

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MINISTER LOUIS FARRAKHAN and
THE NATION OF ISLAM,

Plaintiffs,

v.

Civil Action No. 1:23-cv-09110
JURY DEMANDED

ANTI-DEFAMATION LEAGUE,
JONATHAN GREENBLATT, individually,
and in his official capacity as CEO and National
Director of the ANTI-DEFAMATION LEAGUE,
SIMON WIESENTHAL CENTER, and RABBI
ABRAHAM COOPER, individually and in his
official capacity as Director of Global Social Action:
Agenda for the SIMON WIESENTHAL CENTER,

Defendants.

SECOND AMENDED COMPLAINT
FOR VIOLATION OF CONSTITUTIONALLY PROTECTED RIGHTS, DEFAMATION,
DECLARATORY AND INJUNCTIVE RELIEF

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INTRODUCTION

1. This action is brought by the National Representative of the Most Honorable Elijah Muhammad, the Honorable Minister Louis Farrakhan (hereinafter, “Minister Farrakhan”), and Muhammad’s Holy Temple of Islam, Inc. (hereinafter, “Nation of Islam”), on behalf of itself and its members, to ensure that he, Minister Farrakhan, and those who believe and follow him, the Nation of Islam and its members, as well as others, do not continue to be deprived of rights secured to them by the United States Constitution.
2. For nearly forty (40) years, the Anti-Defamation League (hereinafter, “ADL”), later joined by the Simon Wiesenthal Center (hereinafter, “SWC”), in violation of the rights and protections guaranteed by the First Amendment to the United States Constitution, have engaged in actions to hinder Minister Farrakhan and the Nation of Islam from continuing the Mission that Allah (God) gave to the Most Honorable Elijah Muhammad.
3. That Mission, accepted by Minister Farrakhan, is to deliver the Truth that will correct the condition of spiritual, mental, and moral death of the Black man and woman of America that came as a result of 310 years of chattel slavery, and more than 150 years of oppression and suppression thereafter.
4. While the Most Honorable Elijah Muhammad’s Mission started with the Black man and woman of America, that Mission has expanded through Minister Farrakhan to the whole of humanity.
5. The rights and protections guaranteed by the United States Constitution must be applied equally to all, regardless to race, creed, class, color, or religion.

6. This lawsuit is to ensure that the abuse, misuse, and false use of the terms “anti-Semite,” “anti-Semitic,” and “antisemitism,” as charged by the Defendants, is permanently barred from being a tool to defame Plaintiffs and to infringe upon their constitutional rights.
7. The actions by the Defendants to hinder Minister Farrakhan from carrying out his assignment and Mission are not just violative of his and the Nation of Islam’s rights, but said hinderance is not good for America or for the American people’s right to know the truth so that they can have the opportunity to avoid the Judgment of Allah (God) that is imminent.
8. The First Amendment to the U.S. Constitution guarantees certain freedoms, including free exercise of religion, freedom of speech, freedom of association, and freedom of expression.
9. These First Amendment freedoms form the core of the rights guaranteed to the people by the Constitution of the United States.
10. The precipitous increase in recent times of damages caused by the Defendants’ violation of Minister Farrakhan and the Nation of Islam’s constitutional rights and their repeated malicious defamation warrants this action.
11. Minister Farrakhan and the Nation of Islam seek to find Defendants jointly and severally liable in the amount of \$4.8 billion, and also seek declaratory and injunctive relief, attorneys’ fees and costs, and any other relief warranted as a result of Defendants’ actions.

JURISDICTION

12. This Court has subject matter jurisdiction pursuant to: 1) 28 U.S.C. §1331 because this action presents a federal question for violation of rights under the First Amendment of the United States Constitution, 2) 42 U.S.C. §1983 because Defendant ADL acted under color of state law when it violated the Nation of Islam’s rights, 3) 28 U.S.C. §1332 because this

action involves parties of different states, and the amount in controversy is \$4.8 billion, 4) 28 U.S.C. §2201 and §2202 because declaratory and injunctive relief is sought, and 5) supplemental jurisdiction pursuant to 28 U.S.C. §1367 over the state law claims.

VENUE

13. Venue is proper in the Southern District of New York pursuant to 28 U.S.C §1391(b)(2) and (b)(3) because a substantial part of the events arose in this district and because multiple Defendants are domiciled in this district.

PARTIES

PLAINTIFFS

The Honorable Minister Louis Farrakhan

14. Minister Farrakhan is an individual who was born in the United States and is currently domiciled in Chicago, Illinois, and is the National Representative of the Most Honorable Elijah Muhammad.

The Nation of Islam

15. The Nation of Islam, for corporate and legal purposes, is registered as Muhammad's Holy Temple of Islam, Inc., under the not-for-profit corporation laws of the State of Illinois, is headquartered in Chicago, Illinois, and is comprised of registered members who study, subscribe to, and accept the Teachings of the Most Honorable Elijah Muhammad, and, thereby, accept to be His followers under the Divine guidance of Minister Farrakhan.

DEFENDANTS

Anti-Defamation League

16. Defendant ADL is a nonprofit corporation organized under the laws of the District of Columbia, and its principal place of business is 605 3rd Avenue, New York, New York, 10158.

Jonathan Greenblatt

17. Defendant Jonathan Greenblatt (hereinafter, “Defendant Greenblatt”) is the National Director and CEO of Defendant ADL and, upon information and belief, is domiciled in New York, New York.

Simon Wiesenthal Center

18. Defendant SWC is a nonprofit organization, organized under the laws of the State of California, and its principal place of business is 1399 South Roxbury Drive, Los Angeles, California, 90035, and it has a regional office at 11 Broadway, Suite 766, New York, New York, 10004.

Rabbi Abraham Cooper

19. Defendant Rabbi Abraham Cooper (hereinafter, “Defendant Cooper”) is the Associate Dean and Director of Global Social Action Agenda for the SWC and, upon information and belief, is domiciled in Los Angeles, California.

BACKGROUND

The Founding of the Nation of Islam

20. To understand the context of this case, and to have a better appreciation for Minister Louis Farrakhan and the gravity of his Mission, requires an understanding of the founding of the Nation of Islam and some of the foundational tenets of belief.
21. One of the foundational beliefs of the Nation of Islam is that the long predicted and awaited Saviour, Allah (God) in the Person of Master Fard Muhammad, came in fulfillment of Genesis 15:13-14 and Exodus 3:7-8 to liberate His people.
22. He appeared in America among Black people in Detroit, Michigan, on July 4, 1930, as America was celebrating the 154th anniversary of its establishment as a nation.
23. Master Fard Muhammad gave a body of knowledge that was designed by Him to correct the near four hundred (400) years of mistreatment and misteaching, emanating from the doctrine of white supremacy, that has ill-affected Black people to the point that their condition is styled in the scriptures as being spiritually “dead.”
24. On September 22, 1931, while in Detroit, Michigan, the Most Honorable Elijah Muhammad attended a religious meeting and met Master Fard Muhammad for the first time.
25. In October of 1931, Master Fard Muhammad began teaching the Most Honorable Elijah Muhammad day and night for three years and four months and at the end of that process, Master Fard Muhammad anointed His Chief Student as the “Messenger of Allah (God).”
26. The Most Honorable Elijah Muhammad, as a Divinely missioned Teacher, stood up to deliver and establish that truth which would give justice to the Black man and woman of America, and give warning to the wicked in America that they should change course from

their wickedness, or suffer the consequences of Allah (God)'s wrath and Judgment on America.

27. Master Fard Muhammad taught the Most Honorable Elijah Muhammad that truth of which Jesus prophesied, when he said, "you shall know the truth, and the truth shall make you free." (John 8:32)
28. A part of that body of knowledge taught by Master Fard Muhammad to the Most Honorable Elijah Muhammad is that 75% of the scriptures of the Bible were prophetic (referring to the future, which is now) and that 25% of the scriptures were historical.
29. The result of applying the Teachings of the Most Honorable Elijah Muhammad is the transformation of the lives of the people who were destroyed due to slavery, and the denial of freedom, justice, and equality.
30. In February of 1935, after teaching the Most Honorable Elijah Muhammad face-to-face for three years and four months, Master Fard Muhammad departed.
31. After He departed, the Most Honorable Elijah Muhammad continued the Mission given to Him by His Teacher.
32. During the first 44 years of His Mission, the Most Honorable Elijah Muhammad, and His followers, were hindered by the U.S. Government, through the Federal Bureau of Investigation (hereinafter, "F.B.I.") and Defendant ADL, who works with the F.B.I. and/or is an instrumentality of the F.B.I. For instance:
 - a. In 1934, in Detroit, Michigan, the Most Honorable Elijah Muhammad presented Himself for arrest in support of His followers who were arrested and falsely charged by the Michigan State Board of Education with contributing to the delinquency of

minors for setting up a school to teach the children of His people.¹ The false charges were eventually dropped, and He, and the teachers, were freed;²

- b. The Most Honorable Elijah Muhammad was arrested by federal authorities on May 8, 1942, in Washington D.C., and questioned for hours on His Teachings, and on the false charge of not registering for the draft;³
- c. He was subsequently re-arrested on September 20, 1942, charged with sedition, and sent to Federal Prison in Milan, Michigan, until 1946. He said, He was sent to prison, “for nothing other than to be kept out of the public and from teaching My people the truth during the war between America, Germany and Japan.”⁴ Eighty-two (82) of His followers were also arrested with Him. Unknown at that time was the complicit and surreptitious role of Defendant ADL, acting in conjunction with the F.B.I. in those arrests through illegal surveillance of the Most Honorable Elijah Muhammad and His followers.
- d. At the time of the arrest of the Most Honorable Elijah Muhammad in 1942, the F.B.I. also confiscated several documents containing His Teachings and doctrines, including: 1) a Blackboard containing a drawing of the Wheel (Mother Plane) spoken of in the Book of Ezekiel,⁵ 2) His Teachings on the Wheel and its purpose, and 3) a body of knowledge that He taught to make His people whole again.

33. The goal of the leadership of F.B.I. Director J. Edgar Hoover is best articulated in the following two F.B.I. memorandums: 1) on August 25, 1967, Director Hoover wrote: “[t]he

¹ Elijah Muhammad, *Message To The Blackman in America*, “What Is Un-American?” p. 179.

² *Id.*

³ *Id.*

⁴ *Id* at p. 221

⁵ Ezekiel 1:15-21.

purpose of this new counterintelligence endeavor is to expose, disrupt, misdirect, discredit, or otherwise neutralize the activities of Black nationalist, hate-type organizations and groupings, their leadership, spokesmen, membership, and supporters....”, (Exhibit A) and, 2) on March 4, 1968, he wrote, the F.B.I. should do all it could to “[p]revent the rise of a ‘messiah’ who could unify and electrify, the militant Black nationalist movement.” (Exhibit A-1)

- a. The Most Honorable Elijah Muhammad was one of the individuals Mr. Hoover speculated could be the “Messiah.”
34. The Most Honorable Elijah Muhammad, throughout the first 44 years of His Mission, was falsely labeled as a “hate teacher,” and His followers in the Nation of Islam were derogatorily described as a “cult.”
 35. On February 26, 1954, during His Saviour’s Day address, the Most Honorable Elijah Muhammad publicly prayed to Allah (God) to send Him “a little helper.”
 36. On February 26, 1955, during Saviour’s Day, Allah (God) answered His prayer and sent Minister Farrakhan to Him, and he subsequently joined the Nation on October 5, 1955.
 37. Minister Farrakhan began helping the Most Honorable Elijah Muhammad with His Mission and eventually became His National Representative in 1967.
 38. The Most Honorable Elijah Muhammad departed on February 25, 1975, in fulfillment of another aspect of His Mission, although His enemies believed they had killed Him; but as the Holy Quran reveals, “...and they did not kill him for certain.” (Holy Qur’an 4:157)
 39. Before the Most Honorable Elijah Muhammad departed, He commissioned and anointed His Chief Helper and Best Student, Minister Farrakhan, to continue His Mission and make His Great Commission known.

40. Upon His departure, however, on February 25, 1975, new leadership arose that changed the belief system and the direction of the Nation of Islam, and they disregarded the public command He gave to the members of the Nation of Islam on July 30, 1972, when He said for them to hear, obey, and follow Minister Farrakhan.
41. When the new leadership, however, went in a different direction and took a different course of action, the Nation of Islam fell from the lofty heights the Most Honorable Elijah Muhammad had taken it to, and it became completely destroyed.
42. In September of 1977, Minister Farrakhan, decided to reestablish the Teachings of the Most Honorable Elijah Muhammad and to rebuild the Nation of Islam.
43. On February 21, 1981, at the Auditorium Theatre in Chicago, Illinois, Minister Farrakhan publicly declared that the Most Honorable Elijah Muhammad is still physically alive.
44. Not long thereafter, Minister Farrakhan found himself embroiled in a controversy with some members of the Jewish community who began calling him “anti-Semitic.”

ORIGIN OF THE FALSE CHARGE OF ANTISEMITISM AGAINST MINISTER FARRAKHAN AND THE NATION OF ISLAM

45. On August 27, 1983, Minister Farrakhan spoke at the 20th Anniversary of the 1963 March on Washington.
46. Although he spoke for only six minutes, organizers and participants praised his message as perhaps the most significant and stirring message of the day.
47. The September 3, 1983, headline in *The Washington Post* read, “Speech by Black Muslim Leader Hailed as Best at March on Washington.”
48. It was at this event that the Reverend Jesse Jackson (hereinafter, “Reverend Jackson”) informed Minister Farrakhan that he would be seeking the 1984 presidential nomination, and he asked Minister Farrakhan for his support.

49. Minister Farrakhan indicated he would give Reverend Jackson an answer after he consulted with the board of the Nation of Islam.
50. Minister Farrakhan returned to Chicago, met with the board, and it was agreed that he, and the membership of the Nation of Islam, would support the 1984 presidential candidacy of Reverend Jackson.
51. During his presidential campaign, Reverend Jackson, among other things, advocated for a fair and balanced foreign policy regarding the State of Israel and the Palestinian people.
52. That justified and reasonable call for equity and fairness in the treatment of the Palestinian people's suffering unleashed a torrent of outrage by Defendant ADL against Reverend Jackson.
53. A group calling themselves "Jews Against Jackson" published an attack ad against Reverend Jackson, in *The New York Times*, on November 11, 1983, under the headline, "Do you believe that any Jew should support this man? Should any decent American?" (Exhibit A-2)
54. After stating, "[w]e believe that Jesse Jackson is a danger to American Jews, to the State of Israel, and to America," the attack ad ended by stating, "Jesse Jackson is no good for Jews, for Israel or for America. Stop him. Ruin Jesse now!" *Id.*
55. Immediately after that ad ran, hundreds of threats against the life of Reverend Jackson and his family were recorded and several arrests were made. (Exhibit A-3)
56. In addition, the remains of mutilated animals were left at his home, and his campaign headquarters in two cities were bombed. (Exhibit A-4)
57. Reverend Jackson did not have Secret Service protection at the time; so, Minister Farrakhan provided Reverend Jackson and his family with around-the-clock security from

the Fruit of Islam, the name given to the training of men who belong to Islam in North America under the Teachings of the Most Honorable Elijah Muhammad.

58. Soon thereafter, Minister Farrakhan became the focal point of Defendant ADL's diatribes and verbal attacks.
59. Minister Farrakhan never called for the extermination of Jews, and never physically or verbally attacked any Jewish person, but he sparked the ire of Defendant ADL because he dared to defend Reverend Jackson and his family whose safety and well-being were being threatened by, upon information or belief, members of Defendant ADL. (Exhibit A-3)

The Heinous and False Charge of the New "Black Hitler"

60. On February 25, 1984, Minister Farrakhan held a rally in support of Reverend Jackson where he made an appeal to the group called "JEWS AGAINST JACKSON" to stop the violence and threats against Reverend Jackson's life and asked for dialogue.
61. During that rally, Minister Farrakhan said, in pertinent part:

I'm saying to the Jewish people who may not like our brother, it is not Jesse Jackson that you are attacking... When you attack him, you attack the millions that are lining up with him. You're attacking all of us... We cannot define our self interest in terms of your self-interest.

