

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

AMERICAN FREEDOM LAW CENTER, INC.,  
Plaintiff,

v.

DANA NESSEL, in her official capacity as  
Attorney General of Michigan; AGUSTIN V.  
ARBULU, in his official capacity as Director,  
Michigan Department of Civil Rights,  
Defendants.

No. 1:19-cv-153

**FIRST AMENDED COMPLAINT**

Hon. Paul L. Malony

Plaintiff American Freedom Law Center, Inc. (AFLC or Plaintiff), by and through undersigned counsel, brings this First Amended Complaint against the above-named Defendants, their employees, agents, and successors in office, and in support thereof alleges the following upon information and belief:

**INTRODUCTION**

1. This case seeks to protect and vindicate fundamental constitutional rights. It is a civil rights action brought under the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983, challenging the policy directive of Defendants that targets groups and individuals based on their viewpoints on controversial political issues.

2. Defendants' policy of targeting certain individuals and groups, including Plaintiff, for disfavored treatment based on their political viewpoints causes irreparable harm to Plaintiff and those who associate with and support Plaintiff in violation of the First and Fourteenth Amendments. This harm is furthered by the partnership that was forged between Defendants and the Southern Poverty Law Center (SPLC), a radical, leftist organization which dishonestly and falsely labels and smears its political opponents as "hate" groups in an effort to marginalize them

and the work they do. Plaintiff is one of the organizations specifically targeted by SPLC and now by Defendants pursuant to the challenged policy.

3. Defendants and SPLC are conspiring and working jointly to promote SPLC's radical political agenda by targeting political opponents, such as Plaintiff, for investigations, surveillance, public condemnation, public scorn, and other efforts designed to harm their work.

4. It is one thing for a radically-partisan private organization like SPLC to express its falsehoods about political opponents. However, when the Michigan Attorney General and the Director of the Michigan Department of Civil Rights join and officially endorse this partisan attack by lending government resources and thus becoming the government enforcement agency for SPLC's radical agenda, the protections of the United States Constitution are triggered.

5. Plaintiff seeks a declaration that through the creation, adoption, implementation, and enforcement of the challenged policy, Defendants have violated Plaintiff's clearly established constitutional rights as set forth in this First Amended Complaint; a declaration that the challenged policy as applied to Plaintiff infringes upon its right to engage in political speech protected by the First Amendment; a declaration that the challenged policy as applied to Plaintiff infringes upon its freedom of expressive association in violation of the First Amendment; a declaration that the challenged policy as applied to Plaintiff violates the equal protection guarantee of the Fourteenth Amendment by targeting Plaintiff for disfavored treatment based on the viewpoint of its speech; a permanent injunction enjoining the challenged policy and its application to Plaintiff's protected speech and expressive activities; an order directing the disclosure of any files or databases containing information about Plaintiff or Plaintiff's protected expressive activities as set forth in this First Amended Complaint; a permanent injunction enjoining the creation or maintenance of files or databases containing information about Plaintiff

or Plaintiff's protected expressive activities as set forth in this First Amended Complaint; a permanent injunction enjoining the disclosure of information or data about Plaintiff or Plaintiff's protected expressive activities to private organizations as set forth in this First Amended Complaint; a permanent injunction enjoining the dissemination of false information identifying Plaintiff as a "hate" group and/or as an organization "engage[d] in any illegal conduct against minority communities" as set forth in this First Amendment Complaint; and an award of attorney fees and costs pursuant to 42 U.S.C. § 1988, and other applicable laws.

### **JURISDICTION AND VENUE**

6. This action arises under the Constitution and laws of the United States. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1343.

7. Plaintiff's claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, by *Ex parte Young*, 209 U.S. 123 (1908), and by the general legal and equitable powers of this Court.

8. Plaintiff's claim for an award of its reasonable costs of litigation, including attorneys' fees and expenses, is authorized by 42 U.S.C. § 1988 and other applicable law.

9. Venue is proper under 28 U.S.C. § 1391(b) because the Michigan Department of the Attorney General and the Michigan Department of Civil Rights are located in this judicial district and a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this district.

### **PARTIES**

10. Plaintiff American Freedom Law Center (AFLC) is a nonprofit, foreign corporation licensed to do business in Michigan. It is recognized by the Internal Revenue Service (IRS) as a 501(c)(3) organization.

11. Defendant Dana Nessel is the Attorney General of Michigan. The Attorney General is the state's top law enforcement official.

12. As the Attorney General, Defendant Nessel is responsible for creating, adopting, implementing, and enforcing the challenged policy directive.

