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LETTER FROM MONTGOMERY

## Has a Civil Rights Stalwart Lost Its Way?

The Southern Poverty Law Center—led by charismatic, swashbuckling founder Morris Dees—is making the most of the Trump era. But is it overstepping its bounds?

By **BEN SCHRECKINGER** | July/August 2017



**MONTGOMERY, ALABAMA—ASK A TAXI TO TAKE YOU** from the airport here to the downtown headquarters of the Southern Poverty Law Center, and your driver will start telling tales of the group’s founder, local legend Morris Dees. “He’s a hell of a man around here,” mine informs me on a Friday morning in late April. “He’s the one who got the Klan straightened out. He fought the cause.” The driver adds, as an aside, “He made plenty of money doing it.”

These are the twin legacies of Montgomery's most famous nonprofit: Since 1971, the SPLC has fought racial discrimination in the South and established itself as the nation's most prominent hate-group watchdog, most notably winning legal fights that put some of the last nails in the coffin of the Ku Klux Klan. It has also built itself into a civil rights behemoth with a glossy headquarters and a nine-figure endowment, inviting charges that it oversells the threats posed by Klansmen and neo-Nazis to keep donations flowing in from wealthy liberals.

Now the election of Donald Trump has vaulted the SPLC back into the center of the national conversation, giving the group the kind of potent foil it hasn't had since the Klan. Trump swept into the Oval Office by disparaging Mexican immigrants, fanning Islamophobia and activating a resurgent strain of racism rebranded as "alt-right." Suddenly the SPLC, whose biggest fights seemed to be behind it, is all over the news—warning of an increase in hate crimes, publishing sleek reports about anti-Muslim extremists and taking the leaders of the alt-right to court. The group is in the process of adding 50 staffers, expanding legal services for immigrants facing deportation across the South and bringing a legal hammer down on alt-right trolls. Since the election, the SPLC says it has more than doubled its following on Twitter and jumped from 650,000 Facebook followers to more than a million.

The rise of Trump is a moment made for Dees, the SPLC's 80-year-old founder, who is more than a little Trumpian himself. Smooth, publicity-savvy and detail-averse, Dees is a marketing genius whose greatest success may be selling his own persona as a crusader—a skill on display across the street from the SPLC's office, where a black granite memorial to the casualties of the civil rights movement proclaims it was built by the Morris Dees Legacy Fund. Inside the memorial's gift shop, visitors will find on the wall a framed photo of Dees staring off into the distance, looking equal parts pensive and saintly. On a shelf next to SPLC-branded water bottles and mugs, the same image of Dees reappears in another frame; it's also printed on nearby postcards, which are available for purchase.

Touches such as these have led some journalists to nickname Dees, with irony, "the Mother Teresa of Montgomery." And as Dees navigates the era of Trump, there are new questions arising around a charge that has dogged the group for years: that the SPLC is overplaying its hand, becoming more of a partisan progressive hit operation than a civil rights watchdog. Critics say the group abuses its position as an arbiter of hatred by labeling legitimate players "hate groups" and "extremists" to keep the attention of its liberal donors and grind a political ax. Which means that just as the SPLC is about to embark on its biggest fight in decades, taking on rising racism and prejudice across the country, its

authority to police the boundaries of American political discourse is facing its greatest challenge yet.

“I do think there is a desperate need for more objective research on hate crimes and domestic extremism—especially now,” says J.M. Berger, a researcher on extremism and a fellow with the International Centre for Counter-Terrorism at The Hague. But like many observers, he worries that the SPLC has gone too far in some of its hate group characterizations. “The problem partly stems from the fact that the organization wears two hats, as both an activist group and a source of information,” he says.

