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April 17, 2023

Via Email and US Mail

Southern Poverty Law Center, Inc.
c/o Chad R. Bowman
Emmy Parsons
Ballard Spahr LLP
1909 K Street, NW
12th Floor
Washington, DC 20006-1157
Phone: (202) 661-2200

Re: Demand for Retraction and Preservation of Evidence

Dear Chad Bowman and Emmy Parsons:

I write to you on behalf of Center for Self Governance (CSG) in response to your February 28, 2023 letter. Your correspondence notes how Southern Poverty Law Center (SPLC) “analysts identified CSG as an antigovernment group based on its own public statements, including on social media, and its participation in events like the conspiracy-focused Patriot Summit Network.” You note that “CSG and its founder Mark Herr make clear that CSG is deeply skeptical of the government.” You claim that sounding the alarm about efforts to overthrow the government, public opposition to “labellynching” and weaponization of government, and the production of educational documentaries covering matters of international public importance supports SPLC’s unfounded and incorrect assertion that CSG is an extreme antigovernment group. You invited CSG to provide additional information which you represent SPLC will consider if CSG believes it has been misunderstood. CSG accepts your invitation to put SPLC on notice of certain facts and information to support any future allegations of defamation it may bring that require CSG to meet the pleading requirements related to actual malice.

CSG believes that SPLC intentionally defames it with actual malice (knowing the statements are false or publishing false statements with a reckless disregard for the truth) based in part on the selective inclusion of misrepresented statements SPLC relies upon while simultaneously representing itself and its analysts as experts.

While CSG unequivocally respects SPLC’s constitutionally protected First Amendment right to (1) create private, non-official definitions and lists to characterize whomever it wishes as “anti-

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government” (AG)¹ and (2) “expose their activities...” and “offer expert analysis to the media and public”², SPLC’s enjoyment of these rights is tempered by its intimate relationship and alleged actions in concert with the government and law enforcement, and the self-described provision of “key intelligence” and training to law enforcement.

The pattern of case law we have reviewed creates the impression that SPLC purposefully conflates its lexicon with official law enforcement lexicons. CSG suspects that the phraseology SPLC employs to describe AG groups is designed to be identical, or nearly identical, to law enforcement terms of art. CSG suspects that the shift in public perception due to conflating the lexicons results in, *inter alia*, a mobilization of federal, state and local law enforcement against groups SPLC brands as AG. When SPLC is haled into court to answer for its allegedly defamatory statement based upon the law enforcement lexicon, SPLC can assert that it was simply conveying the meaning assigned to it according to its internal, private definition, and that it was not imputing the meaning of the law enforcement/official government definition despite using the exact same word or phrase. CSG believes this play on words clouds the role of democratic legislatures who bear the responsibility to define criminal behavior, and creates a substantial risk that law enforcement will rely on SPLC’s definitions and lists to target SPLC’s opposition instead of the definitions and policies set by elected representatives.

Beyond generating undue public scorn for CSG by falsely imputing criminal conduct as set forth in our February 3, 2023 letter, it could be argued that SPLC also acts under color of law and creates a substantial risk of ongoing harm to CSG’s rights to due process, equal protection, and the enjoyment of its First Amendment protections. CSG believes that the pattern and scheme exhibited by SPLC raises serious concerns that SPLC’s partnership with law enforcement agencies, including the FBI, amounts to something more than a freely offered, arms-length resource in furtherance of SPLC’s non-profit mission.

Therefore with the foregoing context in mind, CSG provides the following information for SPLC’s ease of reference in correcting its defamatory misinformation regarding CSG.

In your February 28, 2023 letter, you claim SPLC identified CSG as an AG group based on CSG’s statements which you characterize as follows:

- a. CSG is deeply skeptical of the government;
- b. CSG routinely sounds the alarm about alleged efforts within government to overthrow the U.S. Layer Cake system;
- c. CSG warns about the weaponization of government;
- d. CSG invokes the history of lynching to decry what it says is ‘#LABELLYNCHING’ by Democrats;
- e. CSG champions the actions of individuals who challenge the government; and
- f. CSG amplifies an antigovernment conspiracy theory called the ‘Great Reset’.

¹ <https://www.splcenter.org/fighting-hate/extremist-files/ideology/antigovernment> “Antigovernment groups are part of the antidemocratic hard right movement. They believe the federal government is tyrannical and they traffic in conspiracy theories about an illegitimate government of leftist elites seeking a “New World Order.”

² <https://www.splcenter.org/fighting-hate> “We monitor hate groups and other extremists throughout the United States and expose their activities to the public, the media and law enforcement. [] We publish investigative reports, train law enforcement officers and share key intelligence, and offer expert analysis to the media and public.”

