



National Coalition For Men (NCFM)

Since 1977

932 C Street, Suite B, San Diego, CA 92101 / 619-231-1909 / ncfm.org / 501(c)3 nonprofit corporation.

May 30, 2019

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Karen Baynes-Dunning
Interim President
Southern Poverty Law Center
400 Washington Avenue
Montgomery, AL 36104

Re: Publication of False, Defamatory and Disparaging Material Of and Concerning the National Coalition For Men and its President, Harry Crouch

Dear Ms. Baynes-Dunning:

I am the President of the National Coalition For Men ("NCFM"). This letter is a demand for an immediate retraction of false, defamatory and disparaging material published by Southern Poverty Law Center ("SPLC") of and concerting NCFM and me. It is also a request that SPLC preserve all documents related to the publications, as discussed below.

Background on NCFM

NCFM is a non-profit organization dedicated to ending harmful discrimination against men, boys and the women who love them. Since 1977, and at all times, NCFM has stood for equal treatment under the law between men and women. Among many other achievements, we are proud of our recent victory in *NCFM v. Selective Service*, a federal case in which we succeeded in having the male-only draft registration declared unconstitutional.

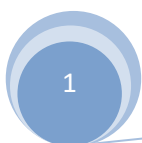
False, Defamatory and Disparaging Statements

SPLC published a webpage entitled "Male Supremacy", subtitled "Male supremacy is a hateful ideology advocating for the subjugation of women." ¹ Your "Male Supremacy" page contains the following quote:

Francis Baumli, Ph.D.
Author/Publisher
Missouri
Julie Brand, M.S.
Author/Counselor
Nevada
David Heleniak, Esq.
Civil Rights/Appellate
New Jersey
Diane A. Sears, Editor
Pennsylvania
Richard Driscoll, Ph.D.
Psychologist/Author
Tennessee
R.K. Hendrick, Esq.
Oregon
Phillip Cook
Journalist/Author
Washington

LIAISONS

Charles Oholendt,
Arkansas
Greg Andresen,
Sydney, Australia
Plamen Lesev
Bulgaria
Earl Silverman,
In Memoriam
Calgary, Canada
Ray Blumhorst,
Los Angeles, CA
Steve Van Valkenburg,
Colorado
Kenedy Owino
Nairobi, Kenya
Carl Augustsson, Ph.D.,
Republic of Georgia
Tom Dougherty, M.D.
Illinois
Michael Rother, MCSE,
MCDDBA, CNE
Germany
(Past Pres. NCFM)
Eyal Avidan (Attorney),
Israel
Robert Yourell, LMFT,
Mexico (Baja)
William Gavitt,
Pennsylvania
Jason Leatherman,
Massachusetts
Paul Clements,
South Carolina
Eric Wedin
Sweden



Often, these men's rights advocacy groups, like the National Coalition for Men (NCFM), founded in 1977, and on whose board of advisors [Warren] Farrell sits, distort or cherry-pick statistics to indicate female privilege, blame women or create false equivalences between the oppression of men and of women, rather than simply seek to advance the cause of men and fathers. Groups like NCFM use litigation to challenge what they perceived as discrimination in favor of women and try to influence policy on domestic violence, sexual assault, divorce and custody cases. In reality, they offered little help to men other than blaming women or advocating to deny women the structures that they did have to resort to discrimination or violence — one of the biggest grievances of the men's rights movement, for instance, is the Violence Against Women Act in 1994.

By inclusion of NCFM in your "Male Supremacy" page, you have branded both NCFM and me as those who advocate "a hateful ideology advocating for the subjugation of women". Nothing could be further from the truth. Your "Male Supremacy" page goes on to use such terms as "rape apologist", facially attributing such epithets to others besides NCFM. However, by grouping us together with such alleged "rape apologists", and labeling all collectively under the derogatory banner of "Male Supremacist", you clearly invite your reading public to hold us out for contempt, ridicule and ostracism. The law finds your conduct intolerable.

I was featured prominently in the 2016 documentary film "The Red Pill" by American filmmaker Cassie Jaye. Your "Male Supremacy" page states that:

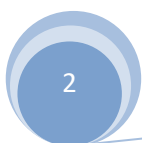
The documentary, which sees Jaye interviewing MRAs [such as NCFM's Harry Crouch] and never challenging them on their myriad of misogynistic positions, sparked outrage in Australia. A campaign denouncing it as "misogynistic propaganda" succeeded in getting the film dropped by an Australian cinema. In the US, The Village Voice reportedly refused to run paid ads for the film in its paper.