13. As the Attorney General, Defendant Nessel has the authority to investigate and prosecute Plaintiff as a "hate" group pursuant to the challenged policy directive, and she has promised the public that she and her office would do so.

14. As the Attorney General, Defendant Nessel is actively involved with administering the challenged policy directive, including the creation and operation of the state-wide "hate" groups database.

15. As Attorney General, Defendant Nessel is responsible for the actions of the new "hate crimes unit," which is tasked with investigating and prosecuting "hate" groups identified by SPLC.

16. As set forth in this First Amended Complaint, pursuant to the challenged policy directive, Defendant Nessel has disseminated false information about Plaintiff, which irreparably harmed Plaintiff's interests. Absent relief from this Court, Defendant Nessel will continue to take action that harms Plaintiff's interests.

17. Defendant Nessel is sued in her official capacity only.

18. Defendant Agustin Arbulu is the Director of the Michigan Department of Civil Rights. In that capacity, Defendant Arbulu is responsible for creating, adopting, implementing, and enforcing the challenged policy directive.

19. As the Director of the Michigan Department of Civil Rights, Defendant Arbulu is actively involved with administering the challenged policy directive, including the creation and operation of the state-wide “hate” groups database.

20. As set forth in this First Amended Complaint, pursuant to the challenged policy directive, Defendant Arbulu has disseminated false information about Plaintiff, which irreparably harmed Plaintiff’s interests. Absent relief from this Court, Defendant Arbulu will continue to take action that harms Plaintiff’s interests.

21. Defendant Arbulu is sued in his official capacity only.

### **STATEMENT OF FACTS**

22. On February 22, 2019, Defendants publicly announced that they would be commencing official investigations and surveillance of all of the “hate” groups identified by SPLC that are located in Michigan. This specifically includes Plaintiff. A true and correct copy of Defendants’ official press release is attached to this First Amended Complaint as Exhibit 1. The press release is posted on the official Michigan government website of the Michigan Department of Civil Rights at the following URL: <https://www.michigan.gov/mdcr/0,4613,7-138--490247--,00.html>.

23. The title of the public announcement was “MDCR Director Arbulu and Attorney General Dana Nessel respond to new hate group report.” The “new hate group report” is the most recent release of SPLC’s “Intelligence Report.”

24. Defendants’ official announcement contained a hyperlink to SPLC’s “Intelligence Report,” which can be found at the following URL: [https://www.splcenter.org/sites/default/files/intelligence\\_report\\_166.pdf](https://www.splcenter.org/sites/default/files/intelligence_report_166.pdf). Plaintiff is specifically identified as an anti-Muslim “hate” group in this report.

25. Defendants' official announcement also referenced SPLC's "Hate Map," and it contained a hyperlink to this map, which can be found at <https://www.splcenter.org/hate-map?state=MI>. A true and correct copy of a screenshot of SPLC's "Hate Map" identifying "hate" groups in Michigan is attached to this First Amended Complaint as Exhibit 2. Plaintiff is listed on this map as the first "hate" group in Michigan.

26. In the public announcement, Defendant Nessel also confirmed that she would be creating a special "hate crimes unit," which will include a minimum of one prosecuting attorney and one full-time investigator. According to a spokeswoman for Defendant Nessel, this new unit will investigate any group identified by SPLC as a "hate" group.

27. In the public announcement, Defendant Nessel stated, "I have seen the *appalling, often fatal results of hate when it is acted upon. That is why I am establishing a hate-crimes unit in my office -- to fight against hate crimes and the many hate groups which have been allowed to proliferate in our state.*" Defendant Nessel is referring to the "hate" groups designated by SPLC. This includes Plaintiff.

28. During this same public announcement, Defendant Arbulu confirmed that his office would "document hate and bias incidents that don't rise to the level of a crime or civil infraction," citing as an example a situation where a "nationalist group Patriot Front" was distributing literature over the President's Day weekend in Lansing's Old Town. Yet, distributing literature is an activity that is fully protected by the First Amendment.

29. Defendant Arbulu stated that he intends to have the database operating within two or three months.

30. According to Defendant Arbulu, the targeted groups that Defendants, through SPLC, have identified "range in ideological extremes from anti-Muslim, to anti-LGBT to black

nationalists and white nationalists.” Defendant Arbulu further stated, “Particularly of concern, over one half of the identified groups are located east of US-23 between Flint and Ann Arbor.”

