



PO Box 1242 | Sandpoint, ID 83864 | Phone: (208) 304 - 6852 | info@cboyleslaw.com

February 3, 2023

Via Email and US Certified Mail

Southern Poverty Law Center, Inc.
400 Washington Ave
Montgomery, AL 36104
Email: dbunton@opdla.org

DEMAND FOR RETRACTION
NOTICE AND DEMAND TO PRESERVE EVIDENCE

Re: Demand for Retraction and Preservation of Evidence

Dear Southern Poverty Law Center, Inc. (collectively “You”):

This firm represents Center for Self Governance (the “Client”) in regards to defamatory statements made and published by You on www.splcenter.org (the “Website”).¹ Center for Self Governance demands that You immediately remove any reference to their organization in the scurrilous article referenced below.

You list CSG as one of ten antigovernment groups located in Washington state on Your Website.² The first full paragraph of the Website states:

Antigovernment groups were linked up with other hard-right groups in 2021, as they often targeted the same marginalized communities and **engaged in actual or threats of political violence**.

<https://www.splcenter.org/fighting-hate/extremist-files/ideology/antigovernment>, ¶ 1.

The Client has not “engaged in actual or threats of political violence” (the “Statements”). Washington Courts will construe your publication in the sense in which the average reader would ordinarily understand it. *Amsbury v. Cowles Publishing Co.*, 76 Wn.2d 733, 738 (1969). The average reader will interpret the phrases “actual political violence” and “threats of political violence” as attributing criminal conduct to the Client. That is false. You present a textbook case of defamation per se because You falsely attribute criminal conduct to the Client. Therefore,

¹ <https://www.splcenter.org/fighting-hate/extremist-files/ideology/antigovernment>

² <https://www.splcenter.org/fighting-hate/extremist-files/ideology/antigovernment>

February 3, 2023

Demand for Retraction and Notice and Demand to Preserve Evidence

your statements are actionable for presumed damages. *Maison De France, Ltd. V. Mais Oui!, Inc.*, 126 Wn. App. 34, 54 (2005).

Furthermore, we believe the Statements were made knowingly or in reckless disregard for the truth. In Washington, actual malice can be inferred from circumstantial evidence. *Duc Tan v. Le*, 300 P.3d 356 (2013). You appear to have intimate knowledge of CSG through Cynthia Miller-Idriss, a professional recognized as an expert in domestic terrorism by the Washington State Attorney General. Ms. Miller-Idriss is also a member of the Southern Poverty Law Center's Tracking Hate & Extremism Advisory Committee, which we understand recommended CSG's inclusion on the list of Washington State Antigovernment Groups (although misguided). Notably, we are unable to find any evidence that CSG has "engaged in actual or threats of political violence."

We have further concerns that your actions may be knowing or in reckless disregard for the truth based upon actions taken by Your committee members that are likely to increase the risk of violations of our Client's rights to *inter alia* privacy and Fourth Amendment protections. A fair reading of the Washington Attorney General's 2022 Domestic Terrorism Study leads one to believe that You and/or Your committee members are directly involved in training law enforcement and steering governmental scrutiny of the Client without any basis in fact or law. For example, Ms. Miller-Idriss recommends that the Washington Attorney General "Review criteria for granting tax-exempt status to nonprofit organizations to ensure that unauthorized militia or private paramilitary organizations and other extremist organizations are not improperly obtaining and operating under tax-exempt status."³ In the same paragraph containing the Statements on the Website you also describe the Client as an "extreme antigovernment group."

In the Ninth Circuit, "[t]here is no requirement that the person defamed be mentioned by name. [] It is sufficient if from the evidence the jury can infer that the defamatory statement applies to the plaintiff [or] if the publication points to the plaintiff by description or circumstance tending to identify him." *Church of Scientology of California v. Flynn*, 744 F.2d 694 (9th Cir. 1989).

We believe that CSG will easily meet its burden under Washington law to prevail on a claim against SPLC for defamation, defamation per se and defamation by implication based upon the Statements.

