

January 3, 2022

The Honorable Richard J. Durbin  
Chairman  
Senate Judiciary Committee  
Washington, D.C. 20510

The Honorable Charles E. Grassley  
Ranking Member  
Senate Judiciary Committee  
Washington, D.C. 20510

Dear Mr. Chairman and Ranking Member,

We write in opposition to the nomination of Nancy Abudu to fill a vacancy for the U.S. Court of Appeals for the Eleventh Circuit. Ms. Abudu works for a disreputable organization that has no business being a feeder for positions to any judicial office – not even of a traffic court – let alone the second highest court system in the United States. She is a political activist not a jurist and is unfit to serve at the federal appellate level.

Ms. Abudu currently serves as the strategic litigation director for the Southern Poverty Law Center (SPLC), a corrupt organization infamous for its decades-long managerial corruption and notorious for unscrupulously designating its political opponents as “hate groups” or “extremists.” These destructive accusations have done real harm to many people. In the first conviction under the post-9/11 District of Columbia terrorism statute, the convicted terrorist was shown to have been motivated by the SPLC’s “hate group” designation and related identifying information.

In that case, SPLC materials facilitated a troubled young man’s delusional, and thankfully unsuccessful, plan to commit mass murder. Using the SPLC “hate map,” this native of northern Virginia targeted the Family Research Council (FRC) and two other nearby groups in August 2012 for having beliefs supporting traditional marriage. Fortunately, no one was killed, although he did shoot and critically wound FRC’s unarmed building manager who subdued him while wounded.<sup>1</sup>

Despite repeated requests, the SPLC has refused to change its defamatory designations of organizations like FRC with whom, at the end of the day, it merely holds deeply held policy differences. The shooter-domestic terrorist told the FBI that the source of his information was the SPLC. Worse yet, over the past decade the SPLC has targeted an increasing number of policy groups with whom it has policy disagreements. Any group that disagrees with the SPLC about positions it advocates is deemed to be evil and worthy of destruction.<sup>2</sup>

---

<sup>1</sup> Mark Hemingway, “The Media’s Double Standard: Some Hate Crimes are Less Hateful than Others,” *Weekly Standard*, August 19, 2013, 9-10 (on the one-year anniversary of the FRC attack, an interview with FRC building-manager and shooting victim, Leo Johnson).

<sup>2</sup> In September 2007, SPLC senior fellow Mark Potok, was the editor-in-chief of its quarterly “Intelligence Report” and its “Hatewatch” blog. He spoke to the Michigan Alliance against Hate Crimes. During his remarks, Potok observed that the SPLC’s objective with respect to “hate groups” was simple: “Sometimes the press will describe us as monitoring hate crimes and so

## SPLC: A Defamation Machine

Over the years, the SPLC has profited off the defamation machine it has constructed. Its annual “hate map” is typically released each year in February or March drawing much press attention. Under the financial leadership of its co-founder Morris Dees the organization has amassed a staggering sum that can now be used for its educational, legal, political and anti-election integrity activism. As of October 2020, the SPLC’s endowment fund totaled \$570 million dollars. However, the SPLC’s holdings do not resemble those of any non-profits with which we are familiar.

For example, it has the following investments listed in Note 5 of its 2020 Consolidated Financial Statements: non-U.S. equity funds (\$162 million); “arbitrage funds” (\$23 million); long-short funds (\$7 million); private equity funds (\$89 million).<sup>3</sup> The SPLC looks more like a hedge fund than a public interest legal and political activist group. Charity Watch (formerly the American Institute of Philanthropy) last gave the SPLC a grade of “F” for continuing to fundraise while sitting on such a disproportionately massive endowment (2019). To this point, the same financial statements indicate that the SPLC, for the year ending 10/31/2020 received \$110 million in public support comprising unrestricted donations and grants (p. 5) while holding a \$570 million endowment fund.

## Legal and Political Missteps

The SPLC has perfected the practice of maliciously labeling political opponents with no ties to extremism or violence. On occasion these tactics have led to legal demand letters, litigation, dismissal, and settlements. In October 2016, the SPLC published an especially repulsive document called “A Journalist’s Manual: Field Guide to Anti-Muslim Extremists.”<sup>4</sup> One British reformer and activist, Maajid Nawaz, was characterized by the document as an “anti-Muslim extremist.” Nawaz fought back, and

---

on.... I want to say plainly that our aim in life is to destroy these groups, to completely destroy them.” Mark Potok, Address to the Michigan Alliance against Hate Crimes, (2007): [www.youtube.com/watch?v=fnTz2ylJo\\_8&feature=reImfu](http://www.youtube.com/watch?v=fnTz2ylJo_8&feature=reImfu) (start at 1:35). See Laird Wilcox, *Social Contract*, “An Expert on Fringe Political Movements Reflects on the SPLC’s Political Agenda,” Spring 2010, 182-191, <http://downloads.frc.org/EF/EF17H34.pdf>;