31. According to the SPLC report relied upon by Defendants, Plaintiff is identified as a “hate” group because it is allegedly “anti-Muslim,” and according to SPLC’s “Hate Map,” Plaintiff is located in the Ann Arbor area. Consequently, Plaintiff is one of the *very* groups that Defendants referred to in their public announcement as an “extremist and hate organization[] in Michigan.”

32. Defendants’ public announcement of its policy to rely upon SPLC’s “hate” group designations had and continues to have the intended effect of chilling First Amendment freedoms and tarnishing Plaintiff’s public reputation.

33. An intended effect of the challenged policy is to create in the collective mind of the public that organizations designated by SPLC as “hate” groups are criminal organizations rather than legitimate charitable organizations. Indeed, the very day that Defendants made their public announcement of this policy directive, Plaintiff received a media inquiry asking for its response to Defendants’ stated plan to investigate Plaintiff because it is identified as a “hate” group by SPLC.

34. By branding political opponents as “hate” groups,” Defendants seek to officially censor, correct, and/or condemn certain political views and ideas.

35. The challenged policy is designed to chill the exercise of constitutional rights by organizations such as Plaintiff and to chill those who would support such organizations from associating with and donating to them. Indeed, that is a goal of SPLC, which has convinced organizations like Amazon to prohibit Plaintiff and other groups listed by SPLC from participating in its charitable donation program. Defendants have now provided official

government support to, and endorsement of, SPLC's invidious, partisan agenda, thereby causing harm to Plaintiff.

36. The challenged policy is a tool of intimidation for state government officials. It provides a basis for these officials to abuse their positions of power by seeking to stifle political opinion and opposition. It also provides political adversaries with a basis for making official complaints and allegations against so-called "hate" groups. The challenged policy directive officially legitimizes the illegitimate, partisan attacks of SPLC.

37. The mission of AFLC is "to fight for faith and freedom through litigation, education, and public policy programs." To promote its conservative, Judeo-Christian mission, AFLC prosecutes cases to, *inter alia*, advance and defend religious liberty, freedom of speech, and the sanctity of human life.

38. AFLC is a nonprofit, public interest law firm that principally defends the First Amendment rights of conservative Christians and Jews. Over the seven years it has existed as an organization, AFLC has succeeded in its mission, which is why it is on SPLC's "hate" list and now a target of Defendants.

39. In Michigan, for example, AFLC successfully defended the rights of a Christian organization to engage in free speech activity at an Arab festival held in the City of Dearborn. The Christians were attacked by a violent mob of Muslims who objected to the Christians' message. The U.S. Court of Appeals for the Sixth Circuit, sitting *en banc*, ruled in favor of the Christians. *See Bible Believers v. Wayne Cnty*, 805 F.3d 228 (2015). This case established important First Amendment precedent in Michigan and elsewhere.



40. AFLC successfully defended the right of a Christian to display a private nativity scene in a public forum located in Macomb County, Michigan. *Satawa v. Macomb Cty. Rd. Comm'n*, 689 F.3d 506 (6th Cir. 2012).

41. AFLC successfully quashed overbroad subpoenas issued by a lawyer for the Council on American-Islamic Relations (CAIR). The subpoenas violated the free speech rights of a private citizen who publicly voiced opposition to the construction of a mosque in Pittsfield Township, Michigan. *See Muslim Cmty. Ass'n of Ann Arbor v. Pittsfield Twp.*, Civil Action No. 12-10803, 2015 U.S. Dist. LEXIS 118002 (E.D. Mich. Apr. 24, 2015).

42. In many cases across the country, AFLC defended the rights of organizations to engage in protected speech that government officials deemed critical of Islam. *See, e.g., Am. Freedom Def. Initiative v. King Cty.*, 904 F.3d 1126 (9th Cir. 2018) (holding that the County's rejection of the plaintiffs' "Faces of Global Terrorism" ad based on its transit authority's disparagement and disruption standards violated the First Amendment); *Am. Freedom Def. Initiative v. Wash. Metro. Area Transit Auth.*, 898 F. Supp. 2d 73, 78-79 (D.D.C. 2012) (granting injunction for violating the First Amendment); *Am. Freedom Def. Initiative v. Metro. Transp. Auth.*, 880 F. Supp. 2d 456 (S.D.N.Y. 2012) (granting injunction for violating the First Amendment); *Am. Freedom Def. Initiative v. Se. Pa. Transp. Auth.*, No. 2:14-cv-5335, 2015 U.S. Dist. LEXIS 29571, (E.D. Pa. Mar. 11, 2015) (granting injunction for violating the First Amendment).