A "misogynist" is a "person who hates women".² "Misogynistic positions" is a false and defamatory characterization of both NCFM and me. We do not hate women, and have never advocated any policy position that could even remotely be considered as hateful of women.

SPLC appears proud of its role in "getting [The Red Pill] film dropped by an Australian cinema" and that "The Village Voice refused to run paid ads for the film". NCFM survives on donations, and depends on media such as The Red Pill documentary to publicize itself to potential donors. Indeed, we are aware of potential members and donors who explicitly state that they were dissuaded from any association with NCFM as a direct consequence of having read SPLC's "Male Supremacy" page. Thus, it is clear that you have not only damaged our reputations, but that such injury flows directly to our bottom line.

Statements "Of and Concerning" Harry Crouch

I have been President of NCFM for over ten years, and am thus inextricably intertwined with its policies. SPLC may contend that including NCFM on its list of Hate Groups does not defame me as an individual. This argument will fail for the same reason it failed in *Elias v. Rolling Stone*, a case where plaintiffs sued over publications "identifying them collectively as members of a group of Phi Kappa Psi fraternity brothers at the time the rape allegedly occurred." (*Elias v. Rolling Stone LLC*, 872 F.3d 97, 101 (2d Cir. 2017)) Defendants argued that the publication was not "of and concerning"



plaintiffs, since it only named the organization, but the Court rejected that argument, finding that "the statements in the Article were 'of and concerning' them individually." (*Id*)

Furthermore, in attempting to support its disingenuous characterization of NCFM, SPLC's "Male Supremacist" page contains a hyperlink to an article on Pacific Standard, entitled "Silencing Women: Inside the National Coalition For Men". The Pacific Standard article contains numerous false and defamatory statements of and concerning me, including the false assertion that I oppose the "imprisonment of men who beat their wives." ³

It is worth noting that the hyperlink, *published by SPLC*, reads, in relevant part:

"national-coalition-men-rape-sexual-assault-harry-crouch"

The clear intent of SPLC in publishing the hyperlink was to associate "Harry Crouch" with "rape" and "sexual assault", and for that association to support their overall factual contention that NCFM and I are hateful male supremacist rape apologists. Your denigration of me must not stand.

SPLC Statements are Matters of Fact, Not Opinion

SPLC may contend that designating NCFM as "Male Supremacist" and as a "Hate Group" is merely a matter of "opinion", and thus protected speech under the First Amendment. This argument will not prevail.

The U.S. Supreme Court has established the test for distinguishing protected opinion speech from non-protected matters of fact. Our High Court found that the: "U.S. Const. amend. I, did not prohibit the application of [State] libel laws to the alleged defamation. The Court said that there was **no absolute privilege protecting opinion from the application of [State] defamation laws**", and that the proper test was to determine whether the allegedly defamatory statement was '**sufficiently factual to be susceptible of being proved true or false**', and that a defamation plaintiff bore the burden to 'show that the connotations were false and made with some level of fault.'" (*Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 3, 110 S. Ct. 2695, 2697 (1990), emphasis added)

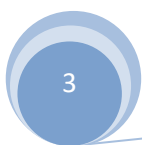
SPLC's website states that:

The Southern Poverty Law Center 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. ⁴

SPLC's website further explains that:

The organizations on our hate group list vilify others because of their race, religion, ethnicity, sexual orientation or gender identity – prejudices that strike at the heart of our democratic values and fracture society along its most fragile fault lines. ⁵

It is clear that SPLC believes that whether or not an organization is a hate group is a matter of empirical proof, and on that point, we agree. Based on SPLC's own definition, "hate group" is susceptible of being of being proved true or false. Either NCFM's official statements malign women for their immutable characteristics, or they don't. Either I have attacked and vilified women, or I haven't. Either we have articulated principles or engaged in activities that qualify us as "rape apologists", or we haven't.



Our burden will be to show that you labeled NCFM as "Male Supremacist", and that such publication caused reputational and financial injury. We will have no difficulty meeting our burden. Your burden will be to show that NCFM fits your own factual definition of a "Hate Group". Yours will be an impossible task, because neither NCFM nor I have ever made any statements or engaged in any activities that can even remotely be construed as maligning or vilifying women.

