

SPLC REPORT

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Mix It Up Day succeeds despite attack by religious extremists

For a decade, thousands of schools across America participated in the SPLC's Mix It Up At Lunch Day program each year without the slightest hint of controversy. This year, however, religious extremists mounted a bizarre campaign against the popular anti-bias program, calling it a "nationwide push to promote the homosexual lifestyle in public schools."

But despite the American Family Association's attack — in which the group urged its 2 million online supporters to demand that their local schools drop out of the program — nearly 3,000 schools registered for Mix It Up, and an estimated 5,000 actually participated.

While the AFA's campaign failed, it did succeed in calling national media attention to the SPLC's Teaching Tolerance project and its efforts to fight bullying and foster respect among students. Even Stephen

Colbert got into the act on his late-night comedy show by lampooning the AFA.

The reality is that Mix It Up simply encourages students to see beyond their differences, step out of their cliques and sit with someone new in the cafeteria for just one day. It helps break down the barriers between various groups and build inclusive, welcoming schools. Each school sets its own agenda and chooses its own theme.

But the AFA saw something sinister in the program, held this year on Oct. 30.

The group's chief spokesman, Bryan Fischer, told *The New York Times*, "It's just another thinly veiled attempt to promote the homosexual agenda." He added that anti-bullying policies "become a mechanism for punishing Christian students who believe that homosexual behavior is not something that should be normalized."



Despite the American Family Association's campaign against it, Mix It Up at Lunch Day was a huge success. Students at an estimated 5,000 schools participated, including these at St. Francis High School in Wheaton, Ill.

Maureen Costello, director of the SPLC's Teaching Tolerance program, responded, "I was surprised that they completely lied about what Mix It Up Day is. It was a cynical, fear-mongering tactic."

Because of its constant demonization of LGBT people, the SPLC added the AFA to its list of hate groups in 2010. Fischer previously has said: "Homosexuality

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Gay-conversion therapy targeted in SPLC's first-of-its-kind lawsuit



Lawsuit plaintiff Michael Ferguson speaks at a press conference announcing the new case with SPLC attorneys Christine Sun and Sam Wolfe by his side.

NEW YORK CITY — The Southern Poverty Law Center filed a first-of-its-kind lawsuit on Nov. 27 accusing a New Jersey organization of consumer fraud for offering conversion therapy services — a dangerous and discredited practice that claims to convert people from gay to straight.

The lawsuit, filed in the Superior Court of New Jersey, charges that Jews Offering

New Alternatives for Healing (JONAH), its founder, Arthur Goldberg, and counselor Alan Downing violated New Jersey's Consumer Fraud Act by providing conversion therapy claiming to "cure" clients of being gay.

It is the first time a conversion therapy provider has been sued for fraudulent business practices. The lawsuit describes how the plaintiffs — four young men and two of

their parents — were lured into JONAH's services through deceptive practices.

"JONAH profits off of shameful and dangerous attempts to fix something that isn't broken," said Christine P. Sun, deputy legal director for the SPLC. "Despite the consensus of mainstream professional organizations that conversion therapy doesn't work, this racket continues to scam vulnerable gay men and lesbians out of thousands of dollars and inflicts significant harm on them."

The lawsuit describes how the underlying premise of conversion therapy — that a person can "convert" to heterosexuality — has no basis in scientific fact. Conversion therapy has been discredited or highly criticized by all major American medical, psychiatric, psychological and professional counseling organizations. It is the long-standing consensus of the

Continued on page 5

SPLC lawsuit ends Florida's discriminatory tuition policy

MIAMI — A federal judge has blocked a discriminatory college tuition policy in Florida that the SPLC challenged on behalf of U.S. citizens living in the state who were forced to pay out-of-state tuition because they were unable to prove their parents' federal immigration status.

"This is a victory for hardworking and determined U.S. citizen students who had been denied their ability to participate in the American Dream," said Jerri Katzerman, deputy legal director for the SPLC. "This order signals that our judicial system will not tolerate policies that create second-class citizens."

In an Oct. 25 order, U.S. District Judge K. Michael Moore declared the policy — which could more than triple a student's tuition — unconstitutional.

Moore also ordered state officials to provide written notice of this change in policy to all dependent U.S. citizen students within 20 days of his order and retained limited jurisdiction over the case to ensure compliance.

Both the Florida Board of Education, which oversees community colleges and The Florida Board of Governors, which has authority over state colleges and universities, decided not to appeal the judge's ruling.

"A victory for hardworking, determined U.S. citizen students."

The SPLC filed the federal class action lawsuit in October 2011.

Students unable to prove their parents' lawful immigration status faced a staggering increase in their tuition, even if they were born and raised in Florida. At Florida State University, the annual out-of-state tuition is \$14,444 higher than the in-state tuition rate. At the University of Florida, the difference comes to more than \$22,200 per year.

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The Southern Poverty Law Center is dedicated to fighting hate and bigotry and to seeking justice for the most vulnerable members of our society. Using litigation, education, and other forms of advocacy, the SPLC works toward the day when the ideals of equal justice and equal opportunity will be a reality. The SPLC also sponsors the Civil Rights Memorial, which honors the memory of individuals who died during the Civil Rights Movement.

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A MESSAGE FROM SPLC PRESIDENT RICHARD COHEN

Harsh anti-Obama rhetoric fuels extremism

As I write this, President Obama is hosting Mitt Romney for a private lunch at the White House.

Romney's attendance reflects his willingness to confer legitimacy on the president after a bitter campaign. And for Obama, the act signifies his desire to reach across the aisle and work with his political opponents to solve our country's problems.

