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Via Email and Federal Express

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Re: Maajid Nawaz and The Quilliam Foundation

Dear Mr. Levine and Mr. Carusone:

We write on behalf of our clients, Maajid Nawaz and the Quilliam Foundation.

As you know, on October 25, 2016, Southern Poverty Law Center (“SPLC”) and Media Matters for America (“Media Matters”) published *A Journalist’s Manual: Field Guide to Anti-Muslim Extremists* (“Journalist’s Manual”). The Journalist’s Manual falsely accused Mr. Nawaz—who is identified as the Quilliam Foundation’s founder—of being an “anti-Muslim extremist” who causes “hate-based violence” and “criminal hate violence” against Muslims. These statements are false and defamatory *per se*, both because they accuse Mr. Nawaz and the Quilliam Foundation of criminal activity and because they impugn them in their profession as activists dedicated to *countering* extremism and speaking out *against* hate crimes and the targeting of Muslims. In addition to causing devastating reputational harm, the false accusations have also caused substantial economic harm, to the tune of millions of dollars in lost donations and lost opportunities.

Worse still, it is readily apparent that Media Matters and the SPLC acted with actual malice. On December 3, 2015, Media Matters posted a video clip of an interview that Mr. Nawaz gave on Fox News with the headline, “Watch A Radicalization Expert Push Back On Fox’s Advocacy Of Muslim Profiling” and the byline, “*Counter*-Extremist Activist Maajid Nawaz: ‘Ethnic Profiling And



Profiling For Overt Signs Of Religiosity Will Actually Miss The Target.”¹ In addition to publishing the video clip—which expressly identifies Mr. Nawaz as the co-founder and chairman of Quilliam—on its webpage, Media Matters also quoted Mr. Nawaz as saying, “So if we are going to look to profiling, I think that ethnic profiling and profiling for overt signs of religiosity will actually miss the target.” In light of this, there can be no doubt that Media Matters knew, and that its co-author the SPLC was on notice, that Mr. Nawaz is a “counter-extremist” who had spoken out *against* racial profiling and religious profiling targeting Muslims, *not* an “anti-Muslim extremist” responsible for “criminal hate violence” against Muslims.²

The screenshot shows the Media Matters for America website. The main article title is "Watch A Radicalization Expert Push Back On Fox's Advocacy Of Muslim Profiling". Below the title is a video player showing a Fox News broadcast with Maajid Nawaz. The video player has a play button and a progress bar. The website header includes navigation links like "BLOG", "VIDEO", "RESEARCH", "ISSUES", "TRUMP'S WAR ON THE PRESS", "TAKE ACTION", "DONATE", and social media icons for Facebook, Twitter, and Google+. The right sidebar contains a search bar, "ABOUT THE VIDEOS" section, and "FOLLOW US" section with buttons for Twitter (347K followers), Facebook (846K likes), Google+, Tumblr, and YouTube (46K subscribers). There is also a "Sign up for our mailing lists" button.

Moreover, the SPLC and Media Matters purposefully avoided volumes of readily available media appearances, speeches, radio programs, books, and articles where Mr. Nawaz, as a spokesman for Quilliam, identified himself as a Muslim and condemned anti-Muslim bigotry and anti-Muslim violence.³ For example, the video to which Media Matters linked on their webpage on December 3,

¹ This article is still available on Media Matters' webpage: <https://www.mediamatters.org/video/2015/12/03/watch-a-radicalization-expert-push-back-on-foxs/207234>.

² See *Eramo v. Rolling Stone, LLC*, 209 F.Supp.3d 862, 873 (W.D. Va. 2016) (actual malice may be demonstrated where a reporter was aware of facts contradicting the published claims).