<sup>3</sup> The term “private equity” (p. 14-15, fn. b) includes “investments in buyouts, venture capital, and distressed companies. These assets are invested through fund of funds investments and limited partnerships which involve multi-year commitments ranging from 10 to 13 years.” These investments are clearly not liquid and seem wholly unrelated to the over-all purpose of non-profit tax-exempt organizations. Southern Poverty Law Center, Consolidated Financial Statements, October 31, 2020, [https://www.splcenter.org/sites/default/files/audited\\_financial\\_statements\\_103120.pdf](https://www.splcenter.org/sites/default/files/audited_financial_statements_103120.pdf)

<sup>4</sup> “A Journalist’s Manual: Field Guide to Anti-Muslim Extremists,” Southern Poverty Law Center (Oct. 2016), at 20-21; (<https://www.splcenter.org/20161025/journalists-manual-field-guide-anti-muslim-extremists#ali>).

in 2018, the SPLC surrendered to Nawaz's legal team and agreed to pay Nawaz a \$3.4 million settlement for defaming him. Nawaz also required the SPLC's president, Richard Cohen, to post an apology video on multiple social media platforms.<sup>5</sup>

Even though there was no subsequent legal action, in the same document that attacked Maajid Nawaz, the SPLC similarly defamed human rights activist Ayaan Hirsi Ali by calling her an "anti-Muslim extremist." Hirsi Ali had experienced the violent side of Islam first-hand as she tried to promote the human rights of Muslim women while living in the Netherlands. The murder of her video co-producer forced her to flee that country.

The first sentence in her SPLC bio stated, "Ayaan Hirsi Ali is a Somali-born activist *who says she endured* female genital mutilation and fled civil wars and an arranged marriage in Africa." (Apparently, the SPLC believes that some women fake their compelled female genital mutilation to gain sympathy.) This document was so vile that Israel's ambassador to the United Nations, Ron Dermer, called SPLC out for it in December 2016 during a speech. Dermer observed that in an "Orwellian inversion of reality, a woman whose life is threatened every day by extremist Muslims is labeled by the SPLC an anti-Muslim extremist." That is par for the SPLC course.

Finally, it should be noted that the SPLC felt compelled *politically* – not out of a sense of decency – to issue a grudging, back-handed apology to Dr. Ben Carson after placing the potential Republican presidential candidate on its "extremist watch list" in 2014.<sup>6</sup> One can only wonder about the political culture of an organization that could even ponder characterizing the soft-spoken, humanitarian neurosurgeon as an "extremist."

### Nancy Abudu and the SPLC

In March 2019 the leadership structure of the SPLC blew up spectacularly with all the senior leaders resigning within months of each other. Morris Dees, the founder of the SPLC, was fired on March 13, 2019, in response to persistent, long-term charges of racial discrimination and sex harassment.<sup>7</sup> There was a mountain of evidence in the form of published articles attesting to the sleazy corporate culture at the SPLC long before the beginning of 2019 when Ms. Abudu arrived there.<sup>8</sup>

---

<sup>5</sup> SPLC Apology to Maajid Nawaz and the Quilliam Foundation, June 22, 2018, <https://www.splcenter.org/splc-statement-video>; Video Statement on YouTube, June 22, 2018, <https://www.youtube.com/watch?v=KlzXAvJtRno>

<sup>6</sup> Fox News staff article, "Southern Poverty Law Center Apologizes to Ben Carson, Takes Him off 'Extremist' List" (Feb. 12, 2015) (<http://www.foxnews.com/politics/2015/02/12/southern-poverty-law-center-apologizes-to-ben-carson-takes-him-off-extremist.html>).

<sup>7</sup> Bob Moser, *New Yorker*, "The Reckoning of Morris Dees and the Southern Poverty Law Center," March 21, 2019.

<sup>8</sup> Dan Morse, *Montgomery Advertiser*, "Equal Treatment? No Blacks in Center's Leadership," Feb. 16, 1994, pp. 1A & 6A; Dan Morse, *Montgomery Advertiser*, "Black Former Workers Question Treatment," Feb 16, 1994, pp. 1A & 7A; John Egerton, "Poverty Palace: How the Southern Poverty Law Center Got Rich Fighting the Klan," *Progressive*, July 1988, 14-17 (the great take-down of Dees and the SPLC from the political left published thirty years before his

Nancy Abudu, the nominee under consideration by this committee, began working for the SPLC in February 2019 one month before Dees's departure. The job application process for a senior position most certainly would have begun in 2018. Consequently, the articles just referenced could have been accessed with little effort had Abudu wanted to know why the SPLC possessed such a notorious reputation even in political circles on the left. She clearly did not look, or if she did learn about the toxic racial and sexual climate at the SPLC – she did not care about it. The committee should determine whether Ms. Abudu was interviewed by Morris Dees or any other senior leaders who were forced to resign.

Abudu's acceptance of a senior litigation management role inside America's largest political defamation factory disqualifies her from any position in which she would be expected to serve as an impartial arbiter of facts and law. Furthermore, Abudu had no problem accepting a senior position at the SPLC when it was still being run by Morris Dees and Richard Cohen. She clearly lacks the temperament to hold a life-time appointment to be a federal judge.