And because our self-interests differ because we've come of age, why dislike us? Why attack our champion? Why hurl stones at him?... I say to you as intelligent people, sit down and talk with Reverend Jackson. Sit down Jewish leaders and talk with us. We are ready to talk with you. Sit down and talk like intelligent people who have a future at stake.... (Exhibit A-5)

62. Minister Farrakhan made no anti-Jewish statements during his remarks seeking dialogue with those Jewish persons who were attacking Reverend Jackson, on February 25, 1984.
63. In response to Minister Farrakhan's intelligent and civilized request, two days later, on or about February 27, 1984, after Minister Farrakhan's sincere request for dialogue with

Jewish leaders, the temperature of the torrents ratcheted up against him when Nathan Perlmutter, the then-National Director of Defendant ADL, called Minister Farrakhan the new “Black Hitler,” irrespective of the fact that Minister Farrakhan has never harmed a hair on the head of any Jewish person or even advocated for such.

64. Also, on that same day, Nat Hentoff, a Jewish columnist for The Village Voice, repeating Defendant ADL’s sentiment, called Minister Farrakhan the new “Black Hitler.”
65. From that moment forward, the battle of Biblical proportions was on and raging between the antagonist, Defendant ADL, and the protagonist, Minister Farrakhan.
66. The Defendant ADL, through its CEO Mr. Nathan Perlmutter, and Nat Hentoff of the Village Voice, made the most heinous charge that any person could give to any man, by calling Minister Farrakhan the most heinous and false charge of the new “Black Hitler.” This heinous and false charge against Minister Farrakhan labeled and targeted him as an enemy of the Jewish people.
67. This heinous and false charge of the new “Black Hitler” by Mr. Nathan Perlmutter, and Mr. Nat Hentoff, against Minister Farrakhan, was put all over the world, targeting Minister Farrakhan as the number one enemy of the future of the Jewish people.
68. Upon information and belief Defendant ADL has never charged another human being with being, again, a “Hitler.”
69. Minister Farrakhan was called this heinous term, the new “Black Hitler” at the infancy of his development in 1984, to re-establish the teachings of the Most Honorable Elijah Muhammad and to rebuild the Nation of Islam. What did Mr. Perlmutter and Mr. Hentoff know or feel or saw, from Minister Farrakhan’s remarks, that would produce a response

of such malice, ill will, hatred, contempt, aversion, and to induce an evil and unsavory opinion of him in the minds of a substantial number of people?

70. Hitler is the worst name the Defendant ADL could put on any man. Because of the hatred for Hitler for what he did, and the Holocaust, the aim of the ADL was to create an atmosphere of death for Minister Farrakhan by falsely charging him heinously with being the new “Black Hitler.”
71. On October 7, 1985, at Madison Square Garden, in New York City, Minister Farrakhan addressed the aims of the ADL in falsely calling him, heinously, the new “Black Hitler,” wherein he said:

What do you think the aim and the purpose is of their using these kinds of words. The aim is to discredit a man by the use of false terms without any just basis... Their aim is to create an environment of hostility around that man, that will keep the people from hearing what he has to say...it’s designed to undercut any support that you might want to give me. It is to alienate people from me who might desire to help me. Then it is designed to isolate me and then of course, destroy my influence among black people and then ultimately, the aim is to murder me. That’s the ultimate aim! (Exhibit A-6)

72. Minister Farrakhan was also falsely charged because he has the faith, courage, and conviction to stand up and speak the truth taught to him by the Most Honorable Elijah Muhammad and to exercise his right under the First Amendment to critique unrighteous behavior by some members of the Jewish community and some Jewish organizations.
73. These Jewish persons and organization saw this as a threat to their rule and their power.
74. Since the ADL has falsely labeled Minister Farrakhan with the heinous charge of being the new “Black Hitler,” then everything they have in their power will be used to try and stop him.

75. Anti-Semitism comes up as the cover, but deep down inside, they want Minister Farrakhan dead, which is the overarching aim, in everything that they've done against Minister Farrakhan.
76. That is why no matter what he has said or done, it came back to their false view of him, and that has never changed.
77. The view of many of America's institutions, members of Congress, the White House, and other Executive Branch agencies, have been colored and poisoned in their view of Minister Farrakhan, by this heinous and false charge of being the new "Black Hitler," by Defendant ADL.
78. This case and controversy with the Defendant ADL is about stopping a man with a mission from doing what God has ordered him to do.
79. As a result, since Minister Farrakhan is called the new "Black Hitler" the view of some members of the Jewish community and organizations is that they've got to use everything in their power against this man to stop him, and to stop those that are with him. This heinous attack against Minister Farrakhan as the "Black Hitler" continues in Defendant ADL publications up to and including the filing of this present Complaint.
80. It is because of Minister Farrakhan's unwavering defense of himself, and Reverend Jackson, that Defendant ADL began plastering him with the false and injurious label of "anti-Semite."
81. On or about June 25, 1984, Minister Farrakhan delivered a message from *The Final Call* Administration Building, in Chicago, Illinois, addressing, in part, the creation of the State of Israel, and its existing turmoil in the Middle East, wherein he said:

"Now, that nation called Israel never has had any peace in forty years and she will never have any peace because there can be no peace structured on injustice, thievery,

lying, and deceit, and using the name of God to shield your dirty religion under His holy and righteous name.”

“America, and England, and the nations, because of their backing of Israel are being drawn into the heat of the Third World War, which is called “Armageddon.” Oh America, you have blundered so, and instead of recognizing the mistake you have made and make a turn for the better, you persist in your evil. And so, the consequences of evil must come.”

82. The reference to “dirty religion” had absolutely nothing to do with the religion of Judaism, which Minister Farrakhan has stated on countless occasions, but had everything to do with sacrilegious people who use the good name of either Islam, Christianity, or Judaism as a shield for their dirty practices that do not comport with the Divine laws found in the sacred scriptures of the Holy Qur’an, the New Testament, or the Torah.
83. At no point during that lecture did Minister Farrakhan ever say, “Judaism is a gutter religion” or “Judaism is a dirty religion.”
84. Thereafter, however, Defendant ADL, and their cohorts, added the word “Judaism” and “gutter” in front of the word “religion” to foster their false and deplorable narrative that Minister Farrakhan made such a statement.
85. Defendant ADL has continued to falsely, and maliciously, accuse Minister Farrakhan of making that statement.
86. On or about June 28, 1984, to address the false claim that he said, “Judaism is a gutter religion,” Minister Farrakhan gave a television interview on *The Sandy Freeman Show*, wherein he said, in response to that false charge:

“I could never make a statement like that and be a Muslim. All Muslims believe in God, believe in Moses, believe in the Torah, believe in the Injil (New Testament) brought by Jesus, and believe in the Qur’an brought by Muhammad. How could I, in good, sound mind, condemn Judaism? But what I’m condemning is wicked practices using religion as a cover. The same thing was done with Christianity and the same thing is done by some Muslims.” (Exhibit A-7)

87. During that same interview, Ms. Freeman read a Senate Resolution that passed with a vote of 95-0, that occurred during her show, condemning Minister Farrakhan based on the false allegations regarding him saying Judaism was a “gutter religion,” and that the creation of Israel was an outlaw act, to which he responded:

“I don’t care two cents for the United States Senate’s repudiation. I warn the Senate, and I warn the government, and I warn the president that America is headed down the drain. You better listen to this little Black slave coming up from among you. My voice is the voice of God in your midst, and you are doing to me just what you did to all the prophets, and those prophetic voices that rose up before me.”

You condemned Jesus, and the Roman Senate, repudiated him. But today, you worship Him. What will you do for me tomorrow?... Tomorrow, go out on the streets and talk to the little man in the streets and see what they say about the Senate’s repudiation of Louis Farrakhan. It’s not worth the paper that it’s printed on. Black people will not respond as you think they will respond. (*Id.*)

88. On July 30, 1984, Minister Farrakhan held a press conference at *The National Press Club* in Washington, D.C., to respond to the false charges made by Defendant ADL and other Jewish groups, wherein, in part he said:

The president and the Senate have said, “there is no room in this society for hate and no place for the haters.” We, the victims of America’s hatred and bigotry, are now being charged with her crime. What I represent is truth, and America is saying to Farrakhan what it is written, that the Jews said to Jesus when they rejected him; and Jesus responded, “you cannot understand my words because my words have no place in you.”

The Jews in that day wanted no truth to be told if it conflicted with their selfish desires. They did not care for the truth. They only wanted to hear that which made them comfortable in their web of lies and deceit.

What crime have I committed that warrants the censure and repudiation of the entire government, religious, and civic leadership? ...I have been a doer of good for Black people for three decades, doing a duty of civilizing and reforming Black people; a duty which America failed to do. For which of the good works that I do in the name of my Father, the Honorable Elijah Muhammad, that you stone or repudiate me? (Exhibit A-8)

89. Minister Farrakhan has for decades vociferously opposed Defendant ADL’s repeating the false and indefensible statement that “Judaism is a gutter religion.”

90. One of the most egregious and audacious frontal assaults from Defendant ADL, by way of the Jewish Defense League, a then-branch of Defendant ADL, was their appearance at a lecture by Minister Farrakhan in Los Angeles, California, on September 14, 1985, when they paraded outside the entrance to the Los Angeles Forum chanting, “Who do you want? Farrakhan. How do you want him? Dead!”
91. Minister Farrakhan knew the miscreants who were calling for his death did not represent all Jewish people, and not once did he direct anyone to harm those members of Defendant ADL who were calling for his death.
92. Even in the emotionally charged climate, that did not stop Minister Farrakhan from seeking a dialogue with those who hated him.

MINISTER FARRAKHAN’S NUMEROUS EFFORTS TO DIALOGUE WITH HIS FALSE ACCUSERS

93. At the same lecture, on September 14, 1985, at the Los Angeles Forum, in a lecture entitled “Power at Last Forever,” Minister Farrakhan stated the true reason for the opposition against him and the Nation of Islam is a problem of a theological viewpoint based on his assertion that Black people are the real children of Israel.
94. Therein, he said:

I am declaring to the world that you, the Black people of America and the Western Hemisphere, are the lost, the rejected, the despised, the prodigal son, the lost sheep, the God’s people. You are the people of God. Now, this is not a problem of antisemitism. This is a problem of theological viewpoint... So, the best thing you can do is tell the people I’m a hater, I’m a bigot, I’m an anti-Semite?... I just challenged the Jewish scholars. Show me the history of your suffering in Egypt for 400 years. I know you can’t show it to me, that’s all I’m saying; it’s not violence, it’s not antisemitism, it’s a theological argument. (Exhibit FFF-1)
95. It is this theological divergence that has prompted the vociferous attacks on Minister Farrakhan from Defendants.

96. Minister Farrakhan has repeatedly sought to dialogue with members of the Jewish community to attempt to clear up matters that have been made murky by certain misrepresentations of the truth.

97. In addition to the instances noted in previous paragraphs, Minister Farrakhan has made the following additional attempts to meet and dialogue with members of the Jewish community:

- a. In early 1994, responding to the call of Allah (God), Minister Farrakhan called for a million men to come to Washington, D.C. on October 16, 1995, and nearly two million men were in attendance at the Million Man March. At the march, Minister Farrakhan called for dialogue with the Jewish leaders, to which they rejected, including Abraham Foxman, former Executive Director of Defendant ADL, (Exhibits B, B-1)
- b. On June 24, 2010, Minister Farrakhan sent a formal written communication to Abraham Foxman and to the 12 presidents of major Jewish organizations. The letter contained copies of the Nation of Islam Research Department's books, entitled, *The Secret Relationship Between Blacks and Jews, Volumes 1 and 2*. The letter asked for dialogue with them and pointed out their ability to help him in the Mission he was given, (Exhibit C) and
- c. During an interview with Dr. Michael Eric Dyson, on August 10, 2010, Minister Farrakhan made, yet another call for a dialogue with the Jewish community, wherein he said:

I've been trying to have a dialogue with them for many years. But the dialogue has to be an informed dialogue based on an accurate account of history... I'm not interested in anybody hating Jewish people, or punishing

Jewish people. What I am asking, though, is that a serious dialogue take place between them and us. (Exhibit FFF-2)

98. This sincere request for a dialogue between Minister Farrakhan and leaders of the Jewish community has yet to happen.

ANTI-DEFAMATION LEAGUE (ADL)

99. Defendant ADL purports to be a civil rights organization.

100. Its actions, however, demonstrate that it is an un-American organization and has woven itself into the fabric of both the United States government, in general, and into state and local governments within America, in particular, to advance interests that are un-American to the extent that it tramples and trammels upon the Constitutional rights of Minister Farrakhan, the Nation of Islam, and the American citizens.

101. Defendant ADL has proven to be the chief proponent of the false labeling of certain persons as being “anti-Semitic.”

102. As early as the 1940s, the Nation of Islam, and its eternal leader, the Most Honorable Elijah Muhammad, were the targets of Defendant ADL’s unconstitutional and unwarranted attempts to destabilize and neutralize the Nation of Islam and its leadership.

103. A secret 1942 Anti-Defamation League of B’nai B’rith memo entitled, “Temple of Islam Infiltration,” states that a “Negro employed by us” proved “quite instrumental” in an F.B.I. raid on the Temple of Islam for alleged pro-Japanese activities, which resulted in the unlawful arrest of 82 members of the Nation of Islam. (Exhibit D)

104. Based upon this secret file, Defendant ADL utilized an agent, in concert with the F.B.I., to infiltrate the ranks of the Nation of Islam, and then manufactured false evidence that resulted in the arrest of dozens of its peaceful and law-abiding members.

105. Based upon this history, as early as 1942, Defendant ADL, working with the F.B.I., performed the exclusive governmental function of investigating, spying, and gathering information on behalf of the F.B.I.

106. Said acts investigating, spying, and gathering information in conjunction with the F.B.I. continue to this very day.

107. Said acts have long since stripped Defendant ADL of the innocuous label of simply being an “advocacy” group because strictly “advocacy” and civil rights groups do not send spies into other groups and organizations on behalf of the F.B.I.

108. In addition, F.B.I. Director J. Edgar Hoover, in a January 17, 1968, memorandum, ordered each of the F.B.I. field offices to establish formal relationships with Defendant ADL, wherein governmental functions would be shared between the two, including the sharing of other protected information and activity of private persons with the government. (Exhibit E)

109. In that order, the F.B.I. Director also acknowledged that some liaisons with Defendant ADL had already been established by some F.B.I. field offices.

Specifically, he wrote:

As you know, this organization, like the bureau, is opposed to groups and individuals espousing bigotry, prejudice, and extremism. It seeks to bring the true facts concerning such groups and individuals to light. In the furtherance of these worthy objectives, the antidefamation league receives considerable information of interest to this bureau and has been very cooperative in the past in referring such data to us.

You are to immediately make certain that you have established liaison with the head of the antidefamation league regional office in your territory and explain the jurisdiction and interest of this bureau. For your information, there is attached a list of antidefamation league regional offices.” (*Id.*)

110. Recent directors of the F.B.I., one retired and the other currently serving as director, have made public statements further acknowledging Defendant ADL's continued close and intimate relationship with the F.B.I.

111. For instance, on May 8, 2017, while he was still serving as director of the F.B.I., James Comey delivered a speech to Defendant ADL entitled, "The F.B.I. and the ADL: Working Together to Fight Hate" wherein he said that the F.B.I. was not only working with Defendant ADL, but in a cringeworthy way, said the F.B.I., was "in love" with them.

112. Specifically, he said:

I first met with you in the spring of 2014, when I was relatively new on the job—just seven months in. I sang your praises as an organization that fights for inclusivity and diversity, equality, and justice.

An organization that works with us to fight hate crime and terrorism, to educate law enforcement, and to build bridges with underrepresented communities. I labeled that last speech, "A Love Letter to the ADL." Three years later I can say, from the perspective of the F.B.I., we're still in love with you. (Exhibit F)

113. Who knew the F.B.I. was "in love" with Defendant ADL before Mr. Comey said that?

114. Current director, Christopher Wray, reaffirmed this same sentiment of the F.B.I.'s continual, and apparently intimate, relationship with, and reliance upon, Defendant ADL, in some remarks he made on November 10, 2022, when he said to Defendant ADL:

And I want to thank the ADL today for your support in conducting the training that all of our new special agents and intelligence analysts participate in, at the U.S. Holocaust Memorial Museum. Because of your work, our new agents and analysts confront the reality of just how widespread antisemitism, and the willingness to turn hate to action, really are. (Exhibit F-1)

115. This public pronouncement by the director of the F.B.I. establishes a direct link and a "close nexus" between the F.B.I., a branch of the Justice Department of the U.S. government, and Defendant ADL.