³ See *Harte-Hanks Comm., Inc. v. Connaughton*, 491 U.S. 657, 692 (1989) (purposeful avoidance of the truth is



2015 included both an image of, and referred to, Mr. Nawaz's 2013 autobiography *Radical*, in which he lamented the fact that "anti-Muslim hatred has risen of late across the world,"⁴ and noted that he had "defended Islam as essentially a religion of peace."⁵ He also described the mission of Quilliam Foundation, which he founded as a "counter-extremism" think tank, saying "[o]ur aim would be to criticize Islamophobia and Islamist extremism as openly as possible."⁶

Mr. Nawaz's publicly-available Facebook page has made it clear that "Islamism is a desire to impose a version of Islam over society, anywhere" and that "refusing to name and shame Islamism, only *increases* anti-Muslim hate."⁷ Further, he has frequently challenged callers on his radio program who espouse racist, anti-Muslim, or other bigoted views—including on October 24, 2016, the day before the SPLC and Media Matters defamed him, where he condemned a caller's "xenophobic" and "racist" views about Muslims in the United Kingdom.⁸ And more, at a September 15, 2015 roundtable talk at Harvard university's Institute of Politics, Mr. Nawaz condemned, in no uncertain terms, anti-Muslim bigotry, which he stated "is real and it exists, especially in Europe with the rise of far-right parties across the continent. It's real and it exists and it's a problem."⁹

On February 11, 2015, Mr. Nawaz publicly condemned, via a Facebook post, the Chapel Hill shootings as an "anti-Muslim act of terrorism," refusing to cabin the term "terrorism" to Muslims alone.¹⁰ Mr. Nawaz was also a participant in a roundtable discussion hosted by Intelligence Squared where he argued for the proposition that Islam is a "religion of peace." During this debate he argued "Let's separate Islam from extremism and disempower the minority of extremists that are trying to hijack a good faith."¹¹ All of the above information was readily available to SPLC and Media Matters prior to publication, yet they apparently chose to ignore it, even in light of the inherent improbability that a British Muslim of Pakistani descent who had personally experienced

"unmistakably sufficient to support a finding of actual malice").

⁴ MAAJID NAWAZ, *RADICAL* XIII (2013)

⁵ *Id.* at XIV.

⁶ *Id.* at 227.

⁷ Maajid Nawaz, FACEBOOK (March 1, 2015) available at <https://www.facebook.com/135775283156412/photos/a.551104524956817.1073741829.135775283156412/823692337698033/?type=3&theater>.

⁸ Leading Britain's Conversation's (LBC), FACEBOOK (October 24, 2016) available at <https://www.facebook.com/LBC/videos/10154406336636558/>.

⁹ Maajid Nawaz, et al., Harvard Institute of Politics at the Kennedy School Panel: "Islam and the Future of Tolerance" (Sept. 14, 2015) available at <http://iop.harvard.edu/forum/islam-future-tolerance>.

¹⁰ Maajid Nawaz, FACEBOOK (February 11, 2015) available at <https://www.facebook.com/135775283156412/photos/a.551104524956817.1073741829.135775283156412/814747168592550/?type=3&theater>.

¹¹ Maajid Nawaz, et al., Intelligence Squared Debate: "Islam is a Religion of Peace" (Oct. 6, 2010) <https://www.intelligencesquaredus.org/debates/islam-religion-peace>.



anti-Muslim profiling and bigotry would encourage anti-Muslim hate-based violence against his fellow Muslims.¹²

The original version of the Journalist's Manual itself also contains evidence showing that the SPLC and Media Matters disregarded the truth in part because of their hostility and ill-will toward Mr. Nawaz and Quilliam. For example, by hyperlinking to a Daily Mail article by Mr. Nawaz, the Journalist's Manual shows that the publishers were actually aware of Nawaz's statement in support of "a *policy* barring the wearing of niqabs" in certain places because of the need to identify people's faces for security purposes, but that he does "not believe in a blanket ban on the niqab." Yet, in an effort to make Mr. Nawaz's support for a security-based "policy" seem more draconian and unreasonable than it is, the SPLC and Media Matters mischaracterized his policy proposal as a call for "*criminalizing* the wearing of the veil," falsely invoking images of Muslim women being imprisoned and punished for wearing the veil, when Mr. Nawaz had proposed nothing of the sort.

