



April 25, 2022

The Honorable Richard J. Durbin
Chairman
Senate Judiciary Committee
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member
Senate Judiciary Committee
Washington, D.C. 20510

Dear Mr. Chairman and Ranking Member,

Thank you for your service to our nation.

I write on behalf of National Religious Broadcasters (NRB) in opposition to the confirmation of Nancy Abudu to fill a vacancy on the U.S. Court of Appeals for the Eleventh Circuit.

NRB is a non-profit, membership association headquartered in Washington, D.C., that represents the interests of Christian broadcasters and faith-based organizations throughout the nation. Since 1944, the mission of NRB has been to help protect and defend the rights of Christian media and to ensure that the channels of electronic communication stay open and accessible for Christian communicators. In addition, NRB seeks to effectively minister to the spiritual welfare of the United States of America.

Ms. Abudu's professional and legal record demonstrate that she is a political activist and an unsuitable nominee to the second highest court system in the United States.

Ms. Abudu previously served as director of legal operations at the American Civil Liberties Union (ACLU) of Florida and was nominated to the federal bench by President Joseph R. Biden in January 2022.¹ Since February 2019, Ms. Abudu has acted as strategic litigation director at the Southern Poverty Law Center (SPLC), an organization that has attacked and harassed members of this association with sham "hate group" designations on its annual list.²

The SPLC notoriously enriches itself on the practice of leveling non-factual, bad-faith attacks against charitable organizations and advocates who hold differing points of view on public policy. Its "hate group" designation aims to cause financial and reputational harm and drain resources away from its targets. NRB members including the Family Research Council (FRC), American Family Association (AFA), Pacific Justice Institute (PJI), Alliance Defending Freedom (ADF), and D. James Kennedy Ministries (DJKM) have been viciously targeted by the SPLC for their diverging stances on public policy and cultural issues. DJKM filed a defamation lawsuit against SPLC, Amazon, and Guidestar USA Inc. in 2017 and appealed its case to the Supreme Court in 2021.³

In its materials, the SPLC claims to follow "similar criteria" to the FBI in identifying hate groups. It misleadingly portrays the subjective allegation of "vilify[ing] others" as tantamount to committing hate crimes and, by that reasoning, captures a wide swath of free expression in the same net as bona fide hate groups.⁴ In reality, the "hate

¹ "Nomination Sent to the Senate" (January 10, 2022) <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/10/nominations-sent-to-the-senate-56/>

² <https://www.splcenter.org/about/staff/nancy-abudu>

³ "Christian ministry appeals SPLC case to Supreme Court, challenging NYT v. Sullivan" (December 1, 2021) <https://www.foxnews.com/politics/christian-ministry-appeals-splc-case-supreme-court-challenging-nyt-v-sullivan>

⁴ <https://www.splcenter.org/news/2020/03/18/methodology-how-hate-groups-are-identified-and-categorized>

group” designation in some cases amounts to nothing more than promoting historic Christian biblical teaching, contradicting the mainstream narrative on cultural issues, or simply holding a policy stance in opposition to that of the SPLC. Dubious accusations by the SPLC have not been limited to Christian and conservative organizations. Over the years, targets of the SPLC’s “hate group” designations and other lists have included religious charitable groups, human rights activists, candidates for public office, and entire towns, some of which have resulted in litigation and begrudging apologies to those designees.⁵⁶

The impact of the SPLC’s frivolous designations has been far from trivial. On the contrary, the SPLC hate map has influenced and incited real-world violence and plans to commit violence.⁷ Nonetheless, the business of slinging far-fetched, non-factual, politically-motivated, and at times, downright arbitrary “hate group” allegations has amassed a fortune for the SPLC, which continues to fundraise while sitting on a massive war chest.⁸

Furthermore, the SPLC has been plagued by a reputation for corruption, sexism, and racial discrimination in its corporate culture for decades.⁹ There is no reason to believe that Ms. Abudu was unfamiliar with the reputation of this organization when she joined the SPLC in early 2019 amid allegations of discrimination and harassment on the part of its co-founder, Morris Dees. Ms. Abudu accepted her senior role while the SPLC was still under the leadership of Dees and Richard Cohen, who respectively were fired and resigned shortly after her tenure began.¹⁰

Ms. Abudu, if confirmed in her nomination to the Eleventh Circuit, would be obliged to serve as an impartial arbiter of facts and the law as a federal judge. But Ms. Abudu’s professional commitment to the SPLC suggests hostility to the First Amendment rights of organizations like our membership. As a professional association representing the interests of Christian communicators, including those directly targeted by the SPLC, we are greatly concerned by the nomination of an individual in senior management at the disreputable SPLC to the federal bench.

For the above reasons, NRB opposes the confirmation of Nancy Abudu to serve as a judge on the U.S. Circuit Court of Appeals for the Eleventh Circuit and respectfully urges the Senate to vote against Ms. Abudu’s nomination.

Sincerely,



Troy A. Miller
CEO

⁵ SPLC Apology to Maajid Nawaz and the Quilliam Foundation (June 22, 2018) <https://www.splcenter.org/splc-statement-video>; Video Statement on YouTube, June 22, 2018, <https://www.youtube.com/watch?v=KlzXAvJtRno>

⁶ “Southern Poverty Law Center Apologizes to Ben Carson, Takes Him off ‘Extremist’ List” (Feb. 12, 2015) <http://www.foxnews.com/politics/2015/02/12/southern-poverty-law-center-apologizes-to-ben-carson-takes-him-off-extremist.html>

⁷ “Southern Poverty Law Center website triggered FRC shooting” (February 6, 2013) <https://www.washingtonexaminer.com/southern-poverty-law-center-website-triggered-frc-shooting>

⁸ https://www.splcenter.org/sites/default/files/audited_financial_statements_103120.pdf

⁹ “Morris Dees, a Co-Founder of the Southern Poverty Law Center, Is Ousted” (March 14, 2019) <https://www.nytimes.com/2019/03/14/us/morris-dees-southern-poverty-law-center-fired.html>

¹⁰ “Southern Poverty Law Center chief Richard Cohen announces resignation amid internal upheaval” (March 22, 2019) <https://www.latimes.com/nation/la-na-splc-richard-cohen-resigns-20190322-story.html>