43. In the U.S. Supreme Court, AFLC defended Priests for Life in its challenge to the so-called HHS contraception mandate. *See Zubik v. Burwell*, 136 S. Ct. 1557 (2016).

44. AFLC filed an *amicus curiae* brief in the U.S. Supreme Court on behalf of several national security experts in support of President Trump's so-called "travel ban," which the high

court upheld as a constitutional exercise of executive power. This is one example cited by SPLC for why it includes Plaintiff on its “hate” group list. Indeed, this example is listed by SPLC as one of the “Key Moments” of “hate” in 2018. *See* SPLC “Intelligence Report,” page 54, attached to this First Amended Complaint as Exhibit 3.

45. None of SPLC’s reports, specifically including the reports relied upon by Defendants, cite to *one* example where AFLC has engaged in *any* criminal activity. Plaintiff is not a criminal organization—it is a lawful, conservative, public interest law firm that defends conservative Christians and Jews. SPLC and Defendants object to Plaintiff exercising its First Amendment rights because SPLC and Defendants disagree with Plaintiff’s political viewpoints and the political viewpoints of those it defends in court.

46. Plaintiff’s civil rights litigation and its activities associated with that litigation, such as press releases and media interviews, are fully protected by the First Amendment. They can never serve as a basis for government investigation, surveillance, punishment, condemnation, or any other disfavored treatment, such as tarnishing Plaintiff’s public reputation and subjecting Plaintiff to government scrutiny, which includes the government keeping secret databases on Plaintiff, as Defendants are doing here through the challenged policy directive.

47. AFLC’s advisory board is composed of well-respected individuals who fully support and endorse the work of AFLC. These board members include the following:

a. Gerard V. Bradley, Professor of Law at the University of Notre Dame, where he teaches Legal Ethics and Constitutional Law;

b. Frank Gaffney, Founder of the Center for Security Policy in Washington, D.C., and former Assistant Secretary of Defense for International Security Policy in the Reagan Administration;

c. Andrew C. McCarthy, a former Assistant U.S. Attorney, a senior fellow at the National Review Institute, a contributing editor at *National Review*, the author of two *New York Times* bestsellers, and a Fox News contributor;

d. Michael B. Mukasey, the 81st United States Attorney General and former district court judge in the United States District Court for the Southern District of New York;

e. Joseph E. Schmitz, a respected D.C. lawyer and former Inspector General of the Department of Defense from April 2002 to September 2005; and

f. Ambassador R. James Woolsey, the former Director of Central Intelligence for the United States Central Intelligence Agency (CIA) from 1993 to 1995.

48. AFLC's advisory board members are all publicly listed on AFLC's website: <https://www.americanfreedomlawcenter.org/about/advisory-board/>.

49. SPLC's designation of AFLC as a "hate" group is grotesque and absurd on its face, and Defendants' reliance on SPLC's designations is reckless in the extreme, harms AFLC's public reputation, and is an unconstitutional dereliction of Defendants' sworn duty to uphold the United States and Michigan Constitutions and to provide equal justice under the law to *all* persons and organizations regardless of their political views.

50. On February 28, 2019, the very day Plaintiff filed its initial Complaint in this action, Defendant Nessel commented on her Facebook page about a news story published by the Detroit News regarding Plaintiff's lawsuit.

51. The title of the Detroit News' story is "Law center files federal lawsuit against Nessel, state civil rights director." The "law center" referenced in the story is Plaintiff, and the story is about *this* legal action.

52. In her Facebook post, Defendant Nessel included a link to the Detroit News story and stated: “Only in Trump’s America do you get sued for pledging to prosecute hate crimes and pursue organizations that engage in illegal conduct against minority communities. I will never back down on my commitment to protect the safety of all Michiganders. Bring it.” A true and correct copy of Defendant Nessel’s Facebook post is attached to this First Amended Complaint as Exhibit 4.

53. Defendant Nessel’s Facebook post confirms the challenged policy directive, it confirms that pursuant to the challenged policy directive she is “pursu[ing] organizations that engage in illegal conduct against minority communities,” and it confirms that she considers Plaintiff to be one of the “organizations that engage[s] in illegal conduct against minority communities.”

54. Pursuant to the challenged policy, Defendants will conduct surveillance and utilize government resources to covertly gather and share information in order to deter the activities of those individuals and groups deemed to be “hate” groups by SPLC.

55. There are no safeguards for the use or distribution of the information collected by Defendants pursuant to the challenged policy. Consequently, this information will be available to Plaintiff’s political opponents, and it can be used to harm the operations and activities of organizations deemed to be “hate” groups, such as Plaintiff.

