

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
MONTGOMERY DIVISION**

DONALD A. KING and THE	)	CIVIL ACTION NO.:
DUSTIN INMAN SOCIETY, INC.,	)	
	)	
Plaintiffs,	)	
	)	2:20-cv-00120-ECM-SMD
v.	)	
	)	
THE SOUTHERN POVERTY LAW	)	
CENTER, INC.,	)	
	)	
Defendant.	)	

**PLAINTIFFS' FIRST AMENDED COMPLAINT**

COMES NOW, Donald A. King and The Dustin Inman Society, Inc., Plaintiffs and files this their Complaint against Defendant The Southern Poverty Law Center, Inc., and shows as follows:

**PARTIES**

1.

Donald A. King is a resident of Cobb County, Georgia.

2.

The Dustin Inman Society, Inc. is a nonprofit Georgia corporation with its principal place of business in Cobb County, Georgia.

3.

The Southern Poverty Law Center, Inc. is a nonprofit Alabama corporation with its principal place of business in Montgomery County, Alabama with registered agent for service Teenie Hutchison, 400 Washington Avenue, Montgomery, Alabama 36104.

## JURISDICTION AND VENUE

4.

Plaintiffs reincorporate the allegations contained within Paragraphs 1 - 3 of the Complaint as if fully set forth herein.

5.

This Court has jurisdiction over this matter pursuant to Section 28 U.S.C. 1332(a)(1) in accordance with paragraph 5 of Defendant's Notice of Removal.

6.

Venue of this action is proper pursuant to Section 28 U.S.C. 1441(a) in accordance with paragraph 6 of Defendant's Notice of Removal.

7.

Therefore jurisdiction and venue are proper before this Court.

## FACTS

8.

Plaintiffs re-allege the allegations of Paragraphs 1 - 7 of Plaintiffs' Complaint as if fully set forth herein.

9.

Defendant The Southern Poverty Law Center, Inc., hereinafter "SPLC", maintains a list of organizations it calls "hate groups", including "anti-immigrant hate groups".

10.

This list is published on an annual basis following a census and analysis of the activities of organizations and individuals being monitored by the SPLC.

11.

Plaintiff Donald A. King, hereinafter referred to as “King”, is the principal of the nonprofit organization and Plaintiff The Dustin Inman Society, Inc., hereinafter referred to as “DIS”, an organization recognized under Section 501(c)(4) of the Internal Revenue Code with a stated mission and goal of promoting the enforcement of immigration laws in the United States.

12.

Plaintiff King chartered Plaintiff DIS in 2005 and has maintained the same or substantially similar activities in the fifteen years it has operated.

13.

Plaintiff King on behalf of Plaintiff DIS has testified to numerous legislative panels, including the U.S. House of Representatives, given speeches, written articles, and otherwise advocated for enforcement of immigration laws in the United States. Plaintiff King is the public face of Plaintiff DIS.

14.

Defendant SPLC had not labeled Plaintiff DIS an “anti-immigrant hate group” as late as October, 2017.

15.

In March of 2018, Defendant SPLC registered lobbyists to work against a pro-enforcement bill pending in the Georgia General Assembly.

16.

Around the same time, Defendant SPLC issued an annual “Intelligence Report” of hate groups and for the first time classified Defendant DIS as an “anti-immigrant hate group”. The “hate map” that was distributed March 2018 that included Plaintiff DIS as an “anti-immigrant hate group.”

17.

Defendant SPLC issued another annual “Intelligence Report” about or around February of 2019 again classifying Defendant DIS as an “anti-immigrant hate group”.

18.

Defendant SPLC defines an “anti-immigrant hate group” as:

the most extreme of the hundreds of nativist groups that have proliferated since the late 1990s, when anti-immigration xenophobia began to rise to levels not seen in the United States since the 1920s. Most white hate groups are also anti-immigrant, but anti-immigrant hate groups target only that populatoin (sic) usually arguing that immigrants are unable to assimilate, have a lower intellectual capacity than white people, bring disease or are inherently more criminal. Although many groups legitimately criticize American immigration policies, anti-immigrant hate groups go much further by pushing racist propaganda and ideas about non-white immigrants.<sup>1</sup>

19.