116. Not only did the director of the F.B.I. incontrovertibly establish a “close nexus” between the F.B.I. and Defendant ADL, but he went on to acknowledge how Defendant ADL performs the public function of “training...all...new special agents and intelligence agents.”

117. The F.B.I.’s dependence on Defendant ADL more than sufficiently establishes a deliberate and celebrated “nexus” between the two.

118. In 1993, the San Francisco Police Department discovered that Defendant ADL, acting under the color of federal and state law, illegally spied on at least 15 civil rights groups and individuals.

119. The scope, depth, and breadth of the illegal and unconstitutional surveillance activities of Defendant ADL is described by author Jabeer Abara, in his 1993 article in *Covert Action Quarterly* 45, entitled, “The Anti-Defamation League: Civil Rights and Wrongs,” wherein he stated:

For decades, the Anti-Defamation League of the B'nai B'rith has run a private nationwide spy network - a systematic, long-term, professionally organized political espionage operation complete with informers, infiltrators, money laundering, code names, wiretapping, and secret meetings. While it is not unusual for private political groups to gather information, ADL spying is different. It is not only the scale which sets it apart - files on 950 organizations and nearly 10,000 individuals -but the focus.

The ADL spied on groups which opposed its stated goals as well as those which supported its principles. More disturbing, however, is the League's collaboration with state, federal, and foreign intelligence gathering entities. This sharing of often confidential information and resources is not only illegal, but a violation of trust, a threat to civil liberties, and an infringement on the right to privacy. (Exhibit G)

120. On October 24, 1993, *The New York Times* published about this occurrence of Defendant ADL spying on individuals and other groups in an article entitled, “Anti-Defamation League Accused of Spying.” (Exhibit G-1)

121. In August of 2020, a coalition of progressive groups with approximately 195 signatories published a primer entitled, “THE ADL IS NOT AN ALLY.”

The aim and objective of that coalition of progressive groups was, among other things, to warn people about the deception of Defendant ADL, and to highlight how its unconstitutional surveillance activities, and its extensive law enforcement and intelligence relationships, were being used to spy on Americans.

122. The Primer stated, in part:

The Anti-Defamation League (ADL) has branded itself as a civil rights organization in ways that conceal and legitimize its right-wing activities undermining the rights of Black, immigrant, queer, Muslim, Arab, and other marginalized communities. Many progressive individuals and organizations partner with the ADL not knowing its ongoing legacy of supporting racist policing, surveillance, colonialism, and the silencing of social justice activism. Misinformation about the ADL’s work, and its credibility in progressive circles, are what allow the ADL to continue harming social justice movements.

The following primer was compiled by organizations across the US working in coalition for freedom, justice, and equality.... Many conflicts between the ADL and our movement are not covered in this primer. Community efforts to resist the ADL are also not covered here.....visit DropTheADL.org. (Exhibits H, H-1, H-2)

123. This pattern and history of Defendant ADL’s nearly 83 years of illegal surveillance and data gathering on groups and persons, in concert with federal, state, and local law enforcement agencies, to be used for targeting groups whose views or policies Defendant ADL disagrees with, is at the most egregious levels of the violation of constitutional rights, as secured by the U.S. Constitution and the Bill of Rights.⁶

124. Upon information and belief, the close nexus between Defendant ADL and the F.B.I. continues to this day in the form of illegal surveillance, monitoring, hindering, and compelling third parties at their direction, and on behalf of the government, to violate the constitutional rights of Minister Farrakhan and the Nation of Islam.

⁶ See, *Quigley v. Rosenthal*, 327 F.3d 1044 (2003).

125. Defendant ADL's obsession with maliciously defaming Minister Farrakhan and violating his constitutional rights concretized in the 1990s when it unleashed reports on him continuing to falsely label him an "anti-Semite," and espousing antisemitism, such as the following:

- a. In a 1990 ADL Report entitled, "The Campaign to Manipulate Public Opinion: A Study in the Packaging of Bigotry," (Exhibit I)
- b. In a 1992 ADL Report entitled, "The Anti-Semitism of Black Demagogues and Extremists," Defendant ADL defamed Minister Farrakhan when it falsely referred to him as, "anti-Semitic and racist," (Exhibit I-1) and
- c. In the same 1992 report, Defendant ADL went on to state, "He is the most popular speaker on campus among Black students. In his public appearances, Farrakhan continues to repeatedly inject anti-Semitism into his remarks, while paradoxically attempting to rationalize and explain away earlier anti-Jewish statements." *Id.*

126. Defendant ADL immediately went to work to infringe upon Minister Farrakhan's ability to freely speak, particularly on Black college campuses.

127. Said infringement actions came, among other ways, by visiting and threatening the administrators of various colleges and universities with repercussions if they allowed him to speak on their campuses, unnecessarily scrutinizing the use of funding for his visit by the school organization or group that invited him to speak, fostering the imposition of additional fees for the same organization or group, as well as establishing other onerous requirements.

128. In support of this perspective, in a 1994 ADL Report entitled, "Mainstreaming Anti-Semitism: The Legitimation of Louis Farrakhan," Defendant ADL openly and brazenly

acknowledged how it would take whatever steps it deemed necessary to interfere with, violate, and infringe upon Minister Farrakhan's constitutional rights under the First Amendment when it noted, in part:

The ADL is not going to make Farrakhan go away. What we can and should do is impose an obligation on those who deal with him, or, as in the case of universities, give him a platform. (Exhibit I-2)

129. Other unjustifiably disparaging reports on Minister Farrakhan include:

- a. 1994 ADL SPECIAL REPORT, "Louis Farrakhan: In His Own Words-1994," (Exhibit I-3)
- b. 1994 ADL RESEARCH REPORT, "Farrakhan Unchanged: The Continuing Message of Hate, The Ongoing Record of Racism and Anti-Semitism by Louis Farrakhan and the Nation of Islam, February-March 1994," (Exhibit I-4)
- c. 1995 ADL FACT FINDING REPORT, "Federal Funds for NOI Security Firms: Financing Farrakhan's Ministry of Hate," (Exhibit I-5)
- d. 1995 ADL FACT FINDING REPORT, "The Other Face of Farrakhan: A Hate-Filled Prelude to the Million Man March," (Exhibit I-6) and
- e. 1995 ADL RESEARCH REPORT, "The Nation of Islam: The Relentless Record of Hate (March 1994-March 1995)." (Exhibit I-7)

130. Defendant ADL's obsession with mischaracterizing and defaming Minister Farrakhan carried on into the 2,000's.

131. On or about March 8, 2012, Defendant ADL posted an online article, "Merchants of Hatred," wherein it defamed Minister Farrakhan as, "the antisemitic, racist, and homophobic leader of the Nation of Islam." (Exhibit J)

132. On or about January 12, 2013, Defendant ADL posted an online article entitled, “Farrakhan: In His Own Words,” wherein it intentionally misrepresented Minister Farrakhan as undertaking “a wide-ranging campaign specifically targeting the Jewish community ...Farrakhan has alleged that the Jewish people were responsible for the slave trade and that they conspire to control the government, the media and Hollywood, as well as various Black individuals and organizations.”
133. Defendant ADL knowingly failed to state that Minister Farrakhan was speaking from the books, *The Secret Relationship Between Blacks and Jews, Volumes 1 and 2*, which cite Jewish scholars and researchers who have written that some Jews were instrumental in the slave trade, and that some Jews do control aspects of media and Hollywood.
134. To this point, on or about December 19, 2008, a Jewish man by the name of Joel Stein wrote an article in *The Los Angeles Times* entitled, “Who runs Hollywood? C’mon,” wherein he expressed consternation at the thought that Jews do not run Hollywood.
135. Specifically, he wrote in said article:

I have never been so upset by a poll in my life. Only 22% of Americans now believe “the movie and television industries are pretty much run by Jews,” down from nearly 50% in 1964. The Anti-Defamation League, which released the poll results last month, sees in these numbers a victory against stereotyping. Actually, it just shows how dumb America has gotten. Jews totally run Hollywood.

How deeply Jewish is Hollywood? When the studio chiefs took out a full-page ad in *The Los Angeles Times* a few weeks ago to demand that the Screen Actors Guild settle its contract, the open letter was signed by: News Corp. President Peter Chernin (Jewish), Paramount Pictures Chairman Brad Grey (Jewish), Walt Disney Co. Chief Executive Robert Iger (Jewish), Sony Pictures Chairman Michael Lynton (surprise, Dutch Jew), Warner Bros. Chairman Barry Meyer (Jewish), CBS Corp. Chief Executive Leslie Moonves (so Jewish his great uncle was the first prime minister of Israel), MGM Chairman Harry Sloan (Jewish) and NBC Universal Chief Executive Jeff Zucker (mega-Jewish)...

The person they were yelling at in that ad was SAG President Alan Rosenberg (take a guess). The scathing rebuttal to the ad was written by entertainment super-agent Ari Emanuel (Jew with Israeli parents) on the Huffington

Post, which is owned by Arianna Huffington (not Jewish and has never worked in Hollywood.)

The Jews are so dominant, I had to scour the trades to come up with six Gentiles in high positions at entertainment companies. When I called them to talk about their incredible advancement, five of them refused to talk to me, apparently out of fear of insulting Jews. The sixth, AMC President Charlie Collier, turned out to be Jewish.

As a proud Jew, I want America to know about our accomplishment. Yes, we control Hollywood. Without us, you'd be flipping between "The 700 Club" and "Davey and Goliath" on TV all day.

So I've taken it upon myself to re-convince America that Jews run Hollywood by launching a public relations campaign, because that's what we do best. I'm weighing several slogans, including: "Hollywood: More Jewish than ever!"; "Hollywood: From the people who brought you the Bible"; and "Hollywood: If you enjoy TV and movies, then you probably like Jews after all."

...I called ADL Chairman Abe Foxman...He [said]...the number of people who think Jews run Hollywood is still too high... "...What is true is that there are a lot of Jews in Hollywood," he said. Instead of "control," Foxman would prefer people say that many executives in the industry "happen to be Jewish," as in "all eight major film studios are run by men who happen to be Jewish."

But Foxman said he is proud of the accomplishments of American Jews. "I think Jews are disproportionately represented in the creative industry. They're disproportionate as lawyers and probably medicine here as well," he said...

But I don't care if Americans think we're running the news media, Hollywood, Wall Street, or the government. I just care that we get to keep running them. (Emphasis added.) (Exhibit K)

136. In this article, Mr. Stein unabashedly and unequivocally exclaimed, "Jews totally run Hollywood."

137. Upon information and belief, Defendant ADL never called Mr. Stein "anti-Semitic" for telling the undeniable truth.

138. Mr. Stein, in this quite revealing article, let the proverbial "cat-out-of-the-bag" when he intimated that the objective of Defendant ADL is to get less people to believe that "Jews totally run Hollywood," and to get other people too afraid to speak the truth for fear of being called, "anti-Semitic."

139. In other words, Defendant ADL's false use of the term "anti-Semite," "anti-Semitic," and "antisemitism," in its quasi-governmental capacity completely erodes the protections guaranteed to the American public in the First Amendment to the U.S. Constitution, and to eviscerate the right of every non-Jewish American citizen to speak the truth about anyone at any time irrespective of whether it aligns with someone else's aims and objectives.

140. Said plainly, Defendant ADL uses the term "anti-Semitic" as a "trick," and as a bludgeon, to beat people into submitting to its will, and their actions, in this regard, are not in alignment with the will of "The Founding Fathers" of the United States of America.

141. On August 14, 2002, on a program entitled, "Democracy Now," a former Israeli official by the name of Shulamit Aloni, made this very point when she said regarding the false use of the phrase, "anti-Semitic:"

Well, it's a trick. We always use it... When, in this country, people are criticizing Israel, then they are "antisemitic." And the organization is strong, and has a lot of money, and the ties between Israel and the America Jewish establishment are very strong and they are strong in this country, as you know. And they have power, which is OK. They are talented people, and they have power and money, and the media and other things; and their attitude is "Israel, my country, right or wrong...."

And it's very easy to blame people who criticize certain acts of the Israeli government as 'antisemitic,' and to bring up the Holocaust, and the suffering of the Jewish people, and that is [to] justify everything we do to the Palestinians.⁷

142. Upon information and belief, Defendant ADL knows that falsely labeling someone as "anti-Semitic" is a "trick" to manipulate, to punish, and/or to cause others to stay away from saying and/or doing anything that is critical of Defendant ADL, or its interests.

⁷ YouTube, www.youtube.com/watch?v=D0kWAqZxJVE

143. Nevertheless, Defendant ADL went on to mischaracterize Minister Farrakhan's words to incite outrage when it claimed Minister Farrakhan "denies the legitimacy of Judaism." (Exhibit L)
144. On or about August 2, 2013, Defendant ADL, in an online post entitled, "Nation of Islam Leader Reprises 'Vintage' Anti-Semitism; ADL Says Farrakhan's Racism 'As Ugly As It Ever Was,'" proceeded to defame Minister Farrakhan as "the racist and antisemitic leader of the Nation of Islam[.]" (Exhibit M)
145. On August 5, 2013, Defendant ADL continued its defamatory attacks on Minister Farrakhan in an online post entitled, "Louis Farrakhan Puts His Anti-Semitism On Full Display; Deepens Conspiracy Theories About Jewish Control," wherein it said, "...the antisemitic and racist leader of the Nation of Islam, has returned again to his old bigotry, and ramped up his virulently antisemitic rhetoric in a series of recent speeches." (Exhibit M-1)
146. On or about February 17, 2019, Defendant ADL further defamed Minister Farrakhan in an online post entitled, "Anti-Semite Louis Farrakhan Teams Up with Notorious Holocaust Denier at Saviours' Day 2019 Conference," wherein it mislabeled Minister Farrakhan as an "anti-Semite." (Exhibit M-2)
147. On or about January 17, 2019, in another online post, entitled, "Farrakhan: In His Own Words," Defendant ADL defamed Minister Farrakhan and outright lied when it stated, "He frequently denies the legitimacy of Judaism." (Exhibit M-3)
148. Defendant ADL, once again, was unable to specifically quote Minister Farrakhan as denying the legitimacy of Judaism because he has never denied the legitimacy of Judaism or any other revealed religion.

149. On or about February 28, 2022, on its official website, in an article entitled, “Farrakhan Promotes Antisemitism Anti-Vaccine Conspiracies in ‘Swan Song’ Saviours’ Day Address,” Defendant ADL referred to Minister Farrakhan’s words as containing, “antisemitic, bigoted and conspiratorial rhetoric.” (Exhibit M-4)
150. On March 14, 2022, in an article entitled, “Farrakhan’s Latest Antisemitic, Anti-Vaccine Address Garners Over Half Million Views on Facebook and YouTube,” Defendant ADL described Minister Farrakhan as espousing “antisemitism.”(Exhibit M-5)
151. Upon information and belief, Defendant ADL has labeled countless others with the false label of “anti-Semite” because something may have been said that did not comport with their policies, especially, regarding the Palestinian People or criticizing the conduct of any Jewish person, and/or the state called Israel.
152. Even luminaries such as former President Jimmy Carter, Bishop Desmond Tutu, and former South African President Nelson Mandela, who are known for their balanced struggle for human rights, have been labeled “anti-Semitic” for simply speaking favorably about the Palestinian people.
153. Prominent Black activists like Andrew Young, Reverend Jackson and Kwame Ture have been castigated as “anti-Semites.”
154. Black entertainers like rapper and actor Ice Cube and sports figure DeSean Jackson have been labeled “anti-Semites” by Defendants ADL and SWC for simply expressing something positive or favorable about Minister Farrakhan and/or the Nation of Islam. (Exhibit M-6)

155. In 2018, newscaster Marc Lamont Hill was fired from his on-air, political commentary position with CNN because he expressed support for Palestinian people in their call for justice.
156. In 2023, Defendant ADL labeled comedian and social analyst Dave Chappelle an “anti-Semite,” because they did not like what he said during his monologue on Saturday Night Live, although they never claimed he lied about anything he said.
157. Upon information and belief, none of these Black luminaries have expressed hatred and/or contempt for Jewish people, but they may have said or done something that Defendant ADL determined to be against their interest.
158. Upon information and belief, none of these individuals who were labeled as being “anti-Semitic” ever stated that they hated Jews, that they denied the existence of the Jewish Holocaust, or that all Jews are wicked people.
159. Yet, Defendant ADL unceremoniously slapped each luminary with the false label of being an “anti-Semite,” which was intended to punish them and to force him or her into submission and/or to inflict maximum economic damage as a warning to others of what would happen to them if they said or did similarly.
160. While Defendant ADL at times seeks to economically disenfranchise others, it has adroitly managed to secure massive funds for itself, such as on December 20, 2022, Defendant ADL sent a twenty-two (22) page written communication directed to the U.S. Office of Management and Budget (hereinafter, “OMB”), which requested an increase in funding for its projects and interests. (Exhibits N, N-1)
161. In all, Defendant ADL demanded the U.S. government appropriate approximately \$1.5 billion of the U.S. taxpayer’s money for its own interests and within three days of that

demand letter being issued, Defendant ADL's considerable entwinement with members of the U.S. government was established because the funds were approved.