For the reasons stated above, we oppose the confirmation of Nancy Abudu to serve as a judge on the U.S. Circuit Court of Appeals for the Eleventh Circuit.

We thank you for your time and consideration. If you need to contact us please respond to: Lt. Gen. William G. Boykin (US Army-Ret.), Executive Vice President, Family Research Council, 801 G Street, NW, Washington, DC 20001.

---

firing); Laird Wilcox, *Social Contract*, "An Expert on Fringe Political Movements Reflects on the SPLC's Political Agenda," Spring 2010, 182-191, <http://downloads.frc.org/EF/EF17H34.pdf>; Ken Silverstein, *Harpers*, "'Hate,' Immigration, and the Southern Poverty Law Center," March 22, 2010; Charlotte Allen, *Weekly Standard*, "King of Fearmongers," April 15, 2013, 18-25; J.M. Berger, *Foreign Policy*, "The Hate List," Mar. 3, 2013; Mark Pulliam, *City Journal*, "Demagogic Bully," July 27, 2017; Ben Schreckinger, *Politico Magazine*, "Has a Civil Rights Stalwart Lost Its Way?" July/August 2017; Karl Zinsmeister, *Philanthropy Roundtable*, "Some People Love to Call Names," April 2017; David Montgomery, *Washington Post*, "The State of Hate," Nov. 8, 2018; Tony Rehagen, *Politico*, "What Happens When Your Town Lands on the Hate Map," Feb. 21, 2018.

Rabbi Jonathan Hausman

Gary L. Bauer  
President, American Values

Michael P. McDonald  
Communications Director, The Catholic  
League

Rebecca Friedrichs  
Founder, For Kids and Country

Terry Schilling  
President, American Principles Project

Martin Mawyer  
President, Christian Action Network

Cathy Hanners

David Barton

Tim Barton

Elaine Donnelly  
President, Center for Military Readiness

Robert Spencer  
Director, Jihad Watch

Lady Brigitte Gabriel  
Founder & Chairman, ACT For America

John Guandolo  
Understanding The Threat

Frank Gaffney  
Founder and President,  
Center for Security Policy

Tim Wildmon  
President, American Family Association

Arthur A. Schulcz, Sr.  
Exec. Dir., Gen. Counsel,  
Int'l Conference of Evangelical Chaplain  
Endorsers (ICECE)

Deborah Weiss, Esq.

Trevor Loudon  
Film maker, Florida.

Dale L. Wilcox  
Executive Director & General Counsel  
IRLI – Immigration reform Law  
Institute

Eunie Smith  
President Emeritus, Eagle Forum

Cathie Adams  
1st Vice President, Eagle Forum

Elie Pieprz  
Kinyon Group

Tom DeWeese  
President, American Policy Center

Faith J. H. McDonnell  
Director of Advocacy, Katartismos  
Global

Don Blake  
Virginia Christian Alliance

Robert Maness

J. Michael Waller, PhD,  
Sr. Analyst for Strategy, Center for  
Security Policy

Bill Becker  
President/CEO/Chief Counsel, Freedom  
X Law

Brad Dacus,  
President, Pacific Justice Institute

Dr. Laurie Cardoza Moore  
President, Proclaiming Justice to The  
Nations

Tom Benton, MD  
Fellow, American College of  
Pediatricians

Rabbi Pesach Lerner, President  
Coalition for Jewish Values

Rabbi Yaakov Menken, Managing  
Director  
Coalition for Jewish Values

Rabbi Steven Pruzansky  
Chaplain, (Colonel) USA (Ret)

David E. Smith, Executive Director  
Illinois Family Institute

Sandy Rios  
Director of Governmental Affairs,  
American Family Association

Robert J. Muise  
Director,  
Attorneys United for a Secure America

Rabbi Emeritus, Congregation B'nai  
Yeshurun, Teaneck, NJ

Rabbi Yoel Schonfeld  
Young Israel of Kew Gardens Hills,  
Queens, NY

Rabbi Ze'ev Smason  
Nusach Hari B'nai Zion, St. Louis, MO

Rabbi Dov Fischer  
Rav, Young Israel of Orange County

Brian S. Brown  
President, National Organization for  
Marriage

Jim and Peggy Dau  
IranAliveMinistries

Trayce Bradford  
Eagle Forum, National Issues Chair on  
Human Trafficking

Phillip F. Wright

Co-Founder & Senior Counsel  
American Freedom Law Center

David Yerushalmi  
Co-Founder & Senior Counsel  
American Freedom Law Center

Lorraine G. Woodwark

Brian I. Geehan

Steve Amundson  
Counter Jihad Coalition

Aryeh Spero  
Caucus for America

Frank Wright, Ph.D., President & CEO  
D. James Kennedy Ministries

Terry Schilling, President  
American Principles Project

L. Brent Bozell III, Founder and President  
Media Research Center