supremacist organizations since Trump first captured the presidency in 2016. White nationalist rhetoric, which was politically fatal 10 years ago, is now regularly espoused by Trump administration officials and even by official government publications. Now the Justice Department is throwing its full weight behind a flimsy prosecution in an effort to destroy one of the Klan's greatest opponents. There is no subtlety about what is happening here.

Matt Ford |  | 

Matt Ford is a staff writer at *The New Republic*.

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