162. The ability to demand \$1.5 billion and receive approval in a matter of days is clear evidence of a "close nexus" with the government.

163. What makes this request even more extraordinary is that, at no time should any request for funding be made directly to the U.S. OMB unless it is from a government agency.

164. Upon information and belief, these actions between Defendant ADL, the OMB, and the White House establishes that Defendant ADL acts as a quasi-governmental entity, such that they are government actors.

165. Defendant SWC is another nonprofit entity that has a penchant for defaming Minister Farrakhan and the Nation of Islam as being "anti-Semitic."

SIMON WIESENTHAL CENTER (SWC)

166. Defendant SWC purports to be a global Jewish human rights activist organization.

167. According to its website, Defendant SWC, "confronts antisemitism, hate, stands with Israel, defends the safety of Jews worldwide, and teaches the lessons of the Holocaust for future generations."

168. Its actions, however, demonstrate that it is also an un-American organization that has woven itself into the fabric of both the U.S. government, in general, and into local governments within America, in particular, to advance interests that are anti-American.

169. In August of 2018, Defendant SWC founder, Rabbi Marvin Hier, exercised influence over a media outlet and directly intervened to interfere with, oppose, and prevent a showing of

a documentary on Minister Farrakhan's life in music on the streaming service Netflix, that had been in the works and under contract since January of 2018. (Exhibit O)

170. According to a *New York Times* article dated August 1, 2018, the day before the documentary was to air on Netflix, "...a number of Jewish organizations and people spoke out on media outlets and on Twitter, or said they reached out to Netflix directly[.]" to demand that it not show Minister Farrakhan's documentary.

171. Specifically, with respect to Rabbi Marvin Hier, according to the article, he said he "immediately called up Netflix chief executive, Ted Sarandos, who told him that a 'glitch' had occurred, and the movie would not be released." (*Id.*)

172. The net result of this interference was the cancellation of the airing of the documentary.

173. This act contributes greatly to comprehending the degree of hatred, ill-will, spite, and malice Defendants, in general, and SWC, in particular, have toward Minister Farrakhan, and it highlights the lengths to which Defendants will go to interfere with something that has nothing to do with them.

174. The article captured Rabbi Marvin Hier's sentiment about Minister Farrakhan when it quoted him as saying, "it would be terrible to give Mr. Farrakhan 'legitimacy' on such a national level by streaming this documentary."

175. Defendant SWC's malice was on full display in this *New York Times*' article, because its founder could say that a documentary would give him "legitimacy" when Minister Farrakhan has earned legitimacy in America, and around the world, for almost a half century.

176. One example of Minister Farrakhan's incontrovertible "legitimacy" as a national and international leader occurred on October 16, 1995, when he was blessed to call a million

Black men to Washington, D.C., for the Million Man March, and, as a result of that Divine call, nearly two million showed up.

177. On May 10, 2019, in an online article posted on the SWC's official website, Defendant SWC founder, Rabbi Marvin Hier, defamed Minister Farrakhan again by falsely and maliciously saying of him, "Louis Farrakhan is the Joseph Goebbels of our time."⁸ (Exhibit P)

178. He also called for the removal of Father Michael Pflieger from St. Sabina Catholic Church for hosting and allowing Minister Farrakhan to speak about, upon information and belief, Defendant-inspired ban of Minister Farrakhan from Facebook. (*Id.*)

179. To this point, on or about June 30, 2020, the SWC issued a report announcing the publication of a dossier entitled, "Louis Farrakhan—Four Decades of Bigotry: In His Own Words." (Exhibit Q)

180. The false report published on June 30, 2020, was replete with statements about Minister Farrakhan it knew, or should have known, to be false. (Exhibit R)

181. On or about June 30, 2020, Defendant SWC boasted on its website how it exercised considerable influence over a media outlet, and caused said outlet to cancel the broadcast of Minister Farrakhan's July 4, 2020, message entitled, "The Criterion."

182. Defendant SWC said on its website regarding said cancellation, "[f]ollowing protests from the Simon Wiesenthal Center last week, Foxsoul.TV dropped its plans to broadcast Louis Farrakhan from its July 4th programming." (Exhibit S)

183. On July 5, 2020, Defendant SWC made an online post that maligned and defamed Minister Farrakhan as, "America's Godfather of Antisemitism." (Exhibit S-1)

⁸ Joseph Goebbels was the chief propagandist for the Nazi Party and the Third Reich from 1933-1945.

184. On December 29, 2020, Defendant SWC published a report entitled, “The 2020 Top Ten Worst Global Antisemitic Incidents,” wherein it defamed Minister Farrakhan with a headline, “Godfather of Hate Spreads Jew Hatred to New Generations.” In the report he was third on the list and stating that he had a “35-year campaign against Jews and Judaism.” (Exhibits T, T-1)
185. On or about February 21, 2022, Defendant SWC, once again, maligned Minister Farrakhan in a tweet as, “the godfather of Jew-hatred in the USA[.]” (Exhibit U)
186. In direct contravention to the false statements spewed by the Defendants, Minister Farrakhan has nothing but admiration and respect for Judaism and those Jewish people who strive to follow the Torah.

MINISTER FARRAKHAN’S RESPECT FOR JUDAISM AND JEWISH PEOPLE

187. Each of the Defendants claim to be guardians of the Jewish people, in particular, as they survey the landscape of American society looking for any patent or latent indicia of anti-Jewish sentiment.
188. However, it is precisely their failure to acknowledge Minister Farrakhan’s respectful statements about Jews and Judaism that exposes its malice toward him and the Nation of Islam and their hypocrisy in the face of truth.
189. Minister Farrakhan honors, respects, and even admires many members of the Jewish community, including his boyhood idol and one of the greatest violinists, Jascha Heifetz, who was a Russian Jew, and his own Jewish violin teachers.
190. Defendants, as noted above, have alleged to have quoted Minister Farrakhan in articles and/or reports that include the caption, “Farrakhan: In His Own Words.”

191. As Defendants scour practically every word Minister Farrakhan speaks publicly, and quite possibly some words he speaks privately, they conveniently and intentionally overlooked, disregarded, and turned a blind eye to the following statements that reveal Minister Farrakhan's recognition of, and respect for, Jewish people and Judaism:

- a. On November 17, 1983, in a lecture entitled, "The Dynamic Force of Islam: Its Effect on America," Minister Farrakhan recognized the legitimacy of Judaism, when he said:

Because if you are a Christian and you believe in the message of Jesus, and if you are a Jew and you believe in the message of Moses, no matter what your religion is, if it is a revealed religion that came through the prophets of Almighty God, ultimately, we are going to be one, because the same God that sent Jesus into the world sent Moses and Muhammad into the world, and He didn't send them into the world with conflicting ideologies, conflicting philosophies. If God is One, and He is, and His religion is one, and it is, and He is not the Author of confusion, but of peace, you could not give the blame to God for creating all these different religions on the earth. These religions on the earth, if you look beneath the surface of what is taught, you find principles in Christianity, in Judaism, and Islam that are the same, and it proves that they come from the same Source. (FFF-3)

- b. On December 28, 1988, in a lecture entitled, "How to Eat to Live," Minister Farrakhan acknowledged the existence of "good Jews," when he said:

And the good Jews follow [Moses' dietary law] to this day. And they get a lot of credit for following God's law (Exhibit FFF-4);

- c. On August 30, 1992, in a lecture entitled, "Food, Clothing, and Shelter: The Vision of the 3-Year Economic Program," Minister Farrakhan denied calling Judaism a "gutter religion," when he said:

Don't put on me that I'm an "anti-Semite." That's not true. That's not true. "Hitler was great, but he wasn't good." That's what I said. I said he was "wickedly great." I spoke the truth. I never called Judaism, "a gutter religion." Every time they write about me in the paper, they'll say, 'Farrakhan, that guy that teaches Judaism is a gutter religion, and Hitler was a great man.' Stop it. You say so many lies, you believe your own. I didn't

say that. I was speaking of the State of Israel and her mistreatment of the Palestinians. Don't call me "anti-Semitic" because I disagree with Zionist viewpoint. That's my personal right to disagree with a Zionist point of view. But that doesn't mean I won't come to the synagogue and enjoy seder with you.

On March 19, 1994, in a lecture at the Fresno Convention Center, Minister Farrakhan denied hating Jewish people because of their faith, when he said: I want the Jews in this audience to know that I don't hate you because of your faith. What kind of man would I be to hate you because you are a Jew when we all claim Abraham as our father? I want you to listen to me. I'm not afraid of you. So, I have no reason to lie. I never called Judaism a "gutter religion." That's what the papers say, and they continue to repeat it when I have clarified for 10 years (Exhibit FFF-5);

- d. On February 25, 1996, during his Saviours' Day address entitled, "Guidance and Instruction to the Year 2000 and Beyond," Minister Farrakhan acknowledged the legitimacy of Judaism as one of the "great revealed religions," and recognized there are good Jews, when he said:

Every prophet of God said, "I submit to obey God and whatever God commands me to do, that I do." Abraham bowed to God, and all the prophets of these three great revealed religions of Christianity, Judaism, and Islam, all of them bowed down to the will of God... "

When you submit to God, all our words and our actions reflect Him to whom we submit. And you know, and I know that it's a struggle every day to submit our will to do the will of God and sometimes we are alright and other times we don't do so good. So, a Muslim, and a good Christian, and a good Jew is always struggling against the flesh, to submit to God (Exhibit FFF-6);

- e. On June 2, 1996, in a lecture "Fear, Faith, and Truth," Minister Farrakhan acknowledged the legitimacy of Judaism when he said:

When I told members of the Jewish community that I wasn't condemning the religion of Judaism as such... God knows the truth and there's nothing you can do to me unless God pleases. So, if I tell you that I did not mean to insult the religion of Judaism, then accept that because I'm not a liar (Exhibit FFF-7);

- f. On February 22, 1998, during his Saviours' Day address, Minister Farrakhan recognized "good Jews," when he said:

I want to know when will the good Jews stand up against the Jews that are not good? When will the good Jews, point out the bad Jews... (Exhibit FFF-8);

- g. On February 27, 2000, during his Saviours' Day address, Minister Farrakhan demonstrated his appreciation for members of the Jewish faith when he said:

To the Muslim community worldwide, I can never thank you enough for your prayers for my recovery, thank you. To the Christian community, Black, white, and Asian, thank you for your prayers. And to those members of the Jewish faith, both the original Hebrew Israelites under the leadership of Rabbi Ben Ami headquartered in Demona, Israel, and those members of the orthodox Jewish faith and many others, who have prayed and continue to pray for me, I thank you from the depth of my heart. (FFF-9)

Moreover, and contrary to how the Defendants have misrepresented Minister Farrakhan to the world, in general, and to members of their Jewish community, in particular, Minister Farrakhan's demonstration of appreciation and respect for members of the Jewish faith was on full display when he permitted Jewish rabbis to share his stage at the annual convention of the Nation of Islam and to have some words to say on the Sunday program.



On February 25, 2001, during his Saviours' Day address entitled, "Make Straight in the Desert a Highway for Our God," Minister Farrakhan recognized the legitimacy of Judaism as a religion when he said:

From the Christian perspective, I bear witness that Jesus is the Christ. From the Muslim perspective, I bear witness that the Mahdi [is] the self-guided One... I bear witness to the Jews and the Hebrews, who await the Messiah. You were wise to await him...

But after Satan's time of rule is up, the righteous should be looking for the coming of and the presence of God. Now, if Satan has had power, his power is most prominent in religion. Whether it's Islam, Christianity, or Judaism, or Buddhism, whatever your religion is, Satan didn't leave you alone (Exhibit FFF-10);

- h. On July 23, 2001, during an address regarding the African Union, Minister Farrakhan recognized the legitimacy of Judaism and truth contained therein when he said:

Whether our religion is Christianity, Islam, or Judaism, the fact is that racism has poisoned the bloodstream of the monotheistic religions of the world. So, it becomes our duty, now, to take the truth of Judaism, the truth of Islam, and the truth of Christianity and drive racism out of it. Then, and only then, can religion be an active participant in the liberation of the human spirit (Exhibit FFF-11);

- i. On September 16, 2001, during a press conference at Mosque Maryam after the attack on the World Trade Center on September 11th, Minister Farrakhan recognized the legitimacy of Judaism when he said:

I would humbly, humbly advise and implore the president of the United States, before he takes this country into war, to counsel with scriptural scientists who are among the Jews, the Christians, and the Muslims. There are those who have given their lives to the study of prophecy and can advise him so that as we put on the armor of battle, we have to put on the whole armor of God...

And it seems as though the political people cannot bring it about. So, those who are religious scientists must rise to the occasion. The children of Abraham, Muslims, Christians, and Jews, pooling the best of our knowledge of scripture can help to solve that problem...

We cannot march off into war saying, ‘Hip, hip, hooray.’ We have to march off into war guided by the knowledge of what this is, and if we can avert war, we should do everything we can to avert it because ‘blessed are the peacemakers for they shall be called the children of God.’ I would appeal to the scriptural scientists among us, those of Judaism, Christianity, and Islam, to be utilized by President Bush to help him to understand this hour from what the prophets saw and predicted (Exhibit FFF-12) ;

- j. On August 26, 2002, during an interview with Phil Donahue, Minister Farrakhan acknowledged the existence of “good Jews...that are righteous” when he said:

Now, are there good Jews? Of course, there are. Are there Jews that are righteous? Of course, there are. Are there Jews that have benefited Black people? Of course, there are. We don't put those righteous persons in a class of those that are not good any more than you put indecent Blacks in the class of those that are doing good[;]” (Exhibit FFF-13)

- k. On June 25, 2005, at the GAEB0 Convention Center in Savannah, Georgia, Minister Farrakhan publicly acknowledged his admiration for Jewish people when he said:

I want the Press to know I’ve never been an ‘anti-Semite.’ I don’t hate the Jewish people. I never have. I’m an admirer of the Jewish people because they lead in every field of human endeavor. Without Jewish science and Jewish technology, Jewish medicine, I mean, they’ve advanced their fields. I don’t have any problem with that... But the Jews are not so sacrosanct that they are above critical analysis. Don’t get upset with me because I see you. It’s not about hate. It’s about that freedom of people that cannot rise if you’re sitting on them...

See, I’m not against the Jewish people. I want you to know that. I have never, ever, ever done anything to hinder a Jewish person from getting a job, or advancing in the society. I’ve never picketed a Jewish store. When we don’t have Halal meat, I go to the kosher meat market, and I spend my money with you. I’ve never asked [anybody] to boycott a Jewish store. Check my record. We have never, ever put any graffiti on a synagogue because our religion teaches us to protect any house where God’s name is remembered (FFF-14);

- l. On September 14, 2005, in a lecture entitled, “The Time of Trouble-America Must Reap What She Has Sown,” Minister Farrakhan acknowledged his respect for Jewish people, when he said:

I have never hated the Jewish people. I have always respected them. But what I have always been against is the level of control that they exercise over Blacks in politics, Blacks in culture, Blacks in academia. I have not spoken in a Black college for years because they poison Black presidents and frightened them that Farrakhan should not come on the campus and speak to young Black men and women. I could not come to Morehouse.