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SPLC and SPLC’s expert analysts chose to widely disseminate these, and other misleading statements, labelling CSG as a nonprofit AG group despite the mountain of publically available evidence supporting the conclusion that CSG is not an AG group.

1. **May 20, 2013** – CSG won a class action lawsuit against the Internal Revenue Service (IRS) (executive branch) for violations of the Privacy Act of 1974 and the First and Fifth Amendments of the U.S. Constitution. U.S. District Judge Michael Barrett approved a \$3.5 million dollar settlement from the IRS.

CSG universally condemns political violence and seeks remedies through exclusively peaceful and lawful means. CSG utilized the Judicial Branch of the government to peacefully and lawfully seek a remedy against the Executive Branch of the government. CSG cannot be AG because it utilizes governmental instrumentalities to peacefully resolve disputes with the government.

2. **2014-2023** – *The Governed V Governing Series*. CSG created this series to document the real-life distinctions between Marble and Layer Cake Federalism and to highlight the dangers posed by the Political Weaponization of Labels and Government.

If CSG were AG, it would have celebrated and encouraged individuals from these events becoming radicalized and crossing the “Wall of Frustration.” Instead, in 2018, because members of the Idaho Real 3% completed CSG’s Leadership in Self Governance training and CSG’s outside-the-classroom exercises, Idaho Real 3% members were able to build a non-confrontational relationship in the Spring of 2019 with former Idaho Senator Cheri Buckner-Webb. Later that year, in her capacity as SPLC regional representative, Cheri Buckner-Webb asked SPLC to remove the Idaho Real 3% from the SPLC list. CSG believes the Idaho Real 3% were then removed.

CSG cannot be AG. An AG group would have weakened the Idaho Real 3%’s inhibitors and strengthened their destabilizers, while honey potting their radicalization and gaslighting their Wall of Frustration. CSG did exactly the opposite. CSG provided civics education and contributed to the deescalation of a volatile situation.

Additionally to this point, a 2018 Office of the Inspector General (OIG) report³ demonstrates that CSG’s “sounding the alarm” is not unfounded or extreme.

3. **October 28, 2016** – FBI Attorney Kevin Clinesmith stated in text messages to other FBI agents (executive branch):

13:44:42: “I never really liked the Republic anyway.”

14:01:52: “I have initiated the destruction of the Republic.”

15:28:50: “I’m clinging to small pockets of happiness in the dark time of the Republic’s destruction.”

Article 4, section 4 of the U.S. Constitution states: “The United States shall guarantee to every state in the union a Republican form of government.” As part of CSG’s efforts to understand and advance the systematic politics of Marble and Layer Cake federalism through civil education, CSG studies the

³ “A review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election” <https://www.justice.gov/file/1071991/download>

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influence that both domestic and international, non-governmental entities have on elected, appointed, and employed individuals within the U.S. “Republican” system of government.

CSG is not AG because it does not publically or privately applaud or actively support the destruction of the government or the “destruction of the Republic.” CSG is not fairly labelled as AG because it studies the way those who govern are influenced. CSG is not AG because it correctly uses the term of art “Republican” and promotes the established system of Federal, State and Local government.

4. **July 12, 2018** – World Economic Forum (WEF) partners with National Governors Association.

“The Great Reset” is not a conspiracy theory, it is a book written by German engineer and WEF chairman Klaus Schwab. Mr. Schwab also wrote “The 4th Industrial Revolution.” Mr. Schwab’s and the WEF’s ideas influence our National and State governments.

“Today the National Governors Association (NGA) [executive branch] is announcing a new partnership with the World Economic Forum Centre for the Fourth Industrial Revolution (the Centre) to identify and implement policies promoting technological innovation.”⁴

On July 13, 2020, the WEF released the book: “COVID-19: THE GREAT RESET.” On pages 151-171, the Fourth Industrial Revolution (also published by WEF) touts how COVID-19 “will accentuate one of the greatest societal and individual challenges posed by tech: privacy...being positioned to become an enabler of mass surveillance.” (pg. 153)

If CSG were AG, it would not care about foreign influence on our “Republican form of government.” The fact that CSG questions or describes what it believes to be “efforts to overthrow” our system of government demonstrates CSG’s “PRO-RESPONSIBLE GOVERNMENT” stance and CSG’s willingness to fix and maintain our system of government—not undermine, overthrow, or circumvent it. CSG cannot be fairly labelled AG because it seeks to preserve the government.

5. **June 12, 2019** – *Statement of Purpose* (see enclosed) – CSG makes clear that (1) it is not anti-government, (2) it teaches both cooperative (Marble Cake) and dual (Layer Cake) federalism, and (3) it does not unlawfully discriminate as to who may participate in its training.