56. The purposes and effects of the challenged policy are to silence political opposition to the policies of the left, policies which Defendants support; to marginalize political opponents by officially and pejoratively labeling them as “hate” groups; to deter and diminish support for political opponents; and to provide a government-sanctioned justification for officials, including law enforcement officials and officials from the Michigan Department of

Civil Rights, to harass and target political opponents, thereby creating a deterrent effect on political speech and expressive association.

57. The challenged policy brands individuals and groups such as Plaintiff as criminals on account of their political viewpoints, subjecting them to governmental scrutiny, investigation, surveillance, condemnation, and intimidation, which have a deterrent effect on their activities and their rights to freedom of speech and expressive association.

58. The challenged policy is a governmental attack on the reputation of Plaintiff that is designed to marginalize Plaintiff and its political viewpoints.

59. The challenged policy deters donors and volunteers from supporting the activities of Plaintiff. It deters potential clients from seeking legal services from Plaintiff. And it legitimizes the illegitimate, partisan attacks of SPLC in the public eye. Consequently, the challenged policy harms Plaintiff's constitutionally protected activities and interests.

60. As set forth in this First Amended Complaint, Defendants' public dissemination of false information about Plaintiff is injurious to Plaintiff's interests, which has caused and will continue to cause irreparable harm to Plaintiff and its public reputation. Pursuant to the challenged policy directive, Defendants will continue to disseminate false information about Plaintiff.

61. The creation, adoption, and implementation of the challenged policy has caused, and will continue to cause, irreparable harm to Plaintiff.

### **FIRST CLAIM FOR RELIEF**

#### **(First Amendment—Freedom of Speech)**

62. Plaintiff hereby incorporates by reference all stated paragraphs.

63. By reason of the aforementioned policy, which was created, adopted, and enforced under the color of state law and authority, Defendants have deterred the exercise of Plaintiff's right to freedom of speech in violation of the First Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

64. As a direct and proximate result of Defendants' violation of the First Amendment, Plaintiff has suffered irreparable harm, including the loss of its constitutional rights and public reputation, entitling Plaintiff to declaratory and injunctive relief.

### **SECOND CLAIM FOR RELIEF**

#### **(First Amendment—Expressive Association)**

65. Plaintiff hereby incorporates by reference all stated paragraphs.

66. By reason of the aforementioned policy, which was created, adopted, and enforced under the color of state law and authority, Defendants have deterred the exercise of Plaintiff's right to expressive association in violation of the First Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

67. As a direct and proximate result of Defendants' violation of the First Amendment, Plaintiff has suffered irreparable harm, including the loss of its constitutional rights and public reputation, entitling Plaintiff to declaratory and injunctive relief.

### **THIRD CLAIM FOR RELIEF**

#### **(Fourteenth Amendment—Equal Protection)**

68. Plaintiff hereby incorporates by reference all stated paragraphs.

69. By reason of the aforementioned policy, which was created, adopted, and enforced under the color of state law and authority, Defendants have deprived Plaintiff of the equal protection of the law guaranteed under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983 by targeting Plaintiff for disfavored treatment on account of Plaintiff's viewpoint on certain political issues.

70. As a direct and proximate result of Defendants' violation of the Fourteenth Amendment, Plaintiff has suffered irreparable harm, including the loss of its constitutional rights and public reputation, entitling Plaintiff to declaratory and injunctive relief.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks this Court:

A) to declare that Defendants' policy violates the First and Fourteenth Amendments to the United States Constitution as set forth in this First Amended Complaint;

B) to permanently enjoin the challenged policy and its application to Plaintiff and its protected expressive activities as set forth in this First Amended Complaint;

C) to order the disclosure of any files or databases containing information about Plaintiff or Plaintiff's protected expressive activities as set forth in this First Amended Complaint;

D) to permanently enjoin the creation or maintenance of files or databases containing information about Plaintiff or Plaintiff's protected expressive activities as set forth in this First Amended Complaint;

E) to permanently enjoin the disclosure of information or data about Plaintiff or Plaintiff's protected expressive activities to private organizations such as SPLC, as set forth in this First Amended Complaint;

F) to permanently enjoin the dissemination of false information identifying Plaintiff as a “hate” group and/or as an organization “engage[d] in any illegal conduct against minority communities” as set forth in this First Amendment Complaint:

G) to award Plaintiff its reasonable attorney fees, costs, and expenses pursuant to 42 U.S.C. § 1988, and other applicable law;

H) to grant such other and further relief as this Court should find just and proper.