In October, the SPLC faced explosive blowback when it included British Muslim activist Maajid Nawaz on a list of “anti-Muslim extremists.” The targeting of Nawaz—a former Islamist turned anti-extremism campaigner who is considered a human rights leader by many in the mainstream—even sparked critical coverage in the *Atlantic*, creating the unusual spectacle of a publication founded by abolitionists going after a group founded to fight the KKK. In December, after the SPLC urged Israeli Ambassador to the U.S. Ron Dermer not to attend a dinner hosted by anti-Muslim conspiracy theorist Frank Gaffney, Dermer used his speech at the dinner to condemn the SPLC as “defamers and blacklisters.” In February, the group again raised eyebrows by adding to its list of hate groups the hard-line Center for Immigration Studies—an anti-immigration think tank criticized for pushing bogus claims about the dangers of immigrants, but which has also been invited to testify before Congress more than 100 times.

Is tough immigration control really a form of hate, or just part of the political conversation? Does rejecting a religion make you an extremist? At a time when the line between “hate group” and mainstream politics is getting thinner and the need for productive civil discourse is growing more serious, fanning liberal fears, while a great opportunity for the SPLC, might be a problem for the nation.

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**You might imagine** the Southern Poverty Law Center as a handful of scrappy lawyers in a dingy office suite somewhere. In fact, it boasts 250 staffers and offices in four states, and its headquarters is testament to the fact that, in America, even fighting racism can be very good business. The building—a six-story postmodern edifice that could be the outhouse for Frank Gehry’s Guggenheim Museum in Bilbao—is the most architecturally striking structure in downtown Montgomery. Across the street, the group has erected a black granite Civil Rights Memorial designed by Maya Lin—the architect of D.C.’s Vietnam Veterans Memorial—and a museum dedicated to the victims of hate crimes.

Dees founded the SPLC in the early 1970s with his law partner Joseph Levin and the activist Julian Bond, a future chairman of the NAACP, to see that the legal gains of the civil rights era were enforced in court. Early victories included forcing the state of Alabama to reapportion its legislature to enfranchise black voters more fairly and reversing the convictions of three young black men who had been sentenced to death for the rape of a white woman they did not commit.

A certain PR savvy was baked in from the beginning. Dees got his start in the direct-mail marketing of consumer goods, a pursuit that earned him a small fortune in the 1960s and a spot in the Direct Marketing Association's hall of fame. When he founded the SPLC, he was also putting his marketing skills to use on behalf of George McGovern's 1972 presidential campaign—in exchange for McGovern's mailing list. (The SPLC has maintained this marketing edge into the 21st century with top-notch search engine optimization: Throw terms related to the recent controversy over its anti-Muslim extremist list into Google, and the first several results reliably come from the SPLC's own website.)

By the end of the 1970s, the organization was pioneering a novel legal strategy, suing Klan affiliates for damages for the hate crimes committed by their members, an approach that bankrupted several of them.

Since then, the SPLC has steadily expanded the scope of its activities. The group makes critically acclaimed documentaries about civil rights and other materials that have been distributed free of charge to more than 100,000 schools nationwide. It has shared information about civil rights with the FBI and Justice Department, and maintains a robust legal shop that, in addition to suing hate groups, takes on cases related to criminal justice reform, LGBT rights, immigration law, the rights of the poor and public education. Over the years, the SPLC has mounted numerous successful legal interventions against former Alabama Supreme Court Chief Justice Roy Moore, the Christian fundamentalist jurist, including for instructing state judges to defy the U.S. Supreme Court's 2015 ruling legalizing same-sex marriage and for erecting a monument to the Ten Commandments on state courthouse grounds—just across the street from the SPLC's headquarters.

But today, the group is best known for its "Intelligence Project," which has essentially cornered the market on identifying and tracking hate groups, as well as extremists and "hate incidents." The Intelligence Project's 15 full-time and two part-time staffers (it's in the process of hiring five more) pump out reports that are regularly cited by just about every major mainstream media outlet, including Politico, and their researchers have become the go-to experts for quotes on those topics.

The SPLC's hate group and extremist labels are effective. Groups slapped with them have lost funding, been targeted by activists and generally been banished from mainstream legitimacy. This makes SPLC the de facto cop in this realm of American politics, with all the friction that kind of policing engenders.