These largely symbolic gestures are important because they show that, despite the ugliness of the election, our democracy is about more than partisanship and that our system of government is enduring because we honor the choices made by the voters.

But the reality is, there are strong countervailing forces at work.

Shortly before the presidential election, The Associated Press released a survey that showed racial prejudice has actually increased since Obama took office.

It showed that 56 percent of Americans harbor anti-black attitudes, compared with 49 percent in a similar survey in 2008.

That's a stark finding but not a real surprise given what we've seen over the past four years.

As the first African-American president, Obama has been a lightning rod for racists, many of whom see in him the embodiment of the country's changing demographics during a time of economic dislocation and increasing globalization.

And, the fact is that many continue to believe blatant falsehoods they've been told about Obama and continue to deny the legitimacy of his administration.

The recent AP survey, for example, found that nearly one in five people think Obama is a Muslim. And illustrating the influence of the so-called "birther" movement, nearly four in 10 believe Obama was born in another country, which would mean his presidency is fraudulent.

Donald Trump, the billionaire developer and TV personality who has been among those claiming that Obama's birth certificate is fake, tweeted on election night that the election "was a total sham and a travesty. We are not a democracy!"



Richard Cohen

PENNY WEAVER

On Fox News, Bill O'Reilly lamented, "It's not a traditional America anymore."

Joseph Farah, who runs the far-right, conspiracy-minded website WorldNetDaily wrote, "The America haters are running the country for another four years." Farah predicted "more division, more stratification, maybe even the disintegration of the constitutional republic that was the envy of the world for so long."

This type of rhetoric does nothing but fuel extremism—particularly among antigovernment groups that see the federal government as the enemy, an illegitimate entity run by a cabal of economic elites who want to establish a socialistic, one-world government.

Anti-government, hate groups at record level

These so-called "Patriot" groups, which include armed militias, have exploded since Obama took office. We've documented a 755 percent increase—from 149 groups to 1,274—since 2008.

Hate groups, too, are also at record levels. These include violence-prone neo-Nazis, Klansmen and racist skinheads as well as suit-wearing bigots who cloak themselves in religion and hobnob with mainstream

politicians as they stir up hate against LGBT people, Muslims, Latinos and other minorities.

Accompanying this rise in extremist activity has been a wave of domestic terrorist attacks, most recently the massacre of six Sikh worshipers in Wisconsin last August by a neo-Nazi skinhead who apparently mistook them for Muslims.

This rising extremism—which seems likely to get worse before it gets better, given the continued vilification of Obama—is dangerous not only because of the violence it generates. It's also highly corrosive to our democracy. When prominent figures pander to the most extreme elements in society, they validate and spread their toxic ideology—injecting fear, resentment and hate into the political mainstream.

Obama and Romney were right to break bread together after a tough campaign. Let's hope others get the message and begin to tamp down the vitriol that polarizes our country and delegitimizes our government and rightfully elected leaders. Each of us has a role to play in making sure our democracy remains strong in the face of extremism. With your help, we'll do our part.

MAILBOX

I have just finished reading *A Lawyer's Journey: The Morris Dees Story*. I am in awe of the personal commitment and the professional action you have all taken to make the American Dream truly available to all. Thank you for all of the work you have done and for all you do now. I am a recent new member, and I will continue to support you and promote your work in any way I can. Thank you for persevering.

C.B.

Syracuse, New York

Thank you for all the good that you do. Your faithful commitment to justice is vital to our democracy.

C. & B.S.

Leavenworth, Kansas

I was appalled to read about the criticism of your good program "Mix It Up." It is shameful that these organizations persist in keeping bigotry alive in the name of religion. The only reason they are attacking this program is that they hate SPLC and all it is trying to accomplish. The effort to get children to eat with those they never would (once a year!) is commendable. Kids should meet and speak with those of

different races, socioeconomic backgrounds, religion, etc. The emphasis is not on a gay agenda and never has been. Thanks for all you do to combat prejudice.

D.R.

New York City

I am pleased to have just made my first donation to the SPLC. I was motivated to do so after reading about the AFA protest of Mix It Up in *The New York Times*. I was so appalled by the ignorance, hatefulness and, frankly, utter disregard for the teaching of Jesus Christ by this group that I opted to donate in the name of the director of issue analysis for the association, Bryan Fischer, as well. I am encouraging my friends to do the same. Best of luck in doing your important work.

F.C.S.

Danbury, Connecticut

I have always admired and am constantly grateful for your work and the bravery it has, unfortunately, required.

R.H.

Hamilton, New Jersey

Thank you for the most important work that you do. I cannot imagine the courage that it takes to fight against these

hateful people we have in this country. I send all of you my best wishes for your safety during this time.

P.W.

Middleville, Michigan

For several years, I've had the pleasure to use your video *A Time for Justice* that you provided me for free. It is really one of the most powerful tools I use in conjunction with my AP U.S. government and history unit on the Civil Rights Movement. Thank you so much!

S.G.

Prairie du Chien, Wisconsin

Hats off to the SPLC! I love what you do every day—fight for human dignity and human affirmation and against ignorance, wherever it rears its ugly head.

W.B.

Reston, Virginia

Thank you for all you do for the ones on the margins of society, exploited and poor. I pray for you often.

V.J.

Philadelphia, Pennsylvania

What the SPLC does to work for and represent the poor, disadvantaged, minorities,

etc., is heartwarming and commendable. The SPLC is a one-of-a-kind organization that fights injustice, prejudice and hate and doesn't expect anything in return. May God always bless you.

R.G.

San Antonio, Texas

Thank you for all the work you do, especially in the LGBT community. When things get rough, it is nice to know that there are organizations such as the SPLC that are there to support us.