Dated: March 12, 2019

Respectfully submitted,

AMERICAN FREEDOM LAW CENTER

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# EXHIBIT 1



MDCR

## **MDCR Director Arbulu and Attorney General Dana Nessel respond to new hate group report**

Contact: Todd Heywood [heywoodt@michigan.gov](mailto:heywoodt@michigan.gov)

### **FOR IMMEDIATE RELEASE**

February 22, 2019

**Lansing, MI**– The Michigan Department of Civil Rights Director Agustin V. Arbulu and Attorney General Dana Nessel are responding today to the release of the Southern Poverty Law Center’s annual Hate Map report. The report documents an increase in active extremist and hate organizations in Michigan.

The SPLC Hate Map report found Michigan experienced a 6.5 percent increase in active hate and extremist groups in the state. The civil rights organization located in Alabama reported 31 hate and extremist organizations operating in Michigan in 2018.

“This is a troubling trend,” said MDCR Director Agustin V. Arbulu. “These groups range in the ideological extremes from anti-Muslim, to anti-LGBT to black nationalist and white nationalists. Particularly of concern, over one half of the identified groups are located east of US-23 between Flint and Ann Arbor.”

Attorney General Dana Nessel said she would stand up to hate in Michigan.

"Hate cannot continue to flourish in our state," said Nessel, who found the Justice Project with Wayne County Prosecutor Kym L. Worthy to investigate and prosecute hate crimes. "I have seen the appalling, often fatal results of hate when it is acted upon. That is why I am establishing a hate-crimes unit in my office -- to fight against hate crimes and the many hate groups which have been allowed to proliferate in our state."

In addition to Attorney General Nessel's hate crime unit initiative, MDCR is developing a process by which it can document hate and bias incidents in the state.

Hate and bias incidents are those instances where an action does not rise to the level of a crime or a civil infraction. For instance, in Lansing's Old Town over the President's Day weekend experienced a spat of flyering by the white nationalist group Patriot Front. Flyers removed by residents and visitors, but posted on social media, show the group was targeting immigrants as well as Jews with the flyers. The flyers are protected under the First Amendment and do not rise to a crime.

"Hate and bias incidents serve to create a chilling effect in diverse communities, such as Old Town", Arbulu noted. By documenting such incidents in a database, MDCR, working with community partners, will be able to create targeted awareness and education programs to address and combat such incidents in general.

"Identifying and calling out hate and bias incidents is an important tool in our toolbox to educate Michiganders about the undertone of hatred in our communities," said Arbulu. "But they also serve as a first step in developing community dialogs to strengthen our collective resolve to reject hate, bias and division. The Department looks forward to helping all of our community partners in fostering these important, powerful and ultimately life-changing discussions as we become more diversified."

The Michigan Department of Civil Rights, the operational arm of the Michigan Civil Rights Commission, is charged with investigating and resolving discrimination complaints and works to prevent discrimination through educational programs that promote voluntary compliance with civil rights laws. The Department also provides information and services to businesses on diversity initiatives and equal employment law. For more information on the Michigan Department of Civil Rights, go to [www.michigan.gov/mdcr](http://www.michigan.gov/mdcr).