The Journalist's Manual also cited a *Guardian* article for the assertion that Mr. Nawaz "tweeted out a cartoon of Jesus and Muhammad—despite the fact that many Muslims see it as blasphemous to draw Muhammad" and quoted him as saying that he wanted "to carve out a space to be heard without constantly fearing the blasphemy charge." But the publishers further demonstrated their disregard for the truth and their malice toward Mr. Nawaz and Quilliam when they wrested Mr. Nawaz's quote from its essential immediate context, which stated, in full:

My intention was to carve out a space to be heard without constantly fearing the blasphemy charge, on pain of death. I did it for Salmaan Taseer, the governor of Punjab who was assassinated by his bodyguard for calling for a review of Pakistan's colonial-era blasphemy laws; for Malala Yousafzai, the schoolgirl shot in the head by the Taliban for wanting an education; and for Muhammad Asghar, a mentally ill British man sentenced to death for "blasphemy" last week in Pakistan. *My intention was to demonstrate that Muslims are able to see things we don't like, yet remain calm and pluralist, and to demonstrate that there are Muslims who care more about the thousands of deaths in Iraq, Pakistan and Syria than we do about what a student is wearing. My intention was to highlight that Muslims can engage in politics without insisting that our own religious values must trump all others' concerns, and to stand before the mob so that other liberal Muslim voices that are seldom heard, women's and men's, could come to the fore.*

Far from illustrating any anti-Muslim bigotry or encouragement of hate-violence, Mr. Nawaz's own words illustrate a deep commitment to destroying stereotypes about Muslims and advocating for underrepresented Muslim voices.

¹² See *Zerangue v. TSP Newspapers, Inc.*, 814 F.2d 1066, 1071 (5th Cir. 1987) ("[C]ourts have upheld findings of actual malice when a defendant failed to investigate a story weakened by inherent improbability, internal inconsistency, or apparently reliable contradictory information.").



Additionally, the SPLC and Media Matters further revealed their hostility and ill-will toward Nawaz by including in the original version of the Journalist’s Manual a totally irrelevant smear that Nawaz had once gone to a strip club. The strip club was owned by a Muslim man who released footage of Mr. Nawaz at the strip club because, incredibly, he—the Muslim strip club owner—“was incensed by Mr. Nawaz’s claims to be a religious Muslim.” In any event, going to a strip club on the night of one’s bachelor party has absolutely nothing to do with whether someone is an “anti-Muslim extremist” who causes “hate-based violence” and “criminal hate violence” against Muslims. Yet, it appears that the SPLC and Media Matters included that wholly irrelevant detail in the Journalist’s Manual because of their hostility toward Mr. Nawaz.