The organization has been criticized for spending more of its money on fundraising and overhead and less on litigation than comparable groups like the American Civil Liberties Union. And it has taken flak for amassing a huge endowment—more than \$200 million—that is disproportionately large for its operating costs. SPLC President Richard Cohen defends the endowment as necessary to ensure the group can survive legal battles that might last for years. (As for Dees himself, he made \$337,000 in 2015, according to the watchdog group Charity Navigator; Cohen made \$333,000 the same year.) In 1994, the local paper, the *Montgomery Advertiser*, ran a series investigating the group's marketing, finances and personnel practices that was a finalist for a Pulitzer Prize. (Dees responded—according to a transcript from a 1999 Nieman Foundation discussion on journalism about nonprofits—by mobilizing prominent liberal politicians for whom he had raised money to lobby the Pulitzer Board not to award the prize to the *Advertiser*.)

Other critics say the SPLC picks its causes with its bottom line in mind. In the 1980s, the group's entire legal staff quit to protest Dees' obsession with the remnants of the KKK—which still captured the imagination of the group's liberal donor base—at the expense of lower-profile but more relevant targets. In its marketing, the SPLC still touts seven-figure judgments it has won against Klan organizations, even though the plaintiffs have been able to recoup only a tiny fraction of that from the groups, which possessed paltry assets. It has also been criticized for marketing that exaggerates the threat posed by the moribund Klan.

The complaints have trailed the SPLC as the group has expanded beyond its crusade against racial discrimination in the South, increasingly taking up the left flank of the culture wars on issues like LGBT rights, church-state division, Islam and immigration. The new approach has prompted accusations of overreach: The SPLC has included Senator Rand Paul and Housing and Urban Development Secretary Ben Carson among the neo-Nazis and white supremacists on its extremists lists (Paul for suggesting private businesses shouldn't have to adhere to the Civil Rights Act and criticizing the Fair Housing Act; Carson for his views opposing same-sex marriage). The group did back down after it put Carson on the 2014 "extremist watch" list—removing his name and issuing an apology that earned a lot of coverage in the conservative media. "This week, as we've come under intense criticism for doing so, we've reviewed our profile and have concluded that it did not

meet our standards,” the organization’s statement said, “so we have taken it down and apologize to Dr. Carson for having posted it.”

But the SPLC did not back down after it labeled Tony Perkins’ Family Research Council—one of the country’s largest and most established Christian conservative advocacy groups—a “hate group” for its positions on homosexuality, and even after an unhinged gay-rights supporter named Floyd Corkins subsequently shot up the FRC’s lobby in an attempt to murder its staff, in 2012. Corkins said he had read on the SPLC’s website that the FRC was an anti-gay group. The episode prompted fierce condemnation of the SPLC from social conservatives, who view FRC’s stances on homosexuality as legitimate and consistent with Christian teachings. But the FRC remains on the SPLC’s list of hate groups, along with a blurb explaining, “The FRC often makes false claims about the LGBT community based on discredited research and junk science.”

William Jacobson, a law professor at Cornell and critic of the SPLC, says the group has wrapped itself in the mantle of the civil rights struggle to engage in partisan political crusading. “Time and again, I see the SPLC using the reputation it gained decades ago fighting the Klan as a tool to bludgeon mainstream politically conservative opponents,” he says. “For groups that do not threaten violence, the use of SPLC ‘hate group’ or ‘extremist’ designations frequently are exploited as an excuse to silence speech and speakers,” Jacobson adds. “It taints not only the group or person, but others who associate with them.”

Ken Silverstein, a liberal journalist and another critic of the group who authored a scathing investigation of its marketing and financial practices for *Harper’s* in 2000, attributes the growing scope of the SPLC’s censures to a financial imperative to wade into hot-button issues that will rile donors. “The organization has always tried to find ways to milk money out of the public by finding whatever threat they can most credibly promote,” he says.