If CSG were AG, then CSG would promote partisanship, discrimination, and violence to achieve its objectives. CSG has never, and will never, engage in partisanship, discrimination or violence to achieve its objectives.

6. **December 19, 2019** – *The Political Weaponization of Labels* (see enclosed) – CSG’s concerns surrounding labels and its respect for government are made clear. Nowhere does CSG accuse a single partisan group (i.e. as you allege: Democrats) of exclusively Label Lynching their political opponents.

⁴ <https://www.nga.org/news/the-national-governors-association-and-the-world-economic-forum-announce-new-partnership/>

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“Labels (i.e. domestic terrorist, domestic extremist, white supremacist, right-wing, etc.) are being dubiously applied by certain nonprofits, media, academics, social media, and businesses [as well as law enforcement and Federal, State, and Local legislators] which target knowing or unknowing proponents of the precedent doctrine, known as ‘dual’ federalism.

To be clear, it is not our intention to disrupt or undermine legitimate national safety and security concerns, but we believe implementation of the suggestions listed above and below would help prevent labels and government being used as weapons against political opponents and ordinary citizens.”

If CSG were AG, CSG would not attempt to preserve national safety and security but would instead train its students to coerce or intimidate government policymakers, the civilian population, and other government infrastructure.

7. **June 24, 2020** – *The Marble Cake Revolution* (see enclosed). CSG teaches both cooperative (Marble Cake) and dual (Layer Cake) federalism as part of its non-partisan and constitutionally protected efforts to advance systematic politics through civics education. These two political systems are not figments of CSG’s imagination, but are rooted in mainstream academia and form the fabric of the nation’s history.

CSG stands by its analysis and description of the alleged problem and solution as they see it:

“...Our organization believes a hybrid Layer/Marble Cake system is both realistic and achievable in the 21st Century. However, we are concerned that certain subversive elements or acolytes, both civilian external to and employed within the Federal, State and Local governments, are covertly and actively colluding, while jointly seeking, to overthrow our U.S. Layer Cake system. We call this alleged conspiracy the ‘Marble Cake Revolution’ (MCR).”

“It is extremely important that, both in the short and long-term, Federal, State, and Local hearings, commissions, and reforms are vigorously pursued to ensure civil rights are safeguarded, political discourse and education is respected and protected, law enforcement is not politically weaponized, and that ‘government of more stability,’ one that balances Layer and Marble Cake federalism, is guaranteed for all partisans, religions, races, sexes, etc., for many generations to come.”

If CSG were AG, then CSG would not seek to balance both Layer and Marble Cake Federalism, nor would CSG be concerned for safeguarding civil rights, political discourse, or de-weaponized law enforcement for ALL partisans, religions, races, sexes, etc.

8. **May 7, 2022** – AmazonSmile (AS) cancels CSG based on SPLC’s AG label.
9. **June to September 2022** – CSG attempts to reverse AS’s decision. AS notifies CSG that it relies on SPLC to cancel or veto charities and will not reverse its decision.

If CSG could be fairly labelled AG, then it would be expected to wear the AG label with pride. Instead, CSG attempts to divorce itself from the incorrectly applied SPLC AG label. CSG seeks to

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protect and preserve its beneficiaries' rights to engage in First Amendment activities, and enjoy the guarantees of due process and equal protection of the law.

10. **September 10, 2022** – *The Political Weaponization of Government* (see enclosed):
“Labels themselves, protected by free speech, have become private and public sector weapons to censor, cancel, shadow ban, defame, disrupt, damage, surveil, trespass, arrest, or kill knowing or unknowing proponents of ‘dual’ federalism.”

“While the aforementioned is disconcerting, of an even deeper and troubling concern is that Political Weaponization of Labels used by these institutions and their acolytes have morphed into a robust Political Weaponization of Government against the knowing and unknowing proponents of ‘dual’ federalism doctrine – all under the guise and narrative that this systematic doctrine is advanced by ‘extreme, white, anti-government, terrorists.’”

If CSG is AG, wouldn't CSG support and promote the weaponization of labels and government against the proponents of either dual or cooperative federalism?

We believe that based upon the evidence provided herein and enclosed, as well as other publically available information, we can survive the pleading stage of a defamation action in Washington State and thereafter prove actual malice by SPLC to a factfinder. Should SPLC wish to continue to label CSG as AG after this second request for retraction, our client is prepared to vigorously proceed with all lawful means to obtain a remedy for the harm SPLC is causing.

We stand ready to provide further information to support a recommendation to your client to immediately remove CSG from the SPLC AG list should you need it. However, we are confident that this correspondence has provided you with a robust foundation to question why SPLC or its expert analysts proceeded to knowingly publish false and defamatory statements regarding CSG.

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