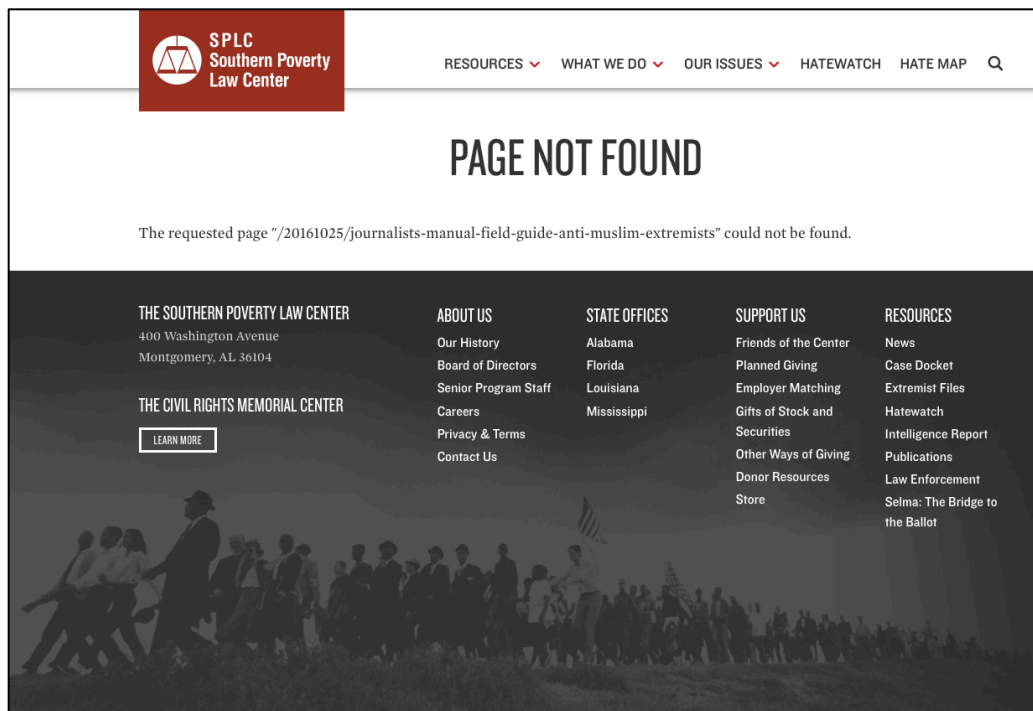
After the SPLC and Media Matters published the original version of the Journalist’s Manual, they received media backlash and correspondence from numerous sources specifically informing them that their accusations about Mr. Nawaz and Quilliam were false.¹³ Rather than retracting their defamatory accusations about Mr. Nawaz and Quilliam, the SPLC and Media Matters tried to save face by quietly—and without noting their changes as an “update” or a “correction” as journalistic ethical rules require—removing their mischaracterization of Mr. Nawaz’s prior statements about the niqab and removing the irrelevant and spiteful reference to the strip club. They also added two out-of-context mischaracterizations of prior articles on Mr. Nawaz, while carefully omitting the hyperlinks to those articles (and mis-dating one of the prior articles) to make it difficult for readers to review those articles for themselves and realize that the SPLC and Media Matters had mischaracterized them. In the revised version, the SPLC and Media Matters doubled-down on and republished the defamatory accusation that Mr. Nawaz is an “anti-Muslim extremist” who causes “hate-based violence” and “criminal hate violence” against Muslims. That republication is additional evidence of actual malice.¹⁴

¹³ See, e.g., David A. Graham, *How Did Maajid Nawaz End Up on a List of ‘Anti-Muslim Extremists?’*, THE ATLANTIC (October 29, 2016); Michael Walsh, *SPLC Receives Backlash after placing Maajid Nawaz on ‘anti-Muslim extremist’ list*, YAHOO NEWS (October 31, 2016); Letter from Katrina Lantos Sweet, President, The Lantos Foundation to Richard Cohen (November 7, 2016) available at <https://www.lantosfoundation.org/news/2016/11/8/lantos-foundation-calls-out-southern-poverty-law-center>.

¹⁴ See *Age-Herald Pub. Co. v. Huddleston*, 92 So. 193, 197 (Ala. 1921) (republication “in proper cases may tend to show actual malice”).