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**The attacks that seem to preoccupy Dees** are not ethical critiques. On the concrete entrance ramp of SPLC’s headquarters, a beefy security guard with the look of a Southern sheriff stands guard, greeting you with an intimidating scowl that breaks into a smile once you confirm yourself as an expected visitor. Lest you suggest that the building’s conspicuous, round-the-clock security might be overkill, a display in the lobby featuring a melted clock and scorched legal tomes stands as a reminder of the 1983 incident in which Klansmen entered the SPLC’s old headquarters just before dawn, doused the inside of the building in petrol and lit it ablaze.

On this Friday morning, Dees and Cohen look refreshed and relaxed in their Friday casual—Dees in an unbuttoned blue dress shirt over a coffee-stained white undershirt, a pair of glasses tucked into his breast pocket; Cohen in a faded blue collared shirt—as they await the arrival of their board for a weekend of meetings. The board last convened the day before the election, when it cemented plans for a Hillary Clinton administration: continuing to coordinate with the federal government as it did during Barack Obama’s administration. “We thought we would have allies in the Justice Department and our job would be to keep hate at bay, out of the mainstream,” Cohen says. “Now, hate is in the mainstream.”

The shock of the election did not interrupt the steady barrage the SPLC has trained on Trump. During the primaries, the group highlighted his support among white nationalists and issued a report on “The Trump Effect,” attributing to him increased racial tension in American schools. It marked the opening chapter of his administration with a report titled “100 Days in Trump’s America,” saying that his presidency had normalized hate. The group has declared that “Betsy DeVos is simply not qualified to be the next education secretary” and that the nomination for labor secretary of Andy Puzder, who ultimately withdrew, was “deeply troubling.” It has demanded, quite simply, “Stephen Bannon must go.”

For the SPLC, though, the most worrisome administration appointee has been Attorney General Jeff Sessions, whose Justice Department oversees federal civil rights policy. Dees and Cohen have long been familiar with Sessions, who was Alabama attorney general and a U.S. attorney here before he became a senator. Under fire for his record on civil rights during his confirmation process this year, Sessions cited a case from the early 1980s, when as a U.S. attorney he prosecuted a lynching that formed the basis for a landmark civil case the SPLC won against the Klan.

In 1991, Dees, who has the same baby-blue eyes as Sessions, published an autobiography, *A Season for Justice: The Life and Times of Civil Rights Lawyer Morris Dees*, that was updated and reissued 12 years later as *A Lawyer’s Journey*. Dees says that after Sessions read the book, the politician called him to confess, “I got tears in my eyes. That book moved me. The way you lived your life moved me.” (Sarah Flores, a spokeswoman for Sessions at the Justice Department, declined to comment on the alleged crying episode.)

But the tender moment has not softened the group’s stance on the new AG, who Dees and Cohen say was far from outstanding in combating the Klan, has been an opponent of voting rights, and has come to embrace anti-Muslim extremism and racist immigration policy. “Jeff Sessions is not ‘Mad Dog’ Mattis; he’s simply mad,” Cohen says, prompting Dees to interject, “He said that. Don’t quote me on that.”

“You said he was the worst thing that ever happened to our country!” Cohen exclaims in response. Indeed, minutes earlier, Dees had said, “He is probably the worst mistake that Trump could have made for the United States of America, to make him attorney general.”

“He won’t quote me on that,” Dees says. “Don’t quote me on that. I don’t want to piss him off.”

Cohen, though, is not done trash-talking the Trump administration. In 2005, the SPLC’s civil rights documentary *Mighty Times: The Children’s March*, about anti-segregation youth activists in Birmingham, was nominated for an Oscar for best short-form documentary. Cohen says he met Trump, who was then reinventing himself as a reality television star, at the *Vanity Fair* party after the awards ceremony, and the two chatted briefly. “He congratulated me for our work, and he said he loved our work,” Cohen recalls. “I’m not sure he knew a lot about our work.” Trump had his new wife, Melania, in tow, but Cohen says that she did not speak during the interaction.

Cohen says he was reminded of that encounter last summer, when Trump insulted the wife of Khizr Khan—the father of a slain Muslim war hero who denounced Trump at the Democratic National Convention—by suggesting that Ghazala Khan, who stood by silently during her husband’s speech, had not been permitted to speak.