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# EXHIBIT 2

# IN 2018, WE TRACKED 31 HATE GROUPS IN MICHIGAN.

REVEAL HATE GROUPS

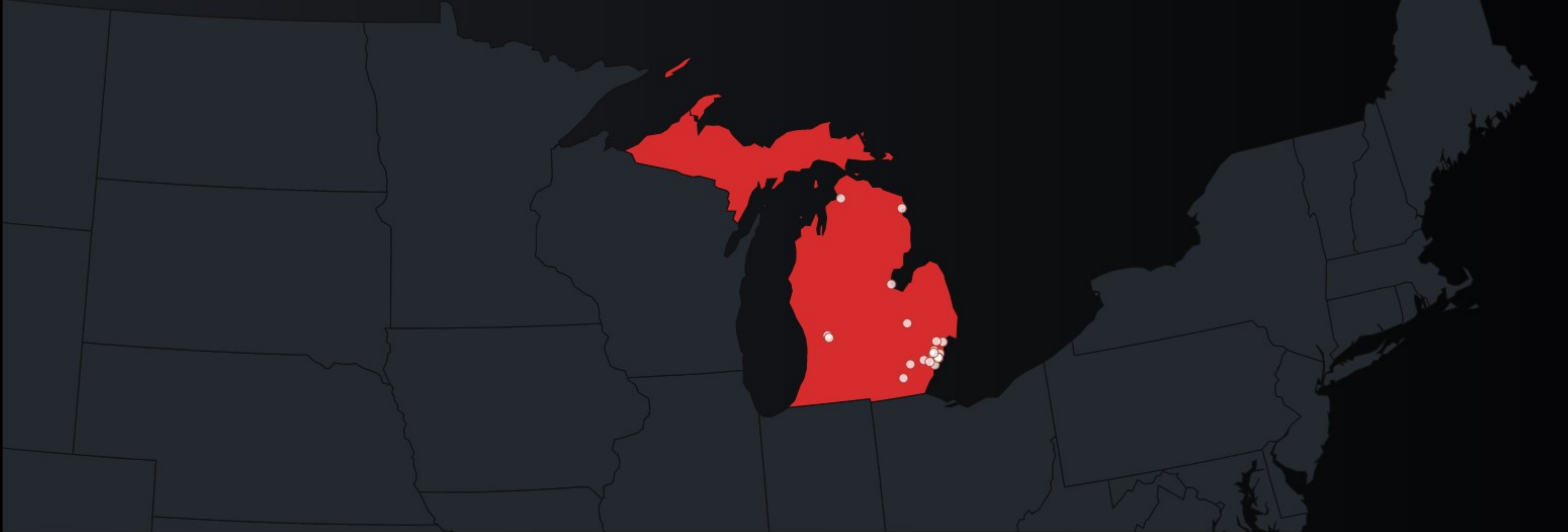
FILTER BY IDEOLOGY

RELATED HATEWATCH

FIND A STATE

DOWNLOAD DATA

RESET MAP



## HATE GROUPS

- AMERICAN FREEDOM LAW CENTER**  
ANTI-MUSLIM  
ANN ARBOR
- AMERICAN GUARD**  
GENERAL HATE  
STATEWIDE
- AMERICAN NAZI PARTY**  
NEO-NAZI  
WESTLAND
- ATOMWAFFEN DIVISION**  
NEO-NAZI  
STATEWIDE
- CHURCH MILITANT/ST. MICHAEL'S MEDIA**  
ANTI-LGBT  
FERNDALE
- CREATIVITY MOVEMENT, THE**  
NEO-NAZI  
STATEWIDE
- DAILY STORMER, THE**  
NEO-NAZI  
STATEWIDE
- FOUNDATION FOR THE MARKETPLACE OF IDEAS**  
WHITE NATIONALIST  
CLINTON TOWNSHIP



Learn more about MICHIGAN



# EXHIBIT 3

<b>Jihad Watch</b> Sherman Oaks, CA	<b>to the Nations</b> Franklin, TN	<b>Soldiers of Odin</b> Missouri*	Utica, MI	<b>Analytics</b> Washington, DC
<b>Keep South Dakota Safe PAC</b> Aberdeen, SD	<b>Radio Jihad/Global Patriot Radio</b> New York	Ventura County, CA	<b>The Straight Way and More</b> Venice, FL	<b>Understanding the Threat</b> Dallas, TX
<b>Last Chance Patriots</b> Dayton, MT	<b>Refugee Resettlement Watch</b> Fairplay, MD	Denver, CO	<b>Sunshine on Government (SONG) Alliance</b> Newton, GA	<b>The United West</b> Lake Worth, FL
<b>North Carolina Pastors Network</b> Morganton, NC	<b>Sharia Crime Stoppers</b> Mount Clemens, MI	Florida	<b>Truth in Love Project</b> Chattaroy, WA	<b>Virginia Christian Alliance</b> Henrico, VA
<b>Political Islam</b> Nashville, TN	<b>The Shoebat Foundation</b> Newtown, PA	Illinois	<b>Truth in Textbooks</b> Boerne, TX	
<b>Proclaiming Justice</b>		Indiana	<b>Unconstrained</b>	
		North Carolina		
		North Dakota		
		South Carolina		
		Texas		
		<b>Southeast Michigan Tea Party</b>		

**TOP TAKEAWAYS** Anti-Muslim groups remain a force in the U.S. with Donald Trump and important administration members as allies in the White House. The total number of anti-Muslim hate group chapters dropped from 114 in 2017 to 100 in 2018. ACT for America, the largest anti-Muslim organization in the country, held a national “March Against Sharia” in 2017, which led to an increase in ACT chapters that year. ACT didn’t hold that event this year — and without the large-scale rally, which galvanized the group’s chapter network and served as a recruiting tool, some groups remained dormant or dropped off in 2018. But this slight decline masks the movement’s growing power.