I could not come to Morris Brown. I could not come to A&T. I could not come to Howard. No Black school because they had a stranglehold on Black presidents; that a man like Farrakhan should not be allowed to speak to young Black men and women, not because I don't have something to say. But because Farrakhan knows the truth, the truth that Jesus said would set us free (FFF-15);

- m. On October 15, 2005, on the mall in Washington, D.C., during the Millions More Movement, Minister Farrakhan recognized the legitimacy of Judaism, along with Islam and Christianity, when he said:

And lastly, we need a ministry that deals with the head, the spirit of our people, where we collect our spiritual leaders of Christianity, and Islam, and Judaism, and all other religions, and come up with the spiritual teaching that will transform our lives by renewing our minds (FFF-16);

- n. On March 7, 2007, during a CNN interview with Don Lemon, Minister Farrakhan articulated his respect for Jewish people and their faith tradition when he said:

I've never been an anti-Semite from the depth of my heart. I know that I've never hated the Jewish people. And for me to hate a Jewish person because of their faith tradition would make me less than a Muslim, less than a righteous person, and would make me a bigot, and a wicked person...People were calling me 'the new Black Hitler.' I have never pulled or plucked one hair from the eyebrow of a Jewish person. I trade with Jewish stores right now. I, if I can't find something that is Halal, I go to the kosher store to buy the food.

So, please, if I were anti-Semitic, if I hated the Jewish people, I would organize boycotts against their businesses. You wouldn't see a Muslim putting a swastika on a Jewish synagogue because our Qur'an forbids us, and even advises us, if we see someone doing that to a church or a synagogue or a cloister, that we should stop them from doing so (FFF-17);

- o. On July 3, 2008, during the Emancipation Day celebration in St. Croix, Minister Farrakhan articulated his non-hatred of the Jewish people when he said:

Now, they call me “anti-Semitic.” I hate that appellation or name applied to me because I have never been hateful of the Jewish people, never. Critical? Yes. Hateful? No (Exhibit FFF-18);

- p. On June 24, 2010, in a letter to then-Director of Defendant ADL Abraham Foxman as well as to other leaders of Jewish organizations, Minister Farrakhan wrote, among other things:

The charge of anti-Semitism has been leveled against Elijah Muhammad, Malcolm X, and the Nation of Islam for many years. For 25 of the 33 years of my rebuilding of the Nation of Islam, I and we, in the Nation of Islam, have suffered under the charge of “anti-Semitism”...

As you have constantly labeled me and done everything within your power to hinder me and us from the civilizing work that Allah (God) has given to Elijah Muhammad and myself to do, I ask you to find one act committed by me, or those who follow me, that has injured one Jewish person, stopped Jews from doing business, hindered their education, injured their families, sullied or desecrated their synagogues. You will not find one.

So, except for our willingness to tell the truth and our unwillingness to apologize to you for telling the truth, on what basis do you charge me and us as being ‘anti-Semitic?’...I have pleaded with you over the years for a sensible, intelligent dialogue. You have rejected me, and some Rabbis have given me terms for friendship that any self-respecting person could never accept. So, with this truth in our hands and yours, and soon in the hands of tens of thousands, I again ask you for a dialogue; and

- q. Lastly, on July 4, 2020, during “The Criterion” lecture, Minister Farrakhan articulated his non-hatred of the Jewish people when he said:

You really think that I hate the Jewish people? You do not know me at all. You that have been in my close conversations, have you ever heard me utter the words of death to the Jewish people? (Note: The answer was a resounding, “No!”) (Exhibit FFF-19)

192. These quotes and many others identify Minister Farrakhan’s positive perspective on Judaism and those Jewish people who strive to be righteous.

FACTS

ADL / JONATHAN GREENBLATT

193. At ADL.org, Defendant ADL states:

- a. “The Nation of Islam (NOI), the largest Black nationalist organization in the U.S., has maintained a consistent record of antisemitism and bigotry since its founding in the 1930s.”
- b. “Some mainstream figures, including elected officials and celebrities, have publicly supported the NOI, focusing on the group’s efforts to bolster Black self-reliance while minimizing or not acknowledging the NOI’s well-established record of bigotry and antisemitism, giving this hateful rhetoric a measure of legitimacy.”

194. The issue becomes what Defendant ADL defines as “anti-Semitic,” or “antisemitism.”

195. Merriam-Webster Dictionary, the leading dictionary in America, defines the word “Semite” as, “a member of any of a number of peoples of ancient southwestern Asia including the Akkadians, Phoenicians, Hebrews, and Arabs.” (Exhibit V)

196. Based upon this definition of the word “Semite,” from the nearly 200-year-old Merriam-Webster Dictionary, multiple groups of people are historically and legitimately described under the title, “Semite.”

197. By definition, anyone who is labeled “anti-Semite” would be a person who dislikes, hates, and/or attacks a person, or persons, of one of the multiple groups of people who have historically and legitimately been defined as a “Semite.”

198. Defendant ADL, however, has crafted its own definition of the word “Semite” and “Semitic” to mean only those people who identify as Jewish.

199. No one group of people own the word “Semite” because, for thousands of years, it has belonged, and still belongs, to multiple groups of people.

200. In fact, any one group of people who seek to ascribe solely to itself the label of “Semite” to the exclusion and denial of the other multiple groups of Semitic people, is, in fact, being “anti-Semitic.”

201. Nevertheless, Defendant ADL has ascribed to itself the ability to make up a new definition for the words “anti-Semite,” “anti-Semitic,” and “antisemitism,” and has sought to impose its arbitrary definition on the public and the Executive, Legislative, and Judicial branches of government, including their respective governmental agencies.

202. For instance, to be labeled an “anti-Semite,” or as “anti-Semitic,” by Defendant ADL, and others, includes, but does not require a person to say or do something harmful or hateful to Jewish people.

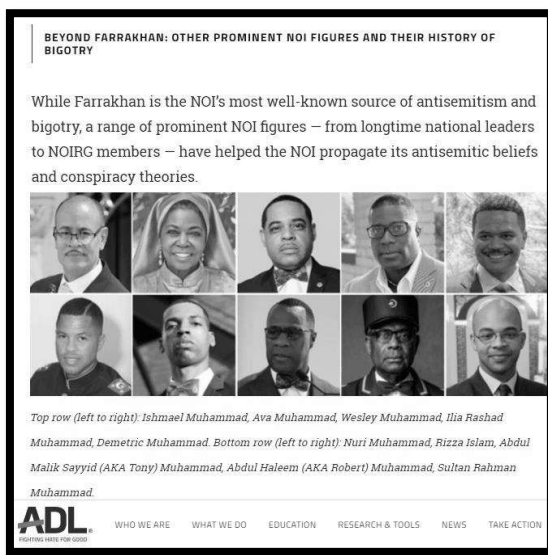
203. The false use of those labels, that fit into its own arbitrary definition of those words, includes anyone who would dare to say anything that is contrary to its interests or against what is called the state of Israel.

204. Moreover, irrespective of the truth of any statement made that it does not like, on its website, Defendant ADL lists the following “tropes” that, from its perspective, would warrant the label of “anti-Semite,” or “anti-Semitic” if someone used any one of them:

- a. Jews have too much power,
- b. Jews are disloyal,
- c. Jews are greedy,
- d. Jews killed Jesus,
- e. Jews use Christian blood for religious rituals,
- f. The Holocaust didn’t happen, and
- g. Anti-Zionism or delegitimization of Israel. (Exhibit W)

205. This arbitrary and expanding list of what Defendant ADL determines to be instances of “anti-Semitism” amplifies the perspective of one writer who once wrote, “‘anti-Semite’ used to mean a man who hated Jews. Now, it means a man who is hated by Jews.” (Exhibit X)

206. Several of Minister Farrakhan’s student ministers have been falsely labeled as “anti-Semitic” by Defendant ADL as well.



207. Falsely identifying and labeling someone as an “anti-Semite,” as “anti-Semitic” and as one who espouses “antisemitism” are either actionable opinions or are statements of fact that are capable of being proved false.

208. These false labels of “anti-Semite,” “anti-Semitic,” and “antisemitism” is specific language that that is readily understood by anyone who hears it and anyone who reads it.

209. The context in which the false labels and statements appear indicates to the hearer or the reader that the statement is a fact.

210. A reasonable hearer or reader would conclude that the false statements of “anti-Semite,” “anti-Semitic,” “antisemitism,” and articles conveying such false statements were conveying facts about Minister Farrakhan.

211. To this point, on October 3, 2022, Regional Director for Defendant ADL of New York and New Jersey, Scott Richman, under the leadership of its' CEO Defendant Greenblatt, testified at a hearing before the Committee on Homeland Security, House of Representatives, 117th Congress.

212. The specific title of the hearing was "Countering Violent Extremism, Terrorism, And Antisemitic Threats in New Jersey."

213. In his written statement, on behalf of Defendant ADL, as a matter of record before this Congressional Committee, Mr. Richman called Minister Farrakhan an "antisemitic individual," which is clearly a statement of fact, that can be proven false. (Exhibit Y)

214. The words and deeds of Defendants Greenblatt and ADL are not just words and deeds of an individual or an organization, but are the words and deeds that carry the weight of acting under the color of law.

215. Defendant ADL has a long history of performing governmental functions at every level of government: federal, state, and local.

216. The training of law enforcement officers is traditionally an exclusive governmental function, and by its own admission on its official website, Defendant ADL trains at least 15,000 law enforcement personnel per year. (Exhibit Z)

217. Defendant ADL engages in joint law enforcement training sessions with the "F.B.I."

218. Defendant ADL represents itself as the nation's top "non-governmental" law enforcement training organization on issues of implicit bias, hate crimes, extremism, and community security. (Exhibit Z-1)

219. Defendant ADL has a law enforcement advisory committee that meets regularly with the F.B.I.

220. Defendant ADL indicated that, as of 2018, in New York and New Jersey, it had trained 1,280 law enforcement officials in recognizing and preventing extremism.

221. Additionally, as of 2018, Defendant ADL had trained 1,593 officials from law enforcement agencies across New York and New Jersey, “in managing implicit bias, Holocaust education, and recognizing hate crimes.” (*Id.*)

222. Upon information and belief, the law enforcement advisory committee meets with high-ranking law enforcement officials where they receive directives from Defendant ADL, and/or where Defendant ADL frames law enforcement policies and objectives.

223. According to Defendant ADL, in 1998 they created the “Law Enforcement and Society” (LEAS) program in Washington D.C., working with the U.S. Holocaust Memorial Museum, and since its establishment, Defendant ADL asserts that it has trained more than 100,000 law enforcement officers.

224. According to Defendant ADL’s website:

Every new F.B.I. Special Agent must go through this training, which has also become standard protocol for several major metropolitan police forces, the Department of Homeland Security and the Bureau of Alcohol, Tobacco, Firearms and explosives...

Federal agencies whose agents are trained in the program include the Federal Bureau of Investigation, U.S. Secret Service, and U.S. Immigration and Customs Enforcement, while local departments include the Washington, D.C., Metropolitan Police Department, the Philadelphia Police Department, and dozens more.

LEAS has also been incorporated into the curriculum of F.B.I. National Academy, the F.B.I. National Executive Institute, and the F.B.I. Law Enforcement Executive Development Seminar. In addition to the original program.... LEAS is also now offered in Houston, Los Angeles, Nassau County (NY), Seattle, St. Louis, and Tampa. (Exhibit AA)

225. The scope, depth, and breadth of Defendant ADL’s substantial intertwining with law enforcement training at the federal, state, and local levels is staggering.

226. Defendant ADL, under color of law, carries out these traditional and exclusive governmental functions, including investigating, spying, law enforcement training, and reporting on alleged crimes.

227. Upon information and belief, federal, state, and local agencies not only rely upon Defendant ADL's spying and investigating, but also shares information with them. *Infra*.

228. Historical and present pronouncements by both past and recent F.B.I. Directors acknowledge this governmental function Defendant ADL provides to the U.S. government, in general, and the F.B.I., in particular.

229. Defendant ADL works in concert with the U.S. government and has utilized its authority under the color of law to label Minister Farrakhan an "anti-Semite," and the Nation of Islam as an anti-Semitic group and, in turn, deprived him and the Nation of Islam of certain constitutional guarantees.

230. These statements, and others noted herein, form, in part, the basis for the causes of action Minister Farrakhan and the Nation of Islam have brought against Defendants ADL and Greenblatt.

SWC / RABBI ABRAHAM COOPER

231. On or about December 29, 2022, on its official website, Defendant SWC published a document which it entitled, "2022 Top Ten Worst Global Antisemitic Incidents," wherein it maliciously maligned and defamed Minister Farrakhan as "America's Godfather of Hate." (Exhibit BB)

232. On or about December 1, 2022, on its official website, Defendant SWC attempted to justify its false labeling of Minister Farrakhan as an "anti-Semite," when it labeled him as

“America’s Godfather of Hate,” in its attempt to intentionally mischaracterize him to the world. (Exhibit CC)

233. On or about March 1, 2023, SWC published on that same website an article entitled, “SWC: Farrakhan’s Annual Saviours’ Day Anti-Jewish Tirades Continue As Does Silence of Political and Faith Leaders.” (Exhibit DD)

234. The article, which falsely charged Minister Louis Farrakhan as being “anti-Semitic,” stated in part, “[t]he Simon Wiesenthal Center is condemning Louis Farrakhan’s latest Savior’s [Sic] Day Antisemitic and anti-Judaic diatribes during the Nation of Islam’s annual conference in Chicago.”

235. In that article, Defendant Cooper made false and defamatory statements about Minister Farrakhan, when he said, “We have tracked and denounced Farrakhan and his trail of Jew-hatred and antisemitic incitement for four decades. Yet, the godfather of hate has rarely been publicly criticized.” (*Id.*)

236. These malicious statements, and others noted herein, form, in part, the basis for the cause of action Minister Farrakhan has brought against Defendants SWC and Cooper for defamation.

COUNTS

COUNT 1

**VIOLATION OF FIRST AMENDMENT – FREEDOM OF ASSOCIATION - UNDER COLOR OF
FEDERAL LAW**

FARRAKHAN V. ADL

237. Minister Farrakhan realleges and incorporates by reference paragraphs 14-236, as though fully set forth herein.

238. The First Amendment to the United States Constitution provides, in part, that, “Congress shall make no law...abridging...the right of the people peaceably to assemble....” U.S. CONST. amend. I.

239. This restriction applies to all branches of the federal government.

Acting Under Color of Federal Law

240. Defendant ADL, as a de facto, quasi-governmental actor, while acting under the color of federal law, with authority it possesses by policy, custom, delegation, and/or by virtue of its concerted actions with the Executive Branch of the U.S. government, engaged in actions that unlawfully infringed upon Minister Farrakhan’s constitutional right to freely associate with others who share common interests in violation of the First Amendment.

Close Nexus

241. Upon information and belief, Defendant ADL has a “close nexus” with the Executive Branch of the U.S. government, and said “close nexus” renders Defendant ADL a federal actor for purposes of federal constitutional violations.

Drafting, Shaping, and Implementing a National Policy

242. On February 4, 2021, Defendant Greenblatt testified before Congress and made remarks regarding combating “antisemitism.”

243. In said remarks, he stated that he believed the F.B.I., “...is focused on the problem, but we do not yet have a whole-of-government approach.” (EE)

244. With those words, Defendant Greenblatt gave a hint that Defendant ADL intended to work with its partners in the federal government to create and implement a “whole-of-government approach” toward combating what it regarded as “antisemitism.”

245. In furtherance of said objective, on June 28, 2022, Defendant ADL published a press release on its website entitled, “ADL Announces Policy Agenda to Fight Antisemitism.” (Exhibit QQ-1)

246. According to the press release, Defendant ADL launched its “COMBAT” policy plan that outlined its priorities to “prevent antisemitism.” (*Id.*)

247. The six-page “COMBAT” plan identifies a list of initiatives and objectives Defendant ADL desired to achieve. (Exhibit QQ)

248. Sometime thereafter, Defendant ADL began working in concert with the Executive Branch of the U.S. government to begin effectuating, not the government’s plan, but its plan to counter antisemitism with the backing of the government.