THEREFORE, the Client demands that you immediately remove any reference to Center for Self Governance your Website claiming that Center for Self Governance is an antigovernment group, an extreme antigovernment group, or a non-profit antigovernment group.⁴

Furthermore, we understand that audio and video footage, metadata and electronic communications are routinely recorded, stored and compiled and that relevant evidence was captured and is being captured by Your and the Tracking Hate & Extremism Advisory Committee's devices and stored in Your and their computers, records, and the cloud.

³ <https://agportal-s3bucket.s3.amazonaws.com/2022%20Domestic%20Terrorism%20Study.pdf> at page 12.

⁴ https://www.splcenter.org/sites/default/files/2021_antigovernment_ein.xlsx

February 3, 2023

Demand for Retraction and Notice and Demand to Preserve Evidence

Furthermore, legal action is likely to be taken by the Firm on behalf of the Client, and we hereby put You on notice of same, as You may be in possession of evidence related to the Client's claims and damages, which are substantial and continuing. Further thereto, except as otherwise state herein, we hereby demand that You preserve and protect all evidence in Your care, custody or control that in any way may be relevant, or potentially relevant, to the matters herein.

Such evidence includes but is not limited to Electronically Stored Information ("ESI") and this letter constitutes Your notice that You are hereby required to preserve such ESI. This preservation notice and the description of potentially relevant ESI shall in no way constitute the entirety of the ESI You are obligated to preserve but reflects the Client's current understanding of Your records, records custodian, computer systems and computer systems in general. These computer systems may be owned or maintained by You, Your employees, third parties and/or contractors, among others.

Such evidence also includes any other relevant records (whether manually maintained on paper, or recorded electronically in any fashion such as telephone records, texts, emails, instant messaging, attachments to emails, and electronically recorded documentation in any form whatsoever) related in any way to the Incident, the capture, storage and compilation of the Incident on your computers and/or cloud, and the destruction or deletion of same. The requested data includes, but is not limited to, documents, spreadsheets, user created files, schedules and calendars, system files and logs, active data, archive data, deleted data, cloud/internet data stored on remote servers, computers or other storage devices that synchronize with, or are accessible from, one or more devices used by You or members of Your organization including any recoverable deleted data available at the time of receipt of this notice that are in Your possession, the possession of Your employees or third parties or contractors, or otherwise not in Your immediate control.

No hardware devices containing relevant or potentially relevant data shall be destroyed, disposed of, repurposed or altered in any way that could cause damage or alterations to the electronically stored data contained within them.

With regard to Your obligation to preserve:

- You are required to preserve all electronic devices that contain data relevant or potentially relevant to this matter, whether currently in use or not, including any and all portable devices that contain or may contain relevant or potentially relevant data;
- You are required to preserve any and all internet usage data stored locally or otherwise including but not limited to browser logs, history data and internet cookies;
- You are required to preserve any and all system files and logs generated on or relating to individual computer systems and their usage;
- You are required to halt any process that destroys data, including but not limited to data destruction procedures (manual or automatic) and backup cycling;
- You are required to preserve all relevant or potentially relevant hardware; and
- You are required to preserve any and all systems used to make data readable or usable including, but not limited to, passwords, encryption schemes, proprietary hardware or databases, or specialized software or hardware needed to render data readable.

In order to demonstrate compliance with Your duty to preserve ESI, You must maintain a log of all alterations or deletions of data made to any ESI location, device or file indicating when the change was made, specifics of the content of the change, the reason for the change and who made the change.

February 3, 2023

Demand for Retraction and Notice and Demand to Preserve Evidence

Any and all physical devices, hard drives, computer systems and other sources of ESI that contain relevant or potentially relevant data shall be listed on a chain of custody document indicating the location of the item, the custodian of the item and any unique identifying information for the item such as model and serial number.

All electronic data and ESI created after receipt of this letter that qualifies per the content of this letter for preservation shall be preserved in accordance with the steps outlined herein to ensure proper preservation.

Compliance with this preservation request extends to all possible custodians, including employees, vendors, third parties, contractors and others who may be in possession of relevant or potentially relevant ESI, whether listed in this document or not. You shall forward a copy of this request to any such parties immediately.

Should You have any questions regarding the foregoing or disagree with anything herein, please contact the undersigned.

Sincerely,

BOYLES LAW, PLLC



D. Colton Boyles, Esq.

cc: Client