**KEY MOMENTS** Trump continues to appoint staff with connections to anti-Muslim groups. Mike Pompeo was confirmed as secretary of state in April 2018 despite his connections to anti-Muslim figures like Frank Gaffney and Brigitte Gabriel. That same month Trump tapped John Bolton to be his national security adviser. A month later, Bolton hired Fred Fleitz of the anti-Muslim hate group Center for Security Policy (CSP) as his chief of staff. Fleitz left that role in October to return to CSP as the group’s president, replacing founder Frank Gaffney, who moved to an executive chairman position.

The anti-Muslim movement also continues to see policy success. In June 2018, the U.S. Supreme Court upheld the Trump administration’s Muslim travel ban, delighting anti-Muslim hate groups. Trump originally relied on shoddy polling commissioned by CSP to justify the ban. **The anti-Muslim hate group American Freedom Law Center authored an amicus brief in support of the ban, claiming the country is at war with “the kinetic militancy of jihadists, and the cultural challenge of anti-Western, anti-constitutional Islamic law and mores.”**

Anti-Muslim groups were also active at the state and local level, with representatives from anti-Muslim hate groups continuing to push harmful anti-Sharia law bills.

**WHAT’S AHEAD** In 2018, anti-Muslim sentiment took root in the political policies of the U.S., a trend that should only intensify in 2019. With Mike Pompeo at the helm of the U.S. State Department, anti-Muslim groups are hopeful there is a chance the Muslim Brotherhood will be designated as a foreign terrorist organization. Civil rights lawyer and activist Arjun Sethi notes, that such a development would likely result in “intimidation, harassment and smears of Muslim and Arab groups here in the United States.”

## 163 GENERAL HATE

These groups espouse a variety of rather unique hateful doctrines and beliefs that are not easily categorized. Many of the groups are vendors that sell a miscellany of hate materials from several different sectors of the white supremacist movement.

<b>HATE MUSIC (15)</b>	<b>Tightrope</b> California	York, PA	California	Texas
<b>American Defense Records</b> Pittsburgh, PA	<b>Calico Rock, AR</b>	<b>Deir Yassin Remembered</b> Geneva, NY	Colorado	<b>Pacific Northwest Wolfpack Kindred</b> Washington
<b>BeaSSt Productions</b> Greensboro, NC	<b>United Riot Records</b> New York, NY	<b>Independent History &amp; Research</b> Coeur d’Alene, ID	Georgia	<b>Wolf Age</b> Grass Valley, CA
<b>Elegy Records</b> Clifton, NJ	<b>Vinlandic Werwolf Distribution</b> California	<b>Institute for Historical Review</b> Newport Beach, CA	Massachusetts	<b>Wolves of Vinland</b> Lynchburg, VA*
<b>Hostile Class Productions</b> Burbank, IL	<b>Wolf Tyr Productions</b> Holbrook, NY	<b>The Realist Report</b> Poway, CA	Bloomington, MN	Oregon
<b>Hypgnosis Records</b> Ohio	<b>Wolf’s Head Records</b> California		Missouri	South Carolina
<b>ISD Records</b> Denison, TX	<b>HOLOCAUST DENIAL (8)</b>	<b>MALE SUPREMACY (2)</b>	North Carolina	Tennessee
<b>Label 56</b> Baltimore, MD	<b>Barnes Review/ Foundation for Economic Liberty, Inc.</b> Upper Marlboro, MD	<b>A Voice For Men</b> Houston, TX	North Dakota	Washington
<b>MSR Productions</b> Wheat Ridge, CO	<b>carolynyeager.net</b> Kerrville, TX	<b>Return of Kings</b> Washington, DC	Ohio	<b>Wotan’s Nation</b> Decatur, TN
<b>NSM88 Records</b> Detroit, MI	<b>Committee for Open Debate on the Holocaust</b> Mill Valley, CA*	<b>NEO-VÖLKISCH (30)</b>	Oregon	<b>RADICAL TRADITIONAL CATHOLICISM (11)</b>
<b>Stahlhelm Records</b> Milwaukee, WI		<b>Asatru Folk Assembly</b> Brownsville, CA*	Pennsylvania	<b>Catholic Family News/ Catholic Family Ministries, Inc.</b> Niagara Falls, NY
		Alaska	South Carolina	<b>Christ or Chaos</b> West Chester, OH

# EXHIBIT 4



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**Dana Nessel**

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Only in Trump's America do you get sued for pledging to prosecute hate crimes and pursue organizations that engage in illegal conduct against minority communities. I will never back down on my commitment to protect the safety of all Michiganders. Bring it.



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**Law center files federal lawsuit against Nessel, state civil rights director**

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