249. To this end, on December 5, 2022, at the urging of Defendant ADL, the “House and Senate Bipartisan Task Force on Antisemitism” forwarded a letter signed by 125 members of Congress to President Joseph Biden requesting the creation of an interagency task force out of the White House in the name of combatting “antisemitism.” (Exhibit LL)

250. Two days later, on December 7, 2022, the first steps in honoring Defendant ADL’s request for the creation of such an interagency task force took place when Vice President Kamala Harris’ husband, Douglas Emhoff, hosted a meeting with certain individuals under the caption, “White House Antisemitism Roundtable.” (Exhibit MM)

251. Five days thereafter, on or about December 12, 2022, the White House announced the creation of that interagency task force to, among other things, study strategies to counter “antisemitism.” (Exhibit NN)
252. Upon information and belief, over the next five months, Defendant ADL conducted additional meetings with White House personnel to concretize the objective of this interagency task force, which was the development and implementation of a National Strategy that would employ the human and financial resources of the U.S. government to combat whoever Defendant ADL determines to be an “anti-Semite” or “anti-Semitic,” and to combat whatever it determines to be “antisemitism.”
253. Defendant ADL’s plan to implement its “COMBAT” plan to fight what it determines to be antisemitism came on May 25, 2023, when President Biden signed and issued “The U.S. National Strategy To Counter Antisemitism” (hereinafter, “The National Strategy ”). (Exhibit FF)
254. Said policy was, in fact, Defendant ADL’s policy signed by the president.
255. In support of this point, on the very same day President Biden signed and issued the policy, Defendant ADL took credit for shaping this national policy from the White House by issuing a press release entitled, “ADL Welcomes First-Ever White House National Strategy to Counter Antisemitism.” (Exhibit FF-2)
256. The subtitle to said press release stated, “[m]ore than 30 ADL recommendations shaped strategy, which addresses broad range of antisemitism from all sides of the political spectrum.” (*Id.*)

257. No clearer words for establishing Defendant ADL “close nexus” and “entwinement” with the Executive Branch of the U.S. government that its own words found in said press release.

258. To this point, in the body of said press release, Defendant ADL, “In Its Own Words,” wrote, “ADL actively assisted in the development of the White House strategy, contributing more than 30 distinct policy recommendations.” (Emphasis added.)(*Id.*)

259. Defendant ADL’s “active[] assist[ance]” with the White House in developing The National Strategy signed by the chief executive officer of the United States of America incontrovertibly establishes and confirms its status as a federal actor.

260. Defendant ADL, however, extended its victory lap on May 30, 2023, when it made another posting on its website entitled, “ADL Shaped White House Strategy to Counter Antisemitism.” (Exhibit FF-1)

261. In said document, Defendant ADL boasted how practically every initiative it previously developed in its own “COMBAT” plan was “included in White House National Strategy.” (*Id.*)

262. To say Defendant ADL was instrumental in facilitating “The U.S. National Strategy on Countering Antisemitism” would be an understatement; in fact, it was the visionary, architect, builder, and implementer of said federal National Strategy .

263. Defendant ADL’s shaping of a National Strategy coming from the White House concretizes its “close nexus” and “entwinement” with the federal government and, thereby, concretizes its status as a federal actor subject to claims for First Amendment violations.

264. Defendant ADL’s “whole-of-government approach” first stated by Defendant Greenblatt in front of Congress on February 4, 2021, came to life on May 25, 2023, when President Biden signed The National Strategy.

265. In fact, his reference to “a whole-of-government approach” is practically a mirror-image of the language found throughout The National Strategy, wherein it references “a whole-of-society approach.” (Exhibit FF)

266. This practically mirror-imaged language from Defendant Greenblatt on February 4, 2021, and the language found in The National Strategy released on May 25, 2023, is evidence of how Defendant ADL successfully pulled the proverbial levers of the U.S. government to implement its plan.

267. Additionally, Defendant Greenblatt’s request for “a whole-of-government approach” materialized in promulgation of The National Strategy because said policy directs the following governmental agencies:

- a. The US Congress,
- b. The Department of Commerce,
- c. The Department of Homeland Security,
- d. The Department of Justice,
- e. The Department of Education,
- f. The Department of Housing and Urban Development,
- g. The Department of Health and Human Services,
- h. The Department of Defense, and
- i. The Department of Veterans Affairs. (*Id.*)

Deprivation of Minister Farrakhan’s First Amendment Right (Association)

268. At all times relevant herein, Defendant ADL has exercised the authority given to it by the F.B.I. and/or the Executive Branch generally, and its actions in violating Minister Farrakhan’s constitutional rights were taken with governmental authorization, and/or the government has given the appearance of authorizing Defendant ADL’s actions.

269. Defendant ADL has acted under color of law because it has exercised power possessed by virtue of federal law, policy, and/or custom, including its plan to counter antisemitism and made possible only because Defendant ADL is clothed with the authority of its entwinement with the federal government.

270. There is a real, imminent, and foreseeable threat of exponentially greater infringement upon said First Amendment right of Minister Farrakhan since the promulgation of The National Strategy.

Injury in Fact

271. In support of said statement, on November 22, 2014, Minister Farrakhan spoke to a standing-room-only audience in the 2,000-seat Murphy Fine Arts Center (hereinafter, “Center”) on the campus of Morgan State University (hereinafter, “Morgan State”).

272. The vast majority of those in attendance shared common interests with Minister Farrakhan, as evidenced by the multiple standing ovations he received during his speech.

273. In addition, some of the students of Morgan State emphatically declared, “[w]e need Minister Farrakhan!” (Exhibit GG)

274. Prior to the event, a writer for *The Baltimore Sun*, however, cited Defendant ADL to support his opposition to Minister Farrakhan’s anticipated speaking event on Morgan

State's campus in 2014 when he wrote in an article, "[a] complete list of Mr. Farrakhan's long history of Jew-baiting can be found on the website of the Anti Defamation (Sic) League." (Exhibit HH)

275. In 2014, Morgan State's administration, however, rebuffed such opposition and allowed Minister Farrakhan to speak and, thereby, facilitated his association and peaceable assemblage with the school administrators and more than 2,000 of their students.

276. Upon information and belief, after that speaking engagement, Defendant ADL either put pressure on the administration, or threatened to lobby against funding for Morgan State, if the administration allowed Minister Farrakhan to associate and peaceably assemble with them and/or their students through a future speaking engagement on its campus.

277. In support of this belief, on or about August 20, 2023, the Nation of Islam submitted an application to Morgan State for the use of the Center as the potential location for Minister Farrakhan to speak on either Saturday, October 14, 2023, or on Sunday, October 15, 2023, in commemoration of the 28th anniversary of the Million Man March. (Exhibit II)

278. Said event would have been of the exact nature, format, and type as the last time Minister Farrakhan spoke in that very same venue on November 22, 2014.

279. On August 22, 2023, however, administrators of Morgan State unceremoniously disassociated itself from Minister Farrakhan when it rejected the application for use of the Center, and, as a result of said rejection, Morgan State administrators refused to allow the speaking event to take place on its campus.

280. In its rejection of the application for use of the Center for said speaking engagement, an administrative assistant for the Center wrote, among other things, "[t]he type of event that you are asking to hold is not suited for our center." (Exhibit JJ)

281. The exact same type of event was suited for the Center in 2014.

282. Thus, the real, actual, and immediate injury suffered by Minister Farrakhan by Defendant ADL's actions to infringe upon his First Amendment right to freedom of association was the rejection of the application that would have allowed him to return to the campus of Morgan State and speak to like-minded students, faculty, and staff.

283. Said denial constituted an unlawful infringement of Minister Farrakhan's First Amendment right to freedom of association.

284. Minister Farrakhan also suffered impairment to his reputation by being denied access to a venue he previously had access to.

Causal Connection to Defendant ADL

285. Upon information and belief, Defendant ADL is causally connected to the denial of said application, and the resultant unlawful infringement of said freedom of association.

286. Upon information and belief, Defendant ADL has taken actions the Executive Branch would not be able to do directly, which includes censoring expression of viewpoints it deems incompatible with its viewpoints.

287. The censorship and suppression Defendant ADL has induced from universities and others on relating to Minister Farrakhan constitutes a prior restraint on First Amendment activities such as association.

288. Upon information and belief, Defendant ADL goes ahead of Minister Farrakhan to dissuade persons and/or entities from associating with him, and goes behind Minister Farrakhan to threaten, intimidate, and/or coerce person and/or entities who do associate with him to never do it again.

289. To this point, Defendant ADL became aware of the August 20, 2023, application for the rental of the Center.

290. Upon information and belief, Defendant ADL used its power and authority derived from its close association with the federal government and caused Morgan State to reject the application that would have allowed Minister Farrakhan to speak on its campus and to associate and assemble with them and their students.

291. Said infringing actions were consistent with Defendant ADL's report entitled, "Mainstreaming Anti-Semitism: The Legitimation of Louis Farrakhan," wherein Defendant ADL openly and brazenly acknowledged how it would take whatever steps it deemed necessary to interfere with, violate, and infringe upon Minister Farrakhan's First Amendment rights. (Exhibit I-2)

292. As noted, Defendant ADL stated in said report, "[t]he ADL is not going to make Farrakhan go away. What we can and should do is impose an obligation on those who deal with him, or, as in the case of universities, give him a platform." (*Id.*, at p. 8)

293. Consistent with its stated intention in its own publication, Defendant ADL, upon information and belief, made good on its word and "did impose an obligation" on Morgan State by forcing it to reject the application to allow Minister Farrakhan to speak on its campus in October of 2023.

294. The rejection of the application for Minister Farrakhan to speak on Morgan State's campus, which constituted a disassociation after a cordial 40-year relationship, was the result of Defendant ADL's direct actions.

295. Said actions by Defendant ADL constituted a direct and unconstitutional infringement upon Minister Farrakhan's First Amendment right to freedom of association.

296. Said act by Defendant ADL was consistent with and carried out in conjunction with the policy it developed and implemented through the White House.

297. For instance, Strategic Goal 3.1 of The National Strategy, entitled, “Speak Out Forcefully Against Antisemitic Speech and Conduct, and Increase Accountability for Antisemitism,” the language Defendant ADL crafted and developed in concert with the White House reads, in part:

America must beat back and overwhelm hateful and antisemitic speech with a powerful chorus that rejects it, especially when it is spread by public figures ... The Biden-Harris Administration will continue to lead in calling out antisemitism and urges actors across society—from...the pulpit to the university—to call out and condemn antisemitism unambiguously and unequivocally. (Emphasis added.)(Exhibit FF)

298. As noted, Minister Farrakhan is a “public figure[,]” he was attempting to speak at Morgan State “University,” and Defendant ADL considers Minister Farrakhan a hater of Jewish people simply because they are Jewish.

299. The denial of the application that would have allowed Minister Farrakhan to speak at Morgan State is in alignment with Defendant ADL’s stated policy to exact a burden on any school that would allow him to speak, and in alignment with the stated objectives of The National Strategy.

300. Upon information and belief, Defendant ADL’s concerted efforts and “close nexus” with the White House in the creation, development, and promulgation of The National Strategy provided Defendant ADL with the governmental authority it needed to cause a “university” that previously welcomed him to its campus in 2014 to disassociate itself with him in 2023.

301. In the alternative, upon information and belief, the administration of Morgan State chose to disassociate themselves from Minister Farrakhan and to reject the same type of event it

previously allowed on its campus because of the relentless misrepresentation of Minister Farrakhan by Defendant ADL as being, among other things, “antisemitic.”

302. Defendant ADL’s years of falsely labeling Minister Farrakhan as “anti-Semitic” injured him in that it impaired his reputation to the degree that it caused the administration of Morgan State to not allow him to speak on its campus, and, thereby, disassociate with him.

Another Recent Attempt at Infringement of Said First Amendment Right

303. Approximately six months prior to the successful infringement of Minister Farrakhan’s First Amendment right to freedom of association with Morgan State, Defendant ADL made a publicly brazen attempt to infringe upon this same right with respect to Minister Farrakhan’s February 26, 2023, Saviours’ Day address.

304. To this point, on February 9, 2023, Defendants ADL and Greenblatt wrote a letter to the CEO of Ticketmaster in an attempt to get Ticketmaster to cease selling tickets to the Wintrust Arena where Minister Farrakhan was scheduled to speak. (Exhibit KK)

305. In said letter, Defendant ADL referred to Minister Farrakhan as, “the Nation of Islam’s longtime leader and one of the most notorious antisemites in the country.” (*Id.*)

306. Defendant ADL disingenuously claimed that it was “not requesting any particular action from [Ticketmaster] as it relates to [its] commercial activities[.]” (XX)

307. Immediately thereafter, on or about February 13, 2023, Defendant Greenblatt, on behalf of Defendant ADL, further attempted to have Minister Farrakhan’s Saviours’ Day speech cancelled by tweeting, “Louis Farrakhan, the notorious antisemite and hater of LGBTQ+ people, is being given a platform and venue in Chicago. Will the city and owners of this venue condemn his hateful words? Shameful.” (Exhibit KK-I)

308. Said Defendants made that posting in an attempt to interfere with Minister Farrakhan's right to freedom of association.

309. Further evidence of its true intent to have the event cancelled and, thereby, unlawfully infringe upon Minister Farrakhan's First Amendment right to freedom of association was their February 27, 2023, letter they posted on Defendant ADL's official website after the event wherein they wrote:

A coalition of local Jewish and LGBTQ+ organizations, including the ADL Midwest, Equality Illinois and the Jewish United Fund/Jewish Federation of Chicago, wrote to the leadership of the Metropolitan Pier and Exposition Authority (MPEA), the owner of Wintrust Arena, ahead of Saviours' Day to share information about Farrakhan's history of hate and bigotry and called on the MPEA to speak out against the harmful views expressed at the event. To date, MPEA has not made any public comments. Ticketmaster, which hosted online ticket sales for the event, also did not take any action ahead of Saviours' Day. (Emphasis added.)(Exhibit XX)

310. Upon information and belief, the only "action" Defendant ADL desired for Ticketmaster to take ahead of the event was to cease selling tickets to the event.

311. If Ticketmaster would have taken such action, aside from Defendant ADL being liable for tortious interference with a contract and interfering with national commerce, it would have been causally connected to, among other things, the unlawful infringement of Minister Farrakhan's First Amendment right to freedom of association.

312. While such actions were not successful in February of 2023, similar actions were successful in August of 2023, after the promulgation by the White House of The National Strategy Defendant ADL created, developed, and drafted.

313. The actions taken by Defendant ADL in February of 2023, though not a claim with respect to this Count, establishes the propensity of Defendant ADL to brazenly engage in unlawful actions that infringe upon Minister Farrakhan's First Amendment rights.

314. Said actions are not innocuous considering Minister Farrakhan customarily speaks at venues where tickets are sold through commercial outlets.

315. Thus, there is also the imminent threat of harm to Minister Farrakhan's First Amendment right to freedom of association for future speaking events.

Redressable Injury by Favorable Decision

316. The injuries identified herein are redressable by a favorable decision to said claim.

317. To wit, for purposes of this count, an injunction against Defendant ADL from seeking to interfere with future speaking events serves to minimize future actions by Defendant ADL to infringe upon Minister Farrakhan's First Amendment right to freedom of association.

318. Moreover, while no amount of money can repair the damage done that has been identified herein, and since the past cannot be undone, the only other remedy this Court has to redress the past injury, damage, and harm done by Defendant ADL is to award monetary damages.

Wherefore, for the foregoing reasons, Minister Farrakhan respectfully requests this Court find that Defendant ADL violated his First Amendment right to freedom of association, and grant him the appropriate relief.

COUNT 2

**VIOLATION OF FIRST AMENDMENT – FREE EXERCISE OF RELIGION - UNDER COLOR OF
FEDERAL LAW**

FARRAKHAN V. ADL

319. Minister Farrakhan realleges and incorporates by reference paragraphs 14-236, and 240-267 as though fully set forth herein.

320. The First Amendment further provides, in part, that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” U.S. CONST. amend. I.