A.P.

Redding, California

I was out there, knocking on doors, talking with people, patting their dogs, encouraging them to go vote, as I considered this a critical election, either moving our country forward or backward. I am saddened and upset about the viciousness that I see and hear. References to our President as "undocumented White House usurper" for starters. There are many reasons not to let down our guard, but to keep on fighting for the rights of all people! Blessing on your work!

C.E.

Southampton, Pennsylvania

Anti-Islam sentiments rise; attacks on mosques spike

ISLAMIC SOCIETY OF JOPLIN



The Islamic Society of Joplin, Mo., mosque lies in ruins after an arsonist burned it to the ground on Aug. 6.

Religious tolerance may be a foundation of American democracy, but one religion — Islam — isn't experiencing much of it lately.

Not only did the number of anti-Muslim hate groups triple last year, there's been a recent spike in attacks against mosques across the country.

In Ohio, for example, someone set fire to the country's third largest mosque, the Islamic Center of Greater Toledo, in early October.

"Never in our wildest dreams did we believe something like this would happen to us," Dr. Mahjabeen Islam, president of the center, told the SPLC. "We are clearly under attack. If our mosque had not been made of brick and concrete, it would have burned to the ground."

The fire, set in the prayer area under the mosque's dome, caused an estimated \$1 million to \$1.5 million in damage. A 52-year-old truck driver from Indiana was charged in the arson.

Teaching Tolerance offers resources

In response to the rising attacks on Muslims, the SPLC's Teaching Tolerance program recently partnered with the Religious Freedom Education Project and Interfaith Alliance Islamic Understanding to release a guide that answers frequently asked questions about how Islam is practiced and lived in the United States. Teaching Tolerance also has produced a variety of online resources designed to dispel common myths about Islam.

The SPLC is also closely monitoring anti-Muslim hate groups, like Stop Islamization of America. That group held a conference in September during which one speaker warned that "Muslims will breed like rats" but "can be wiped out."

The Council on American-Islamic Relations (CAIR), the nation's largest Muslim advocacy organization, reported that Ramadan, which started July 20 and ended on August 18, saw the worst spike in mosque attacks since the post-9/11 period.

In the first seven months of 2012, there were 10 incidents in which Muslim places of worship were targeted. In a 13-day period in August, there were eight more. For example:

- In Missouri, a fire caused \$600,000 worth of damage to the Islamic Society of Joplin's building.

- In Morton Grove, Ill., shots were fired at the Muslim Education Center while worshippers were inside.

- In Lombard, Ill., someone threw a bottle of acid at the College Preparatory School of America as worshippers conducted Ramadan prayers inside.

- At the site of a planned mosque in Ontario, Calif., someone threw three pig legs out of a car.

And, last August, a neo-Nazi skinhead walked into a Sikh

temple in Wisconsin and massacred six worshippers there. The attacker, Wade Michael Page, killed himself after being wounded by police, so his motives remain unclear, but it is widely believed that he mistook the Sikhs for Muslims.

"The attacks on Muslims and perceived Muslims do not come out of thin air," said Mark Potok, senior SPLC fellow and editor of the *Intelligence Report*. "It seems clear that the violence is mostly driven by the propaganda of fear-mongering Islamophobes."

Last spring, the SPLC reported that the number of anti-Muslim hate groups rose from 10 in 2010 to 30 in 2011.

The surge coincided with outrage, generated largely by several hate groups, over a planned Islamic center in Manhattan — the so-called "ground zero mosque." That year, hate crimes against Muslims rose by 50 percent over the previous year, according to FBI statistics.

Now, some religious extremist groups that have previously focused on vilifying gay men and lesbians or other cultural issues are now turning their sights on Muslims.

One example is the Family Research Council (FRC), which the SPLC added to its hate group list in 2010 because it spreads false, anti-LGBT propaganda. The FRC recently hired retired Lt. Gen. William "Jerry" Boykin — a radical anti-Muslim propagandist — as its executive vice president. Last year, Boykin stated that "Islam is not a religion and does not deserve First Amendment protections." In the Affordable Care Act, he sees a plot to create a shadow police force that he compares to Hitler's "Brownshirts."

"This kind of over-the-top rhetoric has a real-world impact," Potok said. "It needs to stop."



Anti-mosque protester Greg Johnson (right) confronts counter-protesters during a demonstration against a planned mosque and Islamic community center in Murfreesboro, Tenn. Mosques around the country are facing hostility, and some have been targeted for attack.

INTELLIGENCE BRIEFS

Immigrant murders

investigated as hate crime
NEW YORK CITY — Hate crime detectives here are joining the investigation into three unsolved killings of Brooklyn business owners in the past four months — crimes believed to have been carried out by a serial killer. The victims were all shot with the same .22-caliber handgun. All were immigrants from the Middle East and all worked alone without security cameras, authorities say.

The latest victim, Rahmatollah Vahidipour, 78, a Jewish immigrant from Iran, was fatally shot Nov. 16 in his business on Flatbush Avenue. That homicide followed the Aug. 6 killing of Isaac Kadare, 59, a Jewish immigrant from Egypt, who was fatally shot in his Bensonhurst store. The spree began with the July 6 killing of Mohammed Gebeli, 65, an Egyptian immigrant and a Muslim, found murdered in his business in Bay Ridge. Cash was stolen in the first two homicides but not in the third. Investigators assigned to the police department's Task Force on Hate Crimes have been brought in to assist with the investigation.