“I didn’t think, ‘Maybe Melania wasn’t allowed to say anything,’ until he said that,” Cohen tells me. (White House spokeswoman Hope Hicks did not respond to requests for comment.)

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**While it goes after the Trump administration**, the SPLC is also escalating its offensive against the alt-right leaders who rode Trump’s coattails to relevance. In April, it filed suit against Andrew Anglin, founder of the neo-Nazi website the Daily Stormer, for inciting harassment against a Jewish real estate agent named Tanya Gersh in Whitefish, Montana. The real estate agent had called for the mother of white nationalist Richard Spencer, standard-bearer of the alt-right, to sell an office building she owned in the town—drawing accusations of “extortion” from Anglin, who encouraged his followers to target Gersh and her family with a “troll storm.”

Gersh says that the campaign of harassment included messages to her 12-year-old son directing him to crawl into an oven and phone calls to her in which anonymous callers fired off guns. She says she now attends trauma therapy twice a week and that her business has all but ground to a halt because of the harassment. SPLC lawyer David Dinielli says Anglin,

who did not respond to requests for comment, is currently hiding out to avoid being served with the suit.

The Klan may be out of commission, but Dees says these new tactics of organized American racism are “just as bad as burning up this building. He just burned up an individual in a small town.”

Trump supporters, of course, would disagree. Trump campaigned as a rebel against political correctness, and in a sense his election was a backlash against the power amassed by liberal groups like the SPLC—a rejection of the idea that liberal activists should determine what views are considered out of bounds in American politics.

The SPLC fields tips and scours websites, message boards and news reports to compile its directory of 917 mostly ring-wing hate groups. But finding and defining hate groups is not exactly a science, leaving the process open to criticism even under the best of circumstances. Berger says that defining a hate or extremist group is notoriously problematic when using extensive, technical criteria, and that the problem becomes greater in the case of the SPLC, which reserves discretion in how and when it applies those labels. “There’s no consensus academic definition of extremism, and the SPLC’s methodology for making that call isn’t clear,” he says. “So it’s very subjective even within academia, and even more so for a motivated organization.”

The SPLC’s leaders say they are aware of the various critiques lodged against them but have no plans to change their approach. Heidi Beirich, the head of the SPLC’s Intelligence Project, says the group’s criteria are clear and transparent, pointing to the definition published on its website of hate groups as ones that “have beliefs or practices that attack or malign an entire class of people, typically for their immutable characteristics.” While Beirich cites several left-wing organizations the SPLC has designated as “hate groups,” she concedes that the SPLC prioritizes the other end of the political spectrum. “We are focused, whether people like it or not, on the radical right,” she says. “We believe that it’s uniquely threatening to democracy.”

In the case of the Center for Immigration Studies, the think tank has long been considered to the right of the mainstream and has been consistently criticized for misleading methodology. The SPLC labeled it a hate group this year, saying, “The designation resulted primarily from their move to start publishing the work of discredited race scientist Jason Richwine ... and their shocking circulation of an article from one of America’s most prominent white nationalist websites and another written by a fringe Holocaust-denier in their weekly newsletter.” But Mark Krikorian, president of the CIS, dismisses that

reasoning as a weak pretext for a hate group designation and says he believes the label was motivated more by a desire to capitalize on political opposition to Trump than by sincere conviction.

“I think the SPLC has jumped the shark,” he says. “The idea that a think tank on K Street is comparable to some skinhead group is laughable.”

Krikorian contends that it’s not just conservatives like him but that even liberals are now professing to him a growing skepticism of the SPLC’s labels. “If our being designated a hate group is a step along the way to their delegitimization,” he says, “then maybe it’s worth it.”

While Krikorian dreams of his downfall, Dees is still rearing for a fight. As he steps back into the ring, his critics may have their points, but the SPLC has something more potent: a bulging war chest, one replenished, most recently, with \$3.2 million hauled in from a May charity auction of the late Jerry Garcia’s guitar.