Statements are Defamatory Per Se and Published with Actual Malice

At common law, statements that indicate that a person was involved in behavior incompatible with the proper conduct of his business, trade or profession are defamatory *per se*. Here, SPLC's statements clearly impugn my ability to run a non-profit dedicated to ending harmful discrimination. If I undertook to "subjugate women" as SPLC would have it, this would be highly improper conduct of my profession.

Under Alabama law, "If the language used exposes the plaintiff to public ridicule or contempt, though it does not embody an accusation of crime, the law presumes damage to the reputation, and pronounces it actionable *per se*." (*Butler v. Town of Argo*, 871 So. 2d 1, 16 (Ala. 2003) (quoting, *Ceravolo v. Brown*, 364 So. 2d 1155, 1156-57 (Ala. 1978)). Falsely associating me with "rape apologists" and "sexual harassment" - as SPLC has clearly done - subject me to public ridicule and contempt.

We will stipulate that NCFM and I are public figures for purposes of defamation law. A public figure must demonstrate actual malice by the person publishing the statement. (*Curtis Pub. Co. v. Butts*, 388 U.S. 130, 134 (1967), citing *New York Times Co. v. Sullivan*, 376 U.S. 254, 279-80 (1964)).

Actual malice is defined as publishing a false statement "with knowledge of its falsity or with reckless disregard as to whether it was false". (*Masson v. New Yorker Magazine*, 501 U.S. 496, 499, 111 S. Ct. 2419, 2424 (1991)) SPLC knew that its statements were false, because there is simply no evidence or reason to believe that NCFM or I hate women, or subjugate women, or apologize for rape, or any of the other terrible accusations SPLC publishes. Prior to publication, SPLC made no effort to contact NCFM, or to verify its claims. At minimum, SPLC acted with a reckless disregard for the truth.

Demand for Retraction and Public Apology

We demand that SPLC immediately remove any reference to NCFM and/or me from SPLC's Male Supremacist page, and replace it with bracketed text reading:

"[Material relating to National Coalition For Men and Harry Crouch has been removed pursuant to a retraction and public apology]"

The text "retraction and public apology" shall contain a hyperlink leading to a unique page at your website. The unique page shall contain a statement reading:

Southern Poverty Law Center published statements indicating that National Coalition For Men is a "Male Supremacist" "Hate Group", and is associated with "rape apologists". We implied and provided links to



material stating that NCFM president Harry Crouch advocates allowing men to beat their wives. We were wrong. NCFM does not and never did advocate policies that malign or vilify women. Harry Crouch does not and never did advocate allowing men to beat their wives. We apologize for any harm that our statements may have caused.

The above unique page apology and retraction is to remain published in perpetuity.

Request for Preservation of Evidence

We hereby request that SPLC preserve as evidence all documents related to the identified published statements of and concerning NCFM and Harry Crouch. "DOCUMENT" means as any "writing" of any kind (either original or duplicate), and includes, but is not limited to, any correspondence, handwritten notes, typewriting, printing, photostating, records, transcripts or minutes of meetings, agreements, contracts, memoranda, maps, diagrams, illustrations, photographs, telegrams, emails, text messages, voice messages, written analyses, reports, tape or digital recordings, letters, memoranda made of any oral communications, papers, books, computer printouts, information of any kind contained in machine readable form, and every other means of recording upon any tangible thing or form of communicating or representation including letters, words, pictures, sounds, or symbols, or combinations of them.

Conclusion

Thank you for what we anticipate will be SPLC's prompt and full compliance with our reasonable request.

Sincerely,

Harry Crouch
President
National Coalition For Men
932 C Street, Suite B
San Diego, CA 92101

¹ Retrieved May 16, 2019 at <https://www.splcenter.org/fighting-hate/extremist-files/ideology/male-supremacy>

² <https://www.merriam-webster.com/dictionary/misogynist>

³ Retrieved May 16, 2019 <https://psmag.com/news/silencing-women-inside-national-coalition-men-rape-sexual-assault-harry-crouch-94284>

⁴ Retrieved May 16, 2019 <https://www.splcenter.org/20171004/frequently-asked-questions-about-hate-groups#hate%20group>

⁵ *Id*