While Defendant SPLC goes on to state that it does not place this classification on individuals, the published reports focuses almost exclusively on allegations regarding Plaintiff King to support the designation as an “anti-immigrant hate group”.

20.

In none of the defamatory material published by Defendant SPLC does it allege that Plaintiff King or Plaintiff DIS maligned an entire class of people or at any time fit any part of the Defendant SPLC’s own definition of “anti-immigrant hate group.

21.

Further, a cursory review of Defendant DIS’s web site would have revealed that the Board of Advisors of Defendant DIS is a diverse group of Americans with a variety of racial and immigration backgrounds.

22.

Most of Defendant SPLC’s publications made in support of labeling Plaintiff DIS an anti-immigrant hate group are devoted to either taking statements of Plaintiff King out of context or attempting to impute the statements of others to Plaintiff King

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<sup>1</sup> See generally, <https://www.splcenter.org/20200318/frequently-asked-questions-about-hate-groups#immigrant>

or Plaintiff DIS. These libelous, defamatory publications include but are not limited to, the Defendant SPLC's Intelligence Report published in 2018 and the Defendant SPLC's Intelligence Report published in 2019.

23.

A letter was sent on behalf of Plaintiffs to Defendant SPLC pursuant to Code of Alabama 6-5-186 on February 10, 2020 demanding a retraction of the defamatory classification of Plaintiff DIS as a "hate group" and the associated defamatory accusations regarding Plaintiff King, including the suggestion that he is a white nationalist.

24.

As of the filing of this Amended Complaint, Defendant SPLC has failed to respond to the letter.

25.

The SPLC has made the verifiably false fabrication and accusation that Plaintiff DIS, led by Plaintiff King, "poses as an organization concerned about immigration issues, yet focuses on vilifying all immigrants"

### **COUNT ONE - Defamation to Plaintiff DIS**

26.

Plaintiffs reincorporate the allegations of Paragraphs 1 - 25 of the Complaint as if fully set forth herein.

27.

The publication of the annual edition of Defendant's Intelligence Report on or about February 19, 2018 and subsequently in 2019 and 2020, by Defendant SPLC classifying Plaintiff DIS as an "anti-immigrant hate group" constitutes libel.

28.

The statement that Plaintiff DIS is an "anti-immigrant hate group" is false and was published by Defendant SPLC with the intention of harming the reputation of Plaintiff DIS.

29.

Defendant SPLC acted with malice in publishing libelous material intended to damage the reputation of Plaintiff DIS and neutralize the ability of Plaintiff DIS to pursue its mission.

30.

Plaintiff DIS has suffered damages as a result of Defendant SPLC's libel against it in the annual edition of the Intelligence Report published on or about February 19, 2018 as well as SPLC's "2019 Hate Map" released and distributed March 18, 2020.<sup>2</sup>

### **COUNT TWO - Defamation to Plaintiff DIS**

31.

Plaintiffs reincorporate the allegations of Paragraphs 1 - 30 of the Complaint as if fully set forth herein.

32.

The publication of the annual edition of the Intelligence Report and "Hate Map" in February of 2019 by Defendant SPLC classifying Plaintiff DIS as a "hate group" constitutes libel.

33.

The statement that Plaintiff DIS is an "anti-immigrant hate group" is false and was published by Defendant SPLC with the intention of harming the reputation of Plaintiff DIS.

34.

Defendant SPLC acted with malice in publishing libelous material intended to damage the reputation of Plaintiff DIS and neutralize the ability of Plaintiff DIS to pursue its mission.

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<sup>2</sup> See: <https://www.splcenter.org/hate-map>

35.

Plaintiff DIS has suffered damages as a result of Defendant SPLC's libel against it in the annual edition of the Intelligence Report and the SPLC "Hate Map" published in February of 2019.

**COUNT THREE - Defamation to Plaintiff King**

36.

Plaintiffs reincorporate the allegations of Paragraphs 1 - 35 of the Complaint as if fully set forth herein.

37.