Radical right joins in secession frenzy

Hundreds of thousands of disgruntled conservatives, still smarting from the reelection of President Obama, are signing petitions to allow more than 30 states to secede from the United States — and they are being joined by white nationalists, neo-Nazis and Klan sympathizers.

As of mid-November, eight of the petitions, which are being posted on a government website set up to encourage citizen participation, had crossed the threshold of 25,000 signatures required to prompt a guaranteed reply from the White House. (The states are Alabama, Florida, Georgia, Idaho, Louisiana, North Carolina, Tennessee and Texas, the state with the most signers.) But the petitions carry no legal weight at all, and almost no one anywhere on the political spectrum expects them to result in anything more than a collective blowing off of right-wing steam.

Followers of Stormfront, a huge white nationalist Web forum run by a former Alabama Klan leader, enthusiastically embraced the cause. A large number of comment threads encouraged the radical right to join the secessionist movement. The underlying concern of

most participants was how to create countries that are all, or at least mostly, white.

11th person charged in militia plot

PEMBROKE, Ga. — As the investigation continues into a murderous Georgia-based militia group led by American military personnel who were plotting to overthrow the federal government, a former Navy recruit has become the 11th person charged in the case that includes allegations of burglaries, car break-ins and drug dealing to support the group and at least two homicides to keep it secret.

In mid-November, according to The Associated Press, Georgia prosecutors said Jeffrey Wayne Roberts Jr., 27, of Savannah, was being held in Bryan County after his arrest on charges of illegal gang activity, including possession of cocaine, marijuana and ecstasy with intent to distribute.

The gang named in the indictment of Roberts was FEAR, a militia that authorities say was based at the sprawling Fort Stewart Army base in Georgia and is responsible for the December 2011 murder of a recently discharged soldier, Michael Roark, 19, and his 17-year-old girlfriend, Tiffany York, a high school junior.

According to prosecutors, FEAR — or Forever Enduring Always Ready — had stockpiled \$87,000 worth of weapons and explosives and planned to overthrow the government through a campaign of terror and political assassinations.

To keep the plot secret, the teenage sweethearts were killed and left where they fell in a patch of Georgia woods. Roark had helped the group purchase weapons but had apparently grown disillusioned and intended to return home to Washington state. He and York were killed two days after he was discharged from the Army.

Four people — three active-duty soldiers, and a recently discharged soldier, who is the wife of one of the soldiers — have been charged in the murder. The three active-duty soldiers, including Isaac Aguigui, the militia's 21-year-old suspected ring-leader, face the death penalty.

Several other former soldiers have been charged with breaking into houses and cars to help finance the group.

Two members of FEAR — Christopher Jenderseck, 26, a recently discharged soldier, and Pfc. Michael Burnett — have pleaded guilty.

George McGovern, longtime SPLC friend, dies at 90



George McGovern visited the SPLC offices in 2006 and is shown here with longtime friend Morris Dees (left) and SPLC Legal Director Mary Bauer.

By **MORRIS DEES, co-founder**

My great friend George McGovern, who died on Oct. 21 at the age of 90, was a true American hero.

As a pilot during World War II, he helped liberate Europe from the Nazis — once saving the

lives of crewmembers by safely landing his damaged bomber.

But that was just the beginning of his heroism. After being elected to the U.S. Senate in the 1960s, he took a strong but highly unpopular stance against the Vietnam War. If only our leaders had listened.

His anti-war activism was just one facet of his political career. The man I knew was a fierce and unwavering champion of society's most vulnerable — a kind, compassionate and principled man who believed deeply in justice and devoted his life to creating a level playing field for all. A child of the Great Depression, he fought poverty and hunger, both at home and abroad, with a rare vigor.

I first met Senator McGovern as he was preparing for his 1972 presidential campaign. It was also shortly before Joe Levin and I launched the Southern Poverty Law Center, and we were right in the middle of a lawsuit that would desegregate the all-white Alabama Legislature.

Nixon, as we all know. But looking back, I think a great many Americans would agree that the country got it wrong that year.

I saw Senator McGovern many times in recent years, and he visited my home in Montgomery, Ala., on a number of occasions. He was a powerful advocate for the work of the

Southern Poverty Law Center, believing passionately in our fight for justice and tolerance.

We owe him our gratitude for everything he did for America. I'll miss him.

But we can draw inspiration from his life and what he stood for. Senator McGovern would be proud.



George McGovern confers with Morris Dees aboard a plane during his 1972 presidential campaign.

'Jena Six' teen now an SPLC community advocate

NEW ORLEANS — Theo Shaw remembers searching through a law book for answers while sitting in a jail cell.

It was 2006. Shaw and Robert Bailey Jr. were two teenagers desperate to find something in the law that could help them get out of jail.

"We were looking for hope," Shaw said. "We were looking to file anything we needed to file to get out."

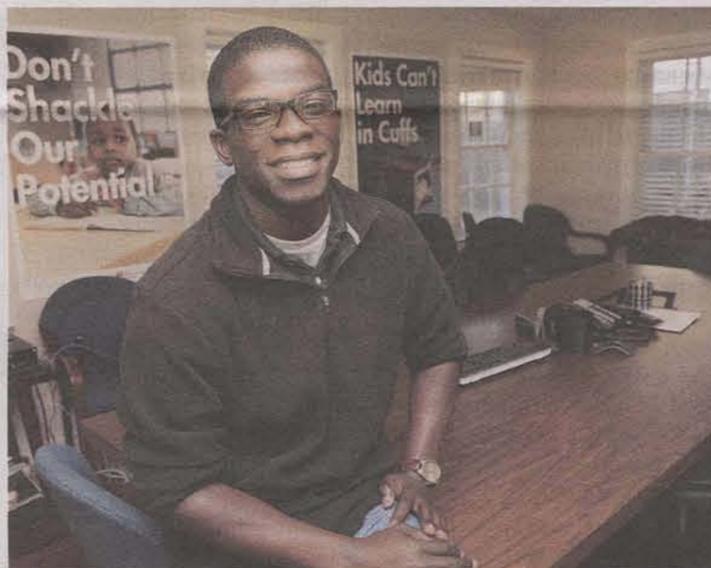
The two friends were among the six black teens, known as the "Jena Six," who were accused of beating up a white classmate at Louisiana's Jena High School. The local prosecutor's decision to charge them with attempted murder ignited a firestorm of media attention and public outrage, raising troubling questions about race and justice in America.