Acting Under Color of Federal Law

321. Defendant ADL, as a federal actor, in concert with the federal government, has engaged in actions that infringes upon Minister Farrakhan’s First Amendment right to free exercise of religion in violation of the First Amendment.

Close Nexus

322. Upon information and belief, Defendant ADL has a “close nexus” with the Executive Branch of the U.S. government, and said “close nexus” renders Defendant ADL a federal actor for purposes of federal constitutional violations. (*Supra*, 240-267)

Deprivation of Minister Farrakhan’s First Amendment Right (Free Exercise)

323. Moreover, there is a real, imminent, and foreseeable threat of exponentially greater infringement upon said First Amendment right of Minister Farrakhan since the promulgation of The National Strategy.

Injury in Fact

324. Minister Farrakhan’s Mission is to deliver the revealed Word of Allah (God) – as found in the Teachings of the Most Honorable Elijah Muhammad – to his people first, and then, to all of humanity.

325. Defendant ADL, however, began implementing a strategy through the Executive Branch of the U.S. government that would result in the continued infringement of Minister Farrakhan's and others' First Amendment right to free exercise of religion, and the widespread proliferation of Minister Farrakhan's salvific ministry.

326. Upon information and belief, Defendant ADL plans and anticipates that The National Strategy will, on one hand, provide the legal justification to officially facilitate the continued infringement upon the free exercise of Minister Farrakhan's religion or, on the other hand, provide the legal justification to facilitate the imminent arrest, prosecution, and likely imprisonment of Minister Farrakhan.

327. As noted, Defendant ADL's actions of writing the CEO of Ticketmaster first on February 9, 2023, prior to the implementation of this National Strategy, and then posting a message on its official website on February 27, 2023, lamenting over Ticketmaster's refusal to cancel the event is further evidence of its desire and willingness to take actions to infringe upon Minister Farrakhan's First Amendment right to free exercise of religion. (*Supra*, 304-311)

328. While that one action did not materialize, there are other consequences from that action that constitute injuries, including, but not limited to, impairment of reputation.

329. This threat of infringement is imminent and real considering the stated mandate in The National Strategy is to take certain "actions" within one year of its promulgation.

330. The Nation of Islam hosts multiple events a year where Minister Farrakhan is the likely featured speaker that require securing venues that utilize Ticketmaster as its contracted ticketing management company.

331. It is reasonably foreseeable that the action taken by Defendant ADL in February of 2023 just three months prior to the promulgation of The National Strategy will not only continue, but will amplify and accelerate since its promulgation.

332. Based on these recent acts of Defendant ADL to infringe upon Minister Farrakhan's right to free exercise of his religion prior to the passage of its National Strategy, it is foreseeable and reasonably objective to conclude that the threat of imminent harm is real, and that Defendant ADL will not only begin to make additional actions to infringe upon Minister Farrakhan's right to free exercise of his religion, but it will likely be more successful in accomplishing their continued actions to infringe upon his First Amendment rights because it now has "The U.S. National Policy to Counter Antisemitism" as additional support from the U.S. government.

Causal Connection to Defendant ADL

333. The inauspicious danger associated with Defendant ADL's seemingly indiscriminate determination of who is "anti-Semitic" and what is "antisemitism" is found in the fact that it has become the basis of a major national initiative of the president of the United States, thereby carrying the strength and power of the Executive Branch of the federal government.

334. Defendant ADL has been supported by the federal government in the implementation, and ultimately weaponization, of this National Strategy particularly against Minister Farrakhan because it has spared no expense at repeatedly and falsely labeling both as being "anti-Semitic." (Exhibit FF)

335. Defendant ADL's false labeling of Minister Farrakhan as "anti-Semitic" is imposed upon him because it does not like the truth that he speaks; and such behavior is reminiscent of

2,000 years ago when certain Jews of that day could not bear to hear the truth that Jesus spoke. (*Id.*, at p. 8)

336. Minister Farrakhan's speaking the truth undergirds Defendant ADL's false labeling of him.

337. Defendant ADL's false labeling of Minister Farrakhan as "anti-Semitic," coupled with The National Strategy, infringes upon Minister Farrakhan's free exercise of his religion in violation of the First Amendment because it makes him a real and imminent target of this National Strategy of the federal government and Defendant ADL as a part of their concerted activity, and, upon information and belief, it is designed to hinder his teaching of Islam as Allah (God) revealed it to the Most Honorable Elijah Muhammad.

Redressable Injury by Favorable Decision

338. The injuries identified herein are redressable by a favorable decision to said claim.

339. To wit, for purposes of this count, an injunction against Defendant ADL from seeking to interfere with future speaking events serves to minimize future actions by Defendant ADL to infringe upon Minister Farrakhan's First Amendment right to free exercise of religion.

340. Moreover, while no amount of money can repair the damage done that has been identified herein, and since the past cannot be undone, the only other remedy this Court has to redress the past injury, damage, and harm done by Defendant ADL is to award monetary damages.

Wherefore, for the foregoing reasons, Minister Farrakhan respectfully requests this Court find that Defendant ADL violated his First Amendment right to free exercise of religion, and grant him the appropriate relief.

COUNT 3

**VIOLATION OF FIRST AMENDMENT – FREE EXERCISE OF RELIGION – UNDER COLOR OF
FEDERAL LAW**

NATION OF ISLAM V. ADL

341. The Nation of Islam realleges and incorporates by reference paragraphs 14-236 and 240-267 as though fully set forth herein.

Acting Under Color of Federal Law

Close Nexus / Entwinement / Entanglement

342. Defendant ADL, as part of its “close nexus,” “entwinement,” and “entanglement” with the federal government, conducts “executive level discussion[s]” with the F.B.I. on topics including “Black Identity Extremism,” which invariably includes Minister Farrakhan and the Nation of Islam. (Exhibit KKK-1)

343. In said “executive level discussion[s],” Defendant ADL agreed to forward information to the F.B.I. that Defendant ADL wanted to have investigated. (*Id.*)

344. Furthermore, upon information and belief, Defendant ADL conducts investigations on behalf of the F.B.I. on matters it maintains are instances of “antisemitism.”

345. Said “executive level discussion[s]” between Defendant ADL and the F.B.I. is evidence of a “close nexus,” “entwinement,” and “entanglement” between said entities.

Deprivation of Nation of Islam’s First Amendment Right (Free Exercise)

346. In addition to performing investigative functions, and sharing such information with the F.B.I., Defendant ADL formulates social media policies and community standards that are enforced by multiple federal government agencies.

347. Upon information and belief, Defendant ADL visited certain social media platforms with the F.B.I., and/or on behalf of the F.B.I., to enforce policies it developed for that social media platform to identify and regulate what it determined to constitute “antisemitism.”

348. For instance, in 2020, representatives of Defendant ADL either visited or communicated with Foxsoul TV to get them to cancel the airing of Minister Farrakhan’s July 4, 2020, message entitled, “The Criterion.”

349. After Foxsoul cancelled its airing of “The Criterion,” Defendant ADL took credit for the cancellation. (See Exhibit OO)

Injury in Fact

350. Upon information and belief, Defendant ADL took similar steps with the streaming platform “Vimeo” where the Nation of Islam once had a streaming account.

351. The Nation of Islam exercised an aspect of its religion by proselytizing through the spreading of the Teachings of the Most Honorable Elijah Muhammad on the “Vimeo” platform.

352. Upon information and belief, Defendant ADL, as part of its relationship with the F.B.I., coupled with the authority granted to it due to the implementation of its “COMBAT” policy, tracked and investigated the “Vimeo” platform since the Nation of Islam was using it to spread the Teachings of the Most Honorable Elijah Muhammad and caused Vimeo to cancel the account and, thereby, injured the Nation of Islam by restricting its ability to share the Teachings of the Most Honorable Elijah Muhammad with the public.

Causal Connection to Defendant ADL

353. Upon information and belief, Defendant ADL determined the messages presented through “Vimeo” were “anti-Semitic,” and, thereafter, used its authority and sanctioning by the F.B.I. to cause “Vimeo” to cancel the Nation of Islam’s account on or about July 16, 2020. (Exhibit PP)

354. To this end, “Vimeo” specifically stated in its account cancellation notification to the Nation of Islam that it relied upon information from Defendant ADL to effectuate the cancellation. (*Id.*)

355. Said act unjustly infringed upon the Nation of Islam’s free exercise of religion by limiting its ability to express its religion.

Redressable Injury by Favorable Decision

356. The damage and injury occurred at the point Vimeo cancelled the Nation of Islam’s account, and the threat of imminent injury is ongoing based upon Defendant ADL’s continued actions to hinder and disrupt the Nation of Islam’s propagation of its religion.

357. Thus, the injuries identified herein are redressable by a favorable decision to said claim.

358. To wit, for purposes of this count, an injunction is warranted against Defendant ADL to prevent it from seeking to interfere with the Nation of Islam’s relationships with other social media platforms by having said platforms cancel Nation of Islam accounts because of its distorted perspective of the Nation of Islam.

359. Moreover, while no amount of money can repair the damage done that has been identified herein, and since the past cannot be undone, the only other remedy this Court has to redress the past injury, damage, and harm done by Defendant ADL is to award monetary damages.

Wherefore, for the foregoing reasons, the Nation of Islam respectfully requests this Court find that Defendant ADL, acting under color of federal law, violated its' First Amendment right to free exercise of religion, and grant it the appropriate relief.

COUNT 4

VIOLATION OF FIRST AMENDMENT – FREE EXERCISE OF RELIGION - §1983

NATION OF ISLAM V. ADL

360. The Nation of Islam realleges and incorporates by reference paragraphs 14-267, as though fully set forth herein.

361. 42 U.S.C. §1983 creates a private right of action against any person who, under color of state law, deprives another of “rights, privileges, or immunities secured by the Constitution.”

Acting Under Color of State Law (State of New York)

Entwinement

362. Upon information and belief, Defendant ADL’s functions are “entwined” with certain policies of the State of New York.

363. Said “entwinement” renders Defendant ADL a state actor for purposes of §1983 litigation.

“Entwinement” #1 – State of New York’s Implementation of The National Strategy

364. Evidence of Defendant ADL’s “entwinement” with the State of New York is its history and engagement with The National Strategy, which the State of New York subsequently adopted.

365. To this point, Defendant ADL created a plan and/or strategy to combat and/or counter who and what it determines to be anti-Semitic and antisemitism. (Exhibit QQ)

366. Defendant ADL participated in White House discussions and took an active role in the formulation, development, and implementation of The National Strategy. (Exhibit FF) (*Supra*, ¶¶ 240-267)

367. On May 25, 2023, after the signing of said National Strategy by the president of the United States, Defendant ADL took credit for being the brainchild behind, and impetus for, the creation and adoption of said National Strategy. (Exhibit FF-1)

368. On or about September 19, 2023, Governor Kathy Hochul of the State of New York, announced, “comprehensive state action taken to fight antisemitism.” (Exhibit RR)

369. According to the New York governor’s official website, “Governor Hochul made the announcement at the Center for Jewish History, making New York State the first state to respond to President Biden’s national strategy to counter antisemitism.” *Id.*

370. Said “National Strategy to Counter Antisemitism” is the very same National Strategy Defendant ADL formulated, developed, and took credit for causing the president of the United States to execute and implement. (Exhibit FF)

371. In her remarks on or about September 19th, the Governor of New York said:

As Governor of the State with the largest Jewish population outside the State of Israel, I feel a solemn responsibility to protect and uplift New York’s vibrant, diverse Jewish communities... No one should have to fear for their safety while going to their place of work, going to school, or just walking the streets. It has always been my top priority to keep the people of New York safe, and we will continue taking action to fight antisemitism and use every tool at our disposal to eliminate hate and bias from our communities. (Exhibit RR)

372. The governor’s statement of “us[ing] every tool at our disposal to eliminate hate” ostensibly includes law enforcement.

373. The lieutenant governor of the State of New York went on to say, “[w]e are proud to continue that legacy by becoming the first state in the nation to respond to President Biden’s national strategy to combat antisemitism and root out hate.” *Id.*

374. To this point, Defendant ADL touts itself as “the leading anti-hate organization in the world,” and that it is a “global leader in combating antisemitism, countering extremism and battling bigotry wherever and whenever it happens[.]” (Exhibit SS)

375. Upon information and belief, Defendant ADL will be the primary agent used by the State of New York, to coordinate, implement, and oversee state departments and agencies in furtherance of their implementation of Defendant ADL’s National Strategy to combat “antisemitism.”

376. Said departments and agencies include, but are not limited to:

- a. The New York State Division of Homeland Security and Emergency Services announced that “nearly \$38 million will be distributed to nonprofit organizations throughout the state facing an increased risk of terrorism and violent extremist attacks[;]” *Id.*
- b. The New York State Anti-Hate in Education Center that will, among other things, “combat hate...and focus on eliminating antisemitism[;]” *Id.* and
- c. The New York State Division of Human Rights that, upon information and belief, will use Defendant ADL to perform the state function of improving its “hate and bias incident data collection,” *Id.*, which Defendant ADL is considered by the governor of the State of New York to be an expert in.

377. Thus, Defendant ADL’s self-proclaimed function of being “the leading anti-hate organization in the world,” and being a “global leader in combating antisemitism,” is

entwined with the State of New York's adoption of The National Strategy, which it created, developed, and actively participated in its implementation.

378. With respect to being "entwined" with state policies, Defendant ADL not only formulated The National Strategy on combating alleged antisemitism, it is "entwined" with the state by being, upon information and belief, its partner in the implementation, oversight, and management of its newly adopted policy to "counter antisemitism."

379. Thus, Defendant ADL takes on a public character in its operations because it serves as an integral part of the State of New York's implementation of The National Strategy in various agencies and departments throughout the state.

"Entwinement" #2 – New York State Police / Law Enforcement Training

380. Additional evidence of Defendant ADL's "entwinement" with the State of New York is its active role in training New York State Police and other state law enforcement personnel in identifying who it determines to be "anti-Semitic," and what it determines to be "antisemitism."

381. According to the New York governor's official website, "...the New York State Police will re-launch law enforcement focused Hate Crime Investigative Seminars." (Exhibit RR)

382. Apparently, these seminars previously existed in the New York State Police Department because the governor's website indicates there will be a "re-launch" of such seminars.

383. The governor's website goes on to state:

New York State Police are working with the New York State Division of Criminal Justice Services to launch a new series of Hate Crime Investigative Seminars.

Previous seminars included presentations from the U.S. Attorney's Office for the Northern District, the F.B.I., and the Anti-Defamation League. (Emphasis added) *Id.*

384. Interestingly, the U.S. Attorney's Office and the F.B.I. are branches of the U.S. Justice Department, and are authorized to conduct hate crime investigations and surveillance.

385. Since Defendant ADL was also a past presenter to the New York State Police, then, upon information and belief, it, too, is not only skilled enough in the state function of conducting investigations into purported hate crimes, but it is authorized by the federal government, and the State of New York, to perform the government function of conducting criminal investigations into purported hate crimes such that it was qualified to train the New York State Police in conducting such investigations.

386. Upon information and belief, Defendant ADL, in its presentations to the New York State Police, has specifically mentioned Minister Farrakhan and the Nation of Islam as leading espousers of "antisemitism."

Public Function

387. Additionally, upon information and belief, Defendant ADL engages in activities that are traditionally the exclusive prerogative of the State of New York.

388. Performance of said public functions render Defendant ADL a state actor for purposes of §1983 litigation.

Public Function #1 – New York State Police / Law Enforcement Training

389. Training police officers has traditionally been the exclusive prerogative of the state.
(Exhibit TT)

390. According to Governor Huchel, Defendant ADL has been, and upon information and belief will continue to be, part of the training of New York State Police, along with other arms of the federal government such as the U.S. Attorney's Office and the F.B.I.

391. Defendant ADL's engagement and participation in such activity reasonably characterizes it as a state actor.

Public Function #2 – Surveillance / Data Collection / Investigation

392. To this point, one of Defendant ADL's stated goals after implementing the National Strategy was to improve its, "hate and bias incident data collection[.]" (Exhibit FF)

393. One of the means by which "data collection" occurs is through surveillance, and the utilization of spies and/or undercover agents.