The publication of the annual edition of the Intelligence Report on or about February 19, 2018 and the publication of the 2018 "Hate Map" distributed in March of 2018, 2019, and 2020 by Defendant SPLC libeled Plaintiff King.

38.

The statement that Plaintiff King leads an "anti-immigrant hate group" is false and was published by Defendant SPLC with the intention of harming the reputation of Plaintiff King.

39.

Defendant SPLC acted with malice in publishing libelous material intended to damage the reputation of Plaintiff King and neutralize his ability to effectively pursue the mission he shares with Plaintiff DIS.

40.

Plaintiff King has suffered damages as a result of Defendant SPLC's libel against him in the annual edition of the Intelligence Report published in February of 2019 and the "Hate Map" published in March 2019 and March 2020.

**COUNT FOUR - Defamation to Plaintiff King**

41.

Plaintiffs reincorporate the allegations of Paragraphs 1 - 40 of the Complaint as if fully set forth herein.

42.

The publication of the annual edition of the Intelligence Report in February of 2019 as well as the “Hate Map” published in March 2018, 2019 and 2020, by Defendant SPLC libeled Plaintiff King.

43.

The statements that Plaintiff King leads an “anti-immigrant hate group” and that, “The Dustin Inman Society, led by D.A. King, poses as an organization concerned about immigration issues, yet focuses on vilifying all immigrants.” are false and were published by Defendant SPLC with the intention of harming the reputation of Plaintiff King.

44.

Defendant SPLC acted with malice in publishing libelous material intended to damage the reputation of Plaintiff King and neutralize his ability to lead Plaintiff DIS.

45.

Plaintiff King has suffered damages as a result of Defendant SPLC’s libel against him in the Intelligence Report published in February of 2019 and “Hate Maps” distributed March 2018, 2019, and 2020.

**COUNT FIVE - Punitive Damages**

46.

Plaintiffs reincorporate the allegations of Paragraphs 1 - 44 of the Complaint as if fully set forth herein.



47.

Plaintiffs sent a written demand on February 10, 2020 for retraction of the libel published by Defendant SPLC against Plaintiffs.

48.

Defendant SPLC has failed or refused to publish within five days of that written demand a full and fair retraction of the libelous material previously published.

49.

Defendant SPLC published the libelous material regarding Plaintiffs knowing the matter was published was false or with reckless disregard of whether it was false or not.

50.

Plaintiffs therefore claim punitive damages against Defendant SPLC.

### **COUNT SIX — Injunctive Relief**

51.

Plaintiffs reincorporate the allegations of Paragraphs 1 - 50 of the Complaint as if fully set forth herein.

52.

Plaintiffs continue to be harmed as the libelous, defamatory content published by Defendant SPLC continues to be in print and published to Defendant's website to include the newly published Intelligence Report 2020 and "Hate Map" distributed in March of 2020.

53.

That content includes the content of the two annual editions of the Intelligence Report previously mentioned along with numerous other defamatory comments that are routinely uploaded to the Defendant's website.

54.

Plaintiffs are being damaged by the publication of this content, which Defendant SPLC knows to be false and which is published for the express purpose of damaging Plaintiffs' reputation and with malicious intent by Defendant SPLC.

55.

In addition to monetary damages, Plaintiffs request injunctive relief as prayed for herein below.

WHEREFORE the Plaintiffs respectfully request the following relief:

- (a) For a trial;
- (b) For compensatory damages to be awarded to the Plaintiffs and against the Defendant in an amount in excess of the jurisdictional threshold of this Court;
- (c) For punitive damages to be awarded in the amount to be determined by the trier of the fact;
- (d) For a permanent injunction ordering Defendant SPLC to remove all libelous, defamatory content regarding the Plaintiffs from its website and all other means of publication available to it and to cease and desist from republication of the same in the future and issue a public retraction and apology to Plaintiffs; and
- (e) For such other, further, and different relief as the Court may deem proper.

This 13th day of April, 2020.

*/s/ James R. McKoon, Jr.*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this date I have provided a copy of the foregoing to all counsel of record via U.S. mail, where appropriate, or by electronically filing a copy of the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following counsel of record:

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/s/ James R. McKoon, Jr.  
Of Counsel