Though he was only 17 at the time, Shaw began filing motions to lower his bail, which was his best chance of getting released. It was eventually reduced from \$130,000 to \$90,000. The community came together to post his bail, freeing him after seven months behind bars.

It was a life-changing moment for the teen.

"I really didn't have a plan [after high school]. I lived in a poor community," said Shaw, who later reached a plea agreement that allowed him to put the case behind him. "That experience kind of changed my whole path. It awakened a desire within me to attend law school."

Today, the 23-year-old carries that jailhouse experience with him as he works with incarcerated juveniles and adults



Theodore Shaw in the SPLC's New Orleans office conference room

as a community advocate for the Southern Poverty Law Center in New Orleans. It's an opportunity that he believes will serve him well when he is a lawyer one day.

"I would ultimately like to be a trial attorney," Shaw said. "This could be my ego, but I really think I could be an awesome trial attorney as far as being able to advocate on behalf of other people — being able to tell their story to a jury in a compelling way."

From Jena to the SPLC

Shaw joined the SPLC in September after graduating from the University of Louisiana at Monroe with a bachelor's degree in political science. When he heard about an opportunity to serve as a SPLC community advocate for a year, he saw a learning experience that was worth delaying his entrance into law school.

Shaw's job often takes him to the Orleans Parish Prison,

where he speaks with inmates. His work is part of the SPLC's federal lawsuit to correct the violent and inhumane conditions there. He also visits the Harrison County Juvenile Detention Center in nearby Biloxi, Miss., to ensure the children held there are safe. The detention center is under a settlement agreement with the SPLC to correct abusive conditions.

While working with juveniles, Shaw draws on his experience as one of the Jena Six, though he notes he doesn't actively promote his story. In fact, he hasn't mentioned it to the juveniles he has encountered. But the experience gives him the ability to address their concerns with a sincerity that can give them some peace of mind.

"Some people are in very bad circumstances, and people just show up and say, 'I understand' when they really don't," he said. "My experience allows me the

opportunity to look them dead in the eye and pause one second and be like, 'Look, I really do understand. I understand where you are and I'm really going to see what I can do personally to help your situation.' It allows me that opportunity."

It's an opportunity he earned through long nights in that Louisiana jail cell.

"The system has your life in their hands and you don't know what the outcome is going to be," he said. "There were many nights when I cried because I was just uncertain about what would happen with my life."

Beyond the Jena Six

Shaw and four other members of the Jena Six ultimately pleaded no contest to misdemeanor simple battery charges in 2009. They had faced aggravated second-degree battery charges after the attempted murder charges were reduced. Under the plea agreement, they received unsupervised probation for seven days but no additional jail time. They each paid court costs and all but Shaw were assessed a \$500 fine.

A confidential agreement was reached to pay restitution to the victim, Justin Barker, through the settlement of a civil suit filed on his behalf. The SPLC coordinated the overall defense strategy for the youths and represented one of the teens, Jesse Ray Beard. The sixth teen — Mychal Bell — pleaded guilty to second-degree battery as a juvenile.

Shaw finished high school in Columbus, Ga., where

members of Bailey's family lived. Though the two friends could have earned GEDs, they were determined to earn a high school diploma.

"We were willing to move anywhere to finish high school so we could ultimately go to college," Shaw said.

Bailey now attends Grambling State University in Louisiana. SPLC board member Alan Howard became Beard's guardian and enrolled him in a prestigious Connecticut boarding school, from which he graduated. Beard is now pursuing his college education at Hofstra University.

'Learning every day'

Shaw hasn't decided what law school he wants to attend, but he's already built a foundation for a legal career. Along with his work for the SPLC, he had a 2010 internship with the Innocence Project, a nonprofit dedicated to freeing the wrongfully convicted.

"I'm still learning every day," Shaw said of his SPLC work. "I try to make that a daily goal when I come into the office in the morning."

But it's bringing hope to incarcerated people in Louisiana and Mississippi that means the most to him.

"Being able to speak with them and to get their story, it gives them hope," he said. "It gives them hope that someone actually cares about their situation. And I think that's where my joy comes from. It's not coming here and getting a check. It's the joy of knowing that my work really matters to them."

SEEKING JUSTICE

SPLC wins record judgment for guestworkers in lawsuit against forestry company

ATLANTA — A federal court has ordered a Georgia forestry company to pay \$11.8 million to 4,000 foreign guestworkers who were cheated out of wages while employed by the company — the largest court award to date on behalf of guestworkers.

The Southern Poverty Law Center sued Eller and Sons Trees Inc., based in Franklin, Ga., in 2005 on behalf of seasonal migrant workers who were lured from Mexico and Guatemala to plant pine seedlings in the Southeast as part of the federal H-2B program.

"The court sent a strong and clear message in this case that businesses employing guestworkers will be held accountable if they abuse or mistreat them," said Jim Knoepp, senior supervising attorney for the SPLC. "Employers are now on notice that exploiting these workers will prove devastatingly costly."

