



Written by [R. Cort Kirkwood](#) on January 16, 2019

## CIS Sues SPLC, Alleges Wire Fraud, RICO Conspiracy

The Center for Immigration Studies, a leading think tank focused on the costs and consequences of mass immigration, filed suit today against two top officials at the Southern Poverty Law Center.

SPLC President [Richard Cohen](#) and Intelligence Project Director [Heidi Beirich](#), the [lawsuit alleges](#), “have have been engaged in an ongoing conspiracy to harm CIS by falsely designating it a hate group.”



That conspiratorial defamation, the lawsuit claims, violates the [Racketeer Influenced and Corrupt Organizations Act](#) (RICO).

### The Lawsuit

Amusingly, the lawsuit alleges, SPLC’s own definition of “hate group” undermines its application of that label to CIS.

Noting that a former SPLC staffer admitted he is “trying to wreck the groups ... and destroy them,” and that Beirich and Cohen collaborate in designating “hate groups,” the lawsuit explains that “SPLC defines a ‘hate group’ as ‘an organization that — based on its official statements or principles, the statements of its leaders, or its activities — has beliefs or practices that attack or malign an entire class of people, typically for their immutable characteristics.’”

But, the [lawsuit continues](#), the U.S. Supreme Court has said “being an illegal, unauthorized, or undocumented immigrant is not an ‘immutable characteristic’ since ‘it is the product of a conscious, indeed unlawful, action.’ And being a legal immigrant is similarly the result of a personal choice.”

“Thus,” the lawsuit continues, “SPLC has not even articulated a basis for designating CIS or any organization a hate group based upon its views on immigration policy.”

Then the lawsuit zeroes in on another problem with SPLC’s definition: It doesn’t apply to CIS because the “‘official statement or principles’ of CIS do not indicate ‘beliefs or practices’ that ‘attack or malign’ immigrants as a ‘class.’”

In fact, the CIS [website says](#), its mission is “providing immigration policy makers, the academic community, news media, and concerned citizens with reliable information about the social, economic, environmental, security and fiscal consequences of legal and illegal immigration into the United States.”

As well, “SPLC has produced no evidence that the ‘statements’ of CIS ‘leaders’ or ‘activities’ of CIS reveal ‘beliefs or practices’ that ‘malign or attack’ immigrants as a class. The information that is provided by CIS on the consequences of immigration is ordinarily based on official federal government statistics. To the extent information provided by CIS supports reductions in legal or illegal immigration, such reductions are consistent with the recommendations of the bipartisan Commission on Immigration Reform appointed by President Bill Clinton and headed by civil rights leader and former Congresswoman Barbara Jordan. Nobody has accused the Commission of being a hate Group.”



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### **RICO Claim**

The lawsuit claims that the Cohen-Beirich “ongoing conspiracy” to defame CIS is “wire fraud and violates RICO.”

“To carry out this conspiracy,” the [lawsuit alleges](#), “Cohen agreed that Beirich would create a designated category for CIS on its Hatewatch website pages and oversee an ongoing stream of obloquy reiterating that CIS was a hate group.” The lawsuit cites 13 blog posts from October 2017 through October 2018 that repeatedly malign CIS.

Each of these posts violated the wire fraud statute, [18 U.S.C. §1343](#), which states, in pertinent part:

Whoever, having devised or intending to devise any scheme or artifice to Defraud ... by means of false or fraudulent pretenses, representations ... transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings ... for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.

CIS claims the defendants knew CIS “did not fit SPLC’s ‘hate group definition,’” but identified it as such anyway. “The Defendants’ goal,” the [lawsuit says](#), “was to ‘wreck’ and ‘destroy’ CIS by ruining it financially.”

Because of the smears, the lawsuit alleges, [AmazonSmile](#), through which Amazon customers can directly contribute to the nonprofit of their choice, terminated CIS’s account. As well, the group lost \$10,000 in donations. And “GuideStar USA Inc. an information service specializing in reporting on nonprofit companies, listed on their CIS webpage that CIS had been designated by the SPLC as a ‘hate group.’”

[Guidestar](#) removed the SPLC’s falsehood after CIS reps met with Guidestar reps, but the “effort involved a considerable diversion of resources from CIS’ mission and likely deterred contributions.”

“Defendants’ scheme to falsely designate CIS a hate group and destroy it involves racketeering acts, violations of the federal wire fraud statute, 18 U.S.C. §1343, since October 2017,” the [lawsuit alleges](#). “These attacks are ongoing and will continue. Thus, they constitute an open-ended pattern of racketeering required by” the law.

Cohen and Beirich “agreed to commit and committed the pattern of racketeering through SPLC enterprise,” and as “detailed herein, all the RICO violations were committed by the Defendants in their leadership roles in SPLC.”

The lawsuit seeks damages and attorney fees, an injunction that not only stops the defendants from calling CIS a “hate group,” but also requires them to state that CIS is not a hate group.

### **SPLC Undeterred**

For his part, Cohen is undeterred. “The Center for Immigration Studies richly deserves the hate group label,” [he said](#) in a prepared statement. “It has a history of making racially inflammatory statements, associating with white nationalists, and circulating the work of racist writers. Its lawsuit is nothing more than a heavy-handed effort to try to silence us from exercising our First Amendment right to express our opinion. We look forward to defending ourselves in court.”

Maybe, but it might be a tough case to make. [SPLC faces a similar lawsuit](#) from a lawyer in Baltimore, and [recently paid more](#) than \$3 million to Maajid Nawaz’s Quilliam Foundation after SPLC included



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them in its “Field Guide to Anti-Muslim Extremists.”

[The settlement included](#) a video apology.

“CIS does not hate immigrants or anyone else,” [CIS chieftain Mark Krikorian said](#). “Our purpose is to make the case for a pro-immigrant policy of lower immigration — fewer immigrants but a warmer welcome for those admitted. SPLC attacks us simply because it disagrees with these policy views. SPLC and its leaders have every right to oppose our work on immigration, but they do not have the right to label us a hate group and suggest we are racists.”



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