It now appears that, as of the afternoon of April 16, 2018, the Journalist's Manual is no longer available on the SPLC's website. The webpage where it was originally published and republished now reflects a "PAGE NOT FOUND" error message.¹⁵



As you are no doubt aware, the above error message does *not* constitute a retraction because a retraction must be “publish[ed] . . . in as prominent and public a place or manner as the charge or matter published occupied” and must be a “*full and fair* retraction of such charge or matter.”¹⁶ In light of this, and the falsity of your accusations about Mr. Nawaz and the Quilliam Foundation, we demand that the SPLC and Media Matters publish the following full and fair retraction, in the same media and with equal or greater prominence to the Journalist's Manual, including with equal or greater promotion via their websites and social media platforms:

On October 25, 2015, the Southern Poverty Law Center and Media Matters for America published *A Journalist's Manual: Field Guide to Anti-Muslim Extremists* and included Mr. Maajid Nawaz and the Quilliam Foundation in that manual. We would like to extend to Mr. Nawaz our sincerest apologies for that inexcusable error and for the tremendous harm we have cause both to him and to the Quilliam Foundation, which Mr. Nawaz founded for the purposes of combatting anti-Muslim bigotry and Islamist extremism. We acknowledge our grave mistake in accusing Mr. Nawaz of being anti-Muslim extremist causing hate-based violence against

¹⁵ See <https://www.splcenter.org/20161025/journalists-manual-field-guide-anti-muslim-extremists>.

¹⁶ See Ala. Code 1975 §§ 6-5-184, 6-5-185, 6-5-186.



Muslims. We support and admire the work he and the Quilliam Foundation have done and continue to do promoting pluralistic values and combatting Islamophobia and extremism, and we wish them all the best in their work.

Furthermore, in light of the above, we trust that the SPLC and Media Matters will not republish the false and defamatory accusations about Mr. Nawaz and Quilliam described in this letter. If they choose to republish those accusations at this point, they will be doing so with full and actual knowledge of all of the facts and sources set forth in this letter, in clear and deliberate disregard for the truth. Such a knowing and malicious republication in disregard of Mr. Nawaz's and Quilliam's rights would give rise to an additional cause of action and additional damages.¹⁷

We trust that you understand the seriousness of these issues. Mr. Nawaz and the Quilliam Foundation have worked hard and with great diligence to develop excellent reputations. They have dedicated themselves to combatting extremism, promoting pluralism, and combatting Islamophobia and anti-Muslim targeting. It was reckless and wrong for the SPLC and Media Matters to sully their good names and damage their ability to do their work.

We trust that, in light of the reasonable likelihood of litigation regarding these matters, you long ago instituted a robust document retention hold. Nevertheless, for the avoidance of doubt, until this matter is resolved, both the SPLC and Media Matters must—and must direct all individuals or entities who participated in the funding, fact development, reporting, editing, publishing, or promoting of the Journalist's Manual, to—preserve and retain all documents, data, and electronically stored information relating in any way to Mr. Nawaz or the Quilliam Foundation. This document hold request includes, without limitation, the ongoing obligation to preserve and retain: (i) all communications with sources and/or potential sources, including phone records; (ii) all communications with all persons who performed any work related to the Journalist's Manual; (iii) all communications between donors, reporters, editors, fact-checkers, and attorneys involved in the Journalist's Manual; (iv) all reporters' and editors' notes regarding the Journalist's Manual, and all drafts or versions of the Journalist's Manual; (v) the complete web browser histories and web search histories of all those involved in the Journalist's Manual; and (vi) communications with all individuals, including employees, agents, independent contractors, and third parties, regarding the Journalist's Manual. These items should be preserved regardless of the medium, format, or device on which they are hosted, and regardless of whether they appear in documents, drafts, notes, emails, text messages, voicemail messages, social media posts, audio and video recordings, or in any other form. A failure to preserve documents could result in serious penalties, including monetary sanctions, adverse jury instructions and/or claims for spoliation.

¹⁷ *Poff v. Hayes*, 763 So.2d 234, 242 (Ala. 2000) (“[m]oreover, every distinct publication of libelous or slanderous material gives rise to a separate cause of action”); *First Sheby Nat. Bank v. Mitchell*, 406 So.2d 959, 964 (Ala. Civ. App. 1981) (because “actions were taken in total disregard of the plaintiff's rights . . . the jury instructions as to punitive damages were properly given”).



We look forward to your prompt response.

Very truly yours,

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