Company cited for failures

The court found that Eller and Sons failed to reimburse their guestworkers for travel and visa expenses incurred when they came to the United States to work for the company, failed to provide them all the hours of work they were promised in their H-2B work contracts, and failed to maintain accurate records of the hours they worked.

The order was issued on Oct. 29 by the U.S. District Court for the Northern District of Georgia. Earlier, the court found that Eller and Sons violated the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act (AWPA) multiple times.

The class action lawsuit — Escolastico de Leon-Granados



Experienced forestry workers planted an average of 1,500 seedlings per person, per day, but were grossly underpaid for their work.

et al. v. Eller and Sons Trees, Inc. — described violations of minimum wage and overtime protections, as well as other violations of the AWPA.

In a 2007 SPLC report, *Close to Slavery: Guestworker Programs in the United States*, the named plaintiff in the case, Escolastico De Leon-Granados, said he was consistently underpaid while working for the company.

"Our pay would come out to approximately \$25 for a 12-hour workday," he said. "At the end of the season, I had only saved \$500 to send home to my family."

Investigated for violations

Eller and Sons had been repeatedly investigated by the U.S. Department of Labor and fined for violating employment regulations but continued to receive the department's approval to hire H-2B workers — highlighting a critical flaw in the guestworker program.

The court ruled that an employer cannot drive a worker's pay below the minimum wage rate by requiring workers to pay expenses for things that primarily benefit the employer. The judge in this case found that the costs of passports, visas and other travel costs not only drove the workers' pay below the protected rate level but resulted in workers having "negative incomes" in their first week of work.

The court also said guestworkers can enforce promises made by employers on H-2B visa applications — such as the total hours they will work per week. This shifts the balance of power by placing more power in the hands of guestworkers and deterring employers from abusing and mistreating workers in the future.

Other attorneys for the plaintiffs are Brian Spears, a private attorney from Atlanta, and Erin Trodden and Tim Freilich of the Legal Aid Justice Center in Charlottesville, Va.

First-of-its-kind lawsuit

From page 1

behavioral and social sciences that homosexuality is a normal and positive variation of human sexual orientation.

Customers of JONAH's services typically pay a minimum of \$100 for weekly individual counseling sessions and another \$60 for group therapy sessions. The lawsuit describes sessions that involved clients undressing in front of a mirror and even a group session where young men were instructed to remove their clothing and stand naked in a circle with the counselor, Downing, who was also undressed. Another session involved a subject attempting to wrest away two oranges, which were used to represent testicles, from another individual.

"Sadly, there is no accountability for those who practice conversion therapy," said Michael Ferguson, a conversion therapy survivor and plaintiff in the lawsuit. "They play blindly with deep emotions and create an immense amount of self-doubt for the client. They seize on your personal vulnerability, and tell you that being gay is synonymous with being less of a man. They further misrepresent themselves as having the key to your new orientation."

Techniques leave clients alienated

Downing and other counselors at JONAH also use techniques that leave clients alienated from their families. These techniques encourage clients to blame their parents for being gay. Clients even participate in violent role play exercises where they beat effigies of their mothers.

"These counselors are skilled at manipulating you into believing just about anything," said Benjamin Unger, another plaintiff in the case. "During my time with JONAH, they told me constantly that my mom had made me gay. I was so convinced that I refused to have any contact with

her for several months, which caused a great deal of damage to our relationship."

JONAH, formerly known as Jews Offering New Alternatives for Homosexuality, was founded by Goldberg, a former Wall Street executive and attorney. Before founding JONAH, Goldberg was convicted of three counts of mail fraud and one count of conspiracy to defraud the federal government. He was ultimately disbarred from being an attorney.

"People who are told repeatedly that they are innately defective are being abused and traumatized," said Laura Booker, a licensed clinical social worker who helps people recover from conversion therapy's devastating effects. "The cost of conversion therapy to gay men and lesbians may be nothing less than emotional devastation. They may spend years recovering from the trauma inflicted upon them."

Conversion therapy also promotes the idea that gay men and lesbians choose their sexual orientation, a position that encourages a climate of anti-gay bigotry.

The American Psychological Association has expressed concern that the positions espoused by some of the leading advocates of conversion therapy, such as the National Association for Research Therapy of Homosexuality (NARTH), "create an environment in which prejudice and discrimination can flourish." JONAH's practices include so-called scientific methods invented by NARTH co-founder Joseph Nicolosi.

The law firms of Cleary, Gottlieb, Steen & Hamilton LLP and Lite DePalma Greenberg LLC are serving as the SPLC's co-counsel on the case. The SPLC has previously filed complaints against conversion therapists with the American Psychiatric Association and the Illinois Department of Financial and Professional Regulation.

SPLC WELCOMES NEW BOARD MEMBERS

The SPLC has added to its board of directors three talented individuals with valuable expertise to help guide the organization. Businesswoman Lida Orzeck, Oregon lawyer Elden Rosenthal and former U.S. Attorney Henry Solano joined the board in October.

"We're incredibly fortunate to have these three distinguished and highly talented individuals join our team," said SPLC President Richard Cohen.

Stepping down from board membership were Andrew Fredman, James McElroy and David Wang.

Orzeck is the chief executive officer of a highly successful company and an SPLC supporter since 1997. A native of New York City, she is a graduate of Barnard College and holds a doctorate in social psychology from Columbia University. After working as a researcher for a few years, she co-founded Hanky Panky, a multimillion-dollar lingerie company. Orzeck has a wide range of philanthropic interests, but the SPLC's work is particularly important to her

Rosenthal worked with the SPLC on one of its most famous cases, a lawsuit on behalf of Ethiopian student Mulugeta Seraw, who was murdered by racist skinheads in Portland, Ore., in 1988. The case resulted in a landmark \$12.8 million verdict against the White Aryan Resistance, then the nation's most notorious hate group. Rosenthal practices civil rights law in Portland and serves as an adjunct faculty member at the Lewis & Clark Law School.

Solano has a wide range of public and private sector litigation experience. Currently a partner at the law firm Wilson Elser, he began his career as a poverty law attorney with Colorado Rural Legal Services.

He later served as an assistant Colorado attorney general, as the U.S. attorney in Denver and as the solicitor of labor at the U.S. Department of Labor. He has served on the board and as the interim president and general counsel of the Mexican American Legal Defense and Educational Fund.



Lida Orzeck



Elden Rosenthal



Henry Solano

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The SPLC accepts gifts in memory of someone who has died or in honor of a special occasion such as a birthday, anniversary or graduation. Donors may also give a gift just to say "thank you." The SPLC will send a card to the person honored or the family of the deceased. Complete this form and mail it with your contribution.

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'Quiet supporter' of SPLC remembered by son-in-law

I want to share a story that is not only a testament to my recently deceased father-in-law, Don Chin, but to the Southern Poverty Law Center as well.

Last Spring I was solicited by the SPLC by mail. I not only try to get my name off all solicitations but usually immediately toss such things in the recycle bin.

For some reason, I opened this one and began to read. The message was so compelling that I did indeed contribute enough to become a member and receive Morris Dees' book.

I had forgotten about my donation until the book arrived sometime later, but I remembered how compelling his words were in the original solicitation and I unwrapped the book and began reading. I was totally engaged.



Don Chin

Being born in 1963 in California and subsequently raised in the Rocky Mountain region, the civil rights movement and the southern way of life were both foreign and intriguing to me. I had little to no knowledge of either that way of life or the depth of struggles of the oppressed.

This past July, while sitting by my father-in-law's bedside in the emergency room and holding Morris Dees' book, I broke the long, awkward silence. I told Don that I was reading a fascinating book by the co-founder

of the Southern Poverty Law Center and that I received it after I had donated to them. He shook his head in knowing approval, but he was not in a position to speak, let alone have a conversation about this.

Later that day, I talked to my mother-in-law about the book, my donation and Don's nodding acknowledgement. I asked if they knew about the SPLC. She said, "Oh, yes. Don has been contributing to that organization for years."

I was a little taken aback because this subject had never

come up in our 27-year relationship in which we freely shared ideas, beliefs, politics and life. But knowing what type of person Don was, I shouldn't have been surprised at all. He was a quiet supporter of many, never imposing his beliefs or views, merely stating

them and letting them hang out there until someone, like me, came around to his enlightened ways and beliefs.

In his obituary, the SPLC was one of two organizations cited for contributions in his name.

The more I read from the SPLC the more committed I become, not only to your challenging the hate that exists, but also in your commendable efforts in teaching tolerance.

SPLC supporter Jon Dewey of Salt Lake City provided this remembrance.

Scroll of Remembrance

The Southern Poverty Law Center pays tribute to the memory of deceased supporters who included the SPLC in their wills or other planned gifts. The SPLC gratefully acknowledges their bequests, received from October 1, 2011, through October 31, 2012.

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SPLC in court, seeking millions in lost wages for farmworkers

By NAOMI TSU, Staff Attorney

The Southern Poverty Law Center went to court in October to help domestic farmworkers and foreign guestworkers recover millions of dollars in wages they were never paid after performing backbreaking work.

The case before the 4th U.S. Circuit Court of Appeals involves the arcane rules governing the federal H-2A guestworker program, which provides temporary foreign workers for the agriculture industry. But it's really about basic fairness.

We're fighting to reverse a lower court's decision that effectively slashed guestworker wages during a nine-month period in 2009 and 2010. This one decision took an estimated \$100 million out of the pockets of farmworkers — creating a huge windfall for growers.

The case stems from a long-running campaign by growers to block any attempts to improve the wages and working conditions for guestworkers. And it's another example of the guestworker exploitation the SPLC is fighting every day.

Guestworkers come to our country seeking nothing more than the opportunity to earn a decent wage. Many mortgage their futures, paying steep recruiting fees to secure passage to the United States for grueling temporary jobs in the fields.

Dreams shattered

But their dreams are often shattered once they arrive. Our nation's flawed guestworker program treats these workers as commodities — nothing more than disposable workers. As the SPLC documented in its 2007 report *Close to Slavery*, these

workers are routinely cheated out of wages, held virtually captive by employers and denied medical benefits for injuries.

They frequently endure these abuses because this program denies them the most fundamental protection of a free labor market — the ability to change jobs if they are cheated or abused by their employer. So they suffer in silence, bound to their employer, hoping their compliance is enough to avoid deportation, blacklisting or some other retaliation.

Not just guestworkers suffer

But it's not just foreign guestworkers who suffer. Easily exploitable guestworkers are far more attractive to many of these employers than U.S. workers. The flood of cheap, exploitable labor pushes down wages and workplace standards for everyone.

It's no surprise that many of these employers want to continue this race to the bottom — or even accelerate it.

During the waning days of the Bush administration, they got their wish. The administration eviscerated the regulations that had governed how wages had been calculated for H-2A guestworkers since 1987. The new regulations ensured guestworkers were paid even less for their hard work. It was the ultimate gift of cheap, exploitable labor.

Shortly after President George W. Bush left office, the new labor secretary put those regulations on hold — raising the ire of growers who took the secretary to court and succeeded in blocking the suspension. But guestworkers achieved a victory in March 2010 when

a new set of regulations that restored wages took effect. Unfortunately, by the time these new rules took effect, the nation's agricultural guestworkers had labored under the wage-slashing regulations for the better part of a year.

Along with our allies — the Migrant Farmworker Justice Project, the Law Office of Robert J. Willis, and Buescher, Goldhammer & Kelman — we intervened in the case on behalf of the U.S. workers and guestworkers and appealed to the 4th Circuit, where I presented oral argument on Oct. 23.

But our efforts to protect guestworkers won't end with this case.

Some politicians and policymakers are suggesting that an expanded guestworker program is a reasonable way to address this nation's immigration problem. Unfortunately, these proposals often expand the number of guestworker visas while shrinking the meager protections the program offers — threatening to lower wages and working conditions for U.S. workers as well.

This is not a solution.

Our nation deserves a guestworker program that reflects our values and ideals — one that provides fair wages and conditions for workers. It should not serve as an accomplice to employers who want to build their businesses on the backs of exploited guestworkers. The SPLC is dedicated to protecting these workers and bringing true reform to this broken program.

Naomi Tsu is a staff attorney in the Atlanta office of the SPLC's Immigrant Justice Project.

Mix It Up succeeds

From page 1

gave us Adolph Hitler, and homosexuals in the military gave us the Brown Shirts, the Nazi war machine and six million dead Jews." And he once said that African-Americans "rut like rabbits."

Some schools, about 200, did drop out of Mix It Up. Some of those cited the AFA's unfounded criticism as the reason. But most ignored it, and many signed up in the final days even as the battle of words was playing out in the national media.

Fischer clearly got the worst of it in the media.

After *The New York Times* wrote about the controversy, Colbert poked fun of Fischer and the AFA on his show, *The Colbert Report*.

"Don't fall for it kids," Colbert said in mocking agreement with the AFA campaign. "It's a devious plot. Get kids to learn that despite our outward differences, in our hearts we're all pretty much the same? That leads to open-mindedness."

The next day, Fischer was interviewed on CNN and told anchor Carol Costello that Mix It Up is "like poisoned Halloween candy. Somebody takes a candy bar, injects it with cyanide, the label looks fine. It looks innocuous, it looks fine. It's not until you internalize it that you realize how toxic it is."

Clearly exasperated by Fischer, Costello told him that many people would view his earlier statements about LGBT people as hate speech. She told

Fischer that Mix It Up "urges students to move out of their comfort zone, saying connect with someone new over lunch. There is absolutely no mention of homosexuality at all and this program has been going for 11 years."

Then, she abruptly cut off the interview when Fischer launched into another anti-gay rant. "Mr. Fischer," the anchor said, "thanks for sharing your views. I guess."

Fortunately, CNN gave the SPLC an opportunity to respond to Fischer the next week. As for the AFA's theory, Maureen Costello of Teaching Tolerance (no relation to CNN's Costello) said, "It is just a bizarre pre-occupation ... you know Bryan Fischer sees the homosexual agenda in a dish of ice cream."



LUCY WHITE

Students at Onesimo Hernandez Elementary School in Dallas were among thousands across the country who took part in Teaching Tolerance's popular Mix It Up At Lunch Day, a project that encourages students to tear down social boundaries.

TEACHING TOLERANCE

Students across America 'Mix It Up'

Students in schools across the country took part in the SPLC's annual Mix It Up At Lunch Day on Oct. 30, getting to know their classmates and making their schools a more welcoming place for everyone.

It was the 11th annual Mix It Up, a day when students are asked to look beyond their own social group and sit with someone new at lunch. It's a powerful tool to fight bullying and nurture respect among students.

"When people step out of their cliques and get to know someone, they realize just how much they have in common," said Teaching Tolerance Director Maureen Costello. "This is the message of Mix It Up. This event is a simple a step that can help students see each other as individuals and not just members of a separate group."

The school cafeteria is the focus of Mix It Up because that's where a school's cliques are most obvious.

Teaching Tolerance offers an array of free online resources to help students and teachers explore social boundaries and plan their activities. But each school sets its own agenda and chooses its own theme. Many

schools plan activities for the entire day and, sometimes, throughout the year.

At Wilbur Middle School in Wichita, Kan., for example, students used conversation starters, music and anti-bullying videos to make their Mix It Up At Lunch Day festive.

"Our hope is that when kids sit with other kids, someone they don't know very well, they'll feel more empathy for who that person is and what they might be going through," Jackie Tabor, a health teacher at the school, told *The Wichita Eagle*.

At Essex Elementary School in Essex, Mass., icebreakers helped students — who had previously practiced introducing themselves — get over their shyness and talk to students they hadn't previously met.

"I was happy because I got to meet new friends," student Caroline Doucette told the *Gloucester Daily Times*.

Students at Bay High School in Bay St. Louis, Miss., were asked to leave their uniforms at home and instead wear any color shirt they liked. When they arrived at lunch, they learned they would be sitting with students wearing the same color shirt.



PENNY WEAVER

Noted civil rights lawyer visits

SPLC Outreach Director Lecia Brooks and Phillip Hirschkop, the lawyer who took the groundbreaking *Loving v. Virginia* case to the U.S. Supreme Court, view exhibits at the Civil Rights Memorial Center. The court's 1967 decision in the landmark case struck down Virginia's ban on interracial marriages, ending the ban in other states as well. Hirschkop, who practiced in Alexandria, Va., before retiring in 2006, visited the SPLC in October.