394. The utilization of spies and/or undercover agents to conduct surveillance for the purpose of submitting its findings, factual or fabricated, to relevant law enforcement personnel for potential criminal prosecution is an exclusive public function of the State of New York.

395. In fact, surveilling people and groups is traditionally an exclusive function of the state. (Exhibit UU)

396. Defendant ADL, however, has a documented history of unlawfully surveilling citizens of the United States. (Exhibits G, G-1, and G-2)

397. Moreover, with respect to the Nation of Islam, as noted, Defendant ADL sent a spy / undercover agent to surveil the members of the Nation of Islam in 1942.

398. Said act resulted in the arrest of 82 members of the Nation of Islam based on Defendant ADL's faulty and likely fabricated information.

399. Defendant ADL, however, has never, heretofore, disavowed such surreptitious and unlawful tactics it has historically used against the Nation of Islam.

400. Therefore, upon information and belief, Defendant ADL, to this day, has spies / undercover agents falsely posing as sincere members of the Nation of Islam, when, in fact, they are nothing more than “stool pigeons” and agents for Defendant ADL, with the objective of “data collection” for the likely purpose of criminal prosecution as was done in 1942.

401. Said statement is evidenced by Defendant Greenblatt “in his own words,” because in a recording posted online, while talking about groups that it takes issue with – which the Nation of Islam is one – Defendant Greenblatt stated with respect to the knowledge it gained about the thinking and actions of the people in said groups, “...and we know this because we have our analysts among them.” (Emphasis added.) (Exhibit VV)

402. Defendant Greenblatt’s euphemistic use of the word “analysts” was undoubtedly a codeword for “spies” and/or “undercover agents.”

403. Thus, in present time, Defendant Greenblatt acknowledged the ADL’s use of “analysts,” or “spies,” within groups that it believes is a threat to its interests.

404. It is upon this information and its history that the Nation of Islam maintains a reasonable belief that Defendant ADL is currently and actively performing the exclusive public function of spying on the Nation of Islam and its members.

405. Based upon the foregoing, with respect to the State of New York, Defendant ADL is a state actor for purposes of §1983 for one or more of the following reasons:

- a. It is “entwined” with aspects of New York state government because:

- i. It is integral in the state of New York’s implementation and coordination President Biden’s National Strategy across multiple departments throughout the state, and
 - ii. It has trained and continues to train thousands of New York State Police and other state law enforcement personnel on who it defines as anti-Semitic, and what it determines to be antisemitism; and
- b. It serves the traditionally exclusive public function of:
- i. Training New York State Police, as well as other state law enforcement personnel, and
 - ii. Conducting surveillance, data collection, and investigations, including, but not limited to, dispatching “spies” into other groups and organizations it identifies as a threat to its interests, for said purposes.

Deprivation of Nation of Islam’s First Amendment Right (State of New York)

406. Defendant ADL, as a state actor, in concert with certain State of New York governmental agencies, have engaged in actions that infringes upon the Nation of Islam and its members’ First Amendment right to free exercise of religion in violation of 42 U.S.C. §1983.

407. Moreover, there is a real, imminent, and foreseeable threat of exponentially greater infringement upon said First Amendment right of the Nation of Islam and its members since the promulgation of the National Strategy.

Infringement of Free Exercise of Religion (ADL and State of New York)

408. As previously noted, Defendant ADL arbitrarily and capriciously labels Minister Louis Farrakhan as: 1) “virulently antisemitic,” (Exhibit WW) and 2) “the racist and antisemitic leader of the Nation of Islam,” (Exhibit M).

409. Moreover, it has also referred to Minister Farrakhan and the Nation of Islam as, “a leading promoter of antisemitism in America today.” (Exhibit XX)

410. The governor’s declaration that the State of New York, “will continue taking action to fight antisemitism and use every tool at our disposal to eliminate hate and bias...” and the lieutenant governor’s statement that the state is responding to, “President Biden’s national strategy to combat antisemitism and root out hate,” become the predicate for the real and imminent threat of specific harm to, and infringement upon, the Nation of Islam’s First Amendment right to free exercise of its religion precisely because Defendant ADL considers the Nation of Islam “a leading promoter of antisemitism in America today.”

411. Defendant ADL has maliciously repeated these false labels against Minister Farrakhan and the Nation of Islam for decades.

412. The gravity of Defendant ADL’s false labeling of Minister Farrakhan and the Nation of Islam as “virulently antisemitic” and “a leading promoter of antisemitism in America today” has, exponentially, increased considering Defendant ADL’s overt and covert entwinement with state and local governments, particularly in the State of New York.

413. Defendant ADL is the leading, if not the sole, source from which the federal government, and now the State of New York, defines, identifies, and classifies individuals, and entities, as being “anti-Semitic.”

414. Thus, upon information and belief, Defendant ADL’s functions on behalf of the State of New York are inextricably “entwined” and “entangled” with the State of New York in its implementation of its policy to “eliminate” and “root out” what Defendant ADL identifies and declares to be “antisemitism” and “hate.”

415. Said actions entwined with the New York State Police have an immediate, imminent, and real threat of not only infringing upon the Nation of Islam's First Amendment right to free exercise of its religion, but also contains the real threat of loss of liberty for those Defendant ADL have categorically and unwaveringly determined to be "virulently antisemitic" and espousers of "hate."

416. This real threat of loss of liberty for the recipients of Defendant ADL's categorical declarations is palpable and imminent particularly when considering the press statement the New York State Attorney General Letitia James issued on October 12, 2023, regarding a "warning against antisemitism[.]" (Exhibit YY)

417. In said press statement, the attorney general stated, "[I]et me be clear: New York has zero tolerance for hate of any kind, not now and not ever. As we mourn the loss of innocent Israeli and Palestinian lives, there is no excuse or tolerance for antisemitism, Islamophobia, or bigotry and discrimination of any kind." *Id.*

418. Defendant ADL's current actions of conducting the traditionally exclusive governmental function of training New York State Police officers in investigating acts and instances of "antisemitism" produces a real and imminent threat that the Nation of Islam and its members will migrate to becoming the open target of the State of New York's "zero tolerance [policy] for hate."

419. This real and imminent threat of a specific harm as a result of Defendant ADL's performing the government function of investigating what it determines to be instances of "antisemitism" and "hate" crimes is not vacuous when considering the State of New York's Attorney General's website states of the attorney general's scope of authority, "[w]hile the Attorney General acts independently of the Governor, the Governor or a state

agency may request the Attorney General to undertake specific criminal investigations and prosecutions.” (Exhibit ZZ)

420. Thus, the governor of New York’s adoption of the White House’s National Strategy, which Defendant ADL was the architect and facilitator of, has a reasonable likelihood of infringing upon the Nation of Islam’s free exercise of its religion considering Defendant ADL, upon information and belief, performs a critical function for, and on behalf of, the State of New York in investigating what it determines to be instances of “antisemitism” and “hate.”

421. In addition to the state level, Defendant ADL’s actions “under color of state law” present a real and immediate threat to the Nation of Islam’s free exercise of its religion from the city level as well.

Acting Under Color of State Law (ADL and City of New York)

Close Nexus

422. Upon information and belief, Defendant ADL has a “close nexus” with the City of New York.

423. Said “close nexus” renders Defendant ADL a state actor for purposes of §1983 litigation.

The City of New York “Partnered with the ADL”

424. To this end, on November 21, 2022, New York City officials conducted a press conference to update the citizens of the city on their plans to address issues regarding the Jewish community.

425. In said press conference, Deputy Mayor Philip Banks, III, identified various governmental departments that engaged in “teamwork” to coordinate, communicate, develop and implement their plan” on said topic.

426. Specifically, the deputy mayor of the City of New York stated:

Thank you for joining us today to hear about the coordinated efforts by law enforcement at the city, state, and federal levels, to prevent attacks on the Jewish community this past weekend.

Teamwork. Something that the mayor has been stressing since day one of this administration. Can you imagine what we can accomplish if we work together as a team? Today, you are seeing an example of that teamwork. Multiple entities coming together in a short period of time to coordinate, communicate, develop, and implement their plan, a plan that saved lives. Teamwork. I’d like to start by thanking all of those standing behind us today, including representatives from the NYPD, state police, the F.B.I., the Joint Terrorism Task Force, the MTA, the MTA Police Department, the Manhattan District Attorney’s Office, the Office of the Prevention of Hate Crimes.... (See Exhibit AAA)

427. Later in the same press conference, and in a response to a question regarding New York’s efforts to combat “antisemitism,” New York Mayor Eric Adams identified a partnership between his administration and Defendant ADL to address the issues of “antisemitism.”

428. Specifically, Mayor Adams stated, in part:

Well one, what we’re doing is what we did today and that’s why we’re here, is coordination. And dealing with specifically antisemitism is not just a law enforcement issue. We need to stop the feeders of antisemitism. That is why we’ve partnered with the ADL and other organizations... We know we have to stop the feeder of hate in our cities, in all the different groups in this city. And then we must have a real law enforcement response.

The commissioner immediately put new leadership over at the Hate Crime Unit because we wanted to be clear that if there are those who are using hate to target people in the city, we want those cases investigated, we want the people apprehended, and we want to make sure that they’re prosecuted to the full extent of the law. (Emphasis added)(*Id.*)

429. Mayor Adams established prima facie evidence of the City of New York’s “close nexus” with Defendant ADL when he declared at the press conference, “That is why we’ve partnered with the ADL[.]”

Entwinement

Entwinement #1 – New York City Police / Law Enforcement Training

430. Upon information and belief, the City of New York’s “partner[ship] with the ADL” includes said Defendant being intimately engaged with its “law enforcement” to not only identify individuals and groups it defines as being “anti-Semitic,” but to suggest, and likely identify ways said “law enforcement” should “stop the feeders of antisemitism.”

431. The “coordination” between “law enforcement” and the Defendant ADL on ways to “stop the feeders of antisemitism” produces the requisite “entwinement” necessary to establish Defendant ADL as a state actor.

Entwinement #2 – Selection of City Government Personnel

432. Upon information and belief, Defendant ADL was integral in the recommendation and/or selection of the “new leadership” the City of New York installed “over at the Hate Crime Unit” as stated by Mayor Adams during his November 21, 2022, press conference.

433. Said activity creates an intimate and inextricable “entwinement” between Defendant ADL and the administration of the City of New York.

434. Defendant ADL’s “entwinement” with the administration of the City of New York in such a way converts its purported private “advocacy” operations to one a public character.

Public Function

435. Additionally, upon information and belief, Defendant ADL engages in activities that are traditionally the exclusive prerogative of the state, by way of the City of New York.

436. Performance of said public functions render Defendant ADL a state actor for purposes of §1983 litigation.

Public Function #1 – New York City Police / Law Enforcement Training

437. Mayor Adams, “We know we have to stop the feeder of hate in our cities, in all the different groups in this city. And then we must have a real law enforcement response.”

438. Upon information and belief, part of that “real law enforcement response” includes Defendant ADL training New York City police and other law enforcement personnel on the identification of who it defines as being “anti-Semitic,” and what it defines as constituting “antisemitism.”

439. The teaching and training of New York City law enforcement personnel has traditionally been the exclusive prerogative of the State of New York, by way of the City of New York.

Public Function #2 - Surveillance / Investigation

440. As noted, Defendant ADL utilizes spies and/or undercover agents to conduct the exclusively public function of surveillance and investigation.

441. Said activity not only takes place within the New York City limits, but the Nation of Islam is a target and victim of said public function.

442. Based upon the foregoing, with respect to the City of New York, Defendant ADL is a state actor for purposes of §1983 for one or more of the following reasons:

- a. It has a “close nexus” with city government because the City of New York has “partnered with the ADL” in its efforts to identify and “stop the feeders of antisemitism,”
- b. It is “entwined” with city government because:

- i. It will be active in the training of New York City Police and other law enforcement personnel in the identification and the development of strategies on how to “stop the feeders of antisemitism” as a result of the city’s “partner[ship] with the ADL,” and
- ii. It was integral and instrumental in the recommendation and/or selection of the “new leadership” over the City of New York’s “Hate Crime Unit,” and
- c. It serves the traditionally exclusive public function of:
 - i. Training New York City Police, as well as other city law enforcement personnel, and
 - ii. Conducting surveillance, data collection, and investigations, including, but not limited to, dispatching “spies” into other groups and organizations it identifies as a threat to its interests, for said purposes.

Deprivation of Nation of Islam’s First Amendment Right (ADL and City of New York)

443. Defendant ADL, as a state actor, in concert with certain City of New York governmental agencies, have engaged in actions that infringes upon the Nation of Islam and its members’ First Amendment right to free exercise of religion in violation of 42 U.S.C. §1983.

444. Moreover, there is a real, imminent, and foreseeable threat of exponentially greater infringement upon said First Amendment right of the Nation of Islam and its members since the promulgation of the National Strategy.

Infringement of Free Exercise of Religion (ADL and City of New York)

445. Since Defendant ADL has falsely labeled the Nation of Islam as a body of “anti-Semitic” people, it is axiomatic to say that the Nation of Islam, and its members, are targets of the City of New York’s “partnership with the ADL.”
446. Defendant ADL’s partnership with the City of New York will serve to infringe upon the free exercise of religion of the peaceful, law-abiding members of the Nation of Islam.
447. This partnership to address the “feeders of antisemitism” will invariably lead to the harassment, economic reprisals, and likely arrest and prosecution of members of the Nation of Islam because Mayor Adams said the City of New York’s response to “the feeders of antisemitism” includes “a real law enforcement response.”
448. Defendant ADL’s entwinement and joint activity with the law enforcement department of the City of New York creates a real and imminent risk of surveillance, targeting, and unlawful harassment and arrest of members of the Nation of Islam in name of the City of New York fulfilling its stated objectives to combat “feeders of antisemitism.”
449. Various statements by Defendant ADL unequivocally identify Minister Farrakhan and the Nation of Islam as “feeders of antisemitism,” thereby establishing the same as targets of its policy to combat “feeders of antisemitism” by means of law enforcement authorities.
450. To this point, on or about October 31, 2022, in an article posted on its official website entitled, “Ye (Kanye West): What you need to know,” Defendant ADL stated:

While there is no evidence that Ye views himself as a member of any organized extremist group, he has a longstanding and ongoing relationship with the Nation of Islam and its leader, Louis Farrakhan. Ye visited the group’s headquarters in Chicago to publicly express his support for their Millions More Movement in 2005 and attended an event that Farrakhan held in Los Angeles in 2015. Ye’s 2015 song “All Day” includes a lyric which describes Farrakhan as “sensei.” Ye has turned to Farrakhan when embroiled in antisemitism controversies on multiple occasions, including taking Farrakhan’s advice not to apologize in 2013 when Ye was criticized for alleging that

Jewish people are more well-connected than Black people. Ye cited Farrakhan on “Drink Champs” in 2022 and played a voicemail that Farrakhan reportedly recently sent him. (Exhibit BBB)

451. Said article implies Minister Farrakhan was the “feeder[] of antisemitism” allegedly espoused by Ye.

452. Less than two weeks later, Mr. Abe Foxman, the National Director Emeritus of the ADL, was more direct in his November 11, 2022, article entitled, “Kanye and Kyrie Spread Farrakhan’s Bigotry: We no longer have the option to ignore it,” wherein he wrote:

During my 50 years at the Anti-Defamation League, we frequently exposed and challenged Mr. Farrakhan’s anti-Semitism, calling him the most prominent black anti-Semite in the modern era.

Kanye West and Kyrie Irving have absorbed this anti-Semitism and now spread it as their own message. While Mr. Farrakhan no longer commands the numbers he once had for his hate, Messrs. West and Irving do it for him, poisoning the minds of some young blacks who see them as role models. The time has come for civil-rights leadership, black and white, to exorcise this anti-Semitism from civil discourse. We no longer have the option to ignore it. (Exhibit CCC)

453. Mr. Foxman’s statement that “Kanye West and Kyrie Irving have absorbed [Minister Farrakhan’s] anti-Semitism” is an overt way of considering Minister Farrakhan, and the Nation of Islam, as “feeders of antisemitism.”

454. Thus, Defendant ADL’s “partnership” with the City of New York to “stop the feeders of antisemitism” by having “a real law enforcement response” and Defendant ADL’s identification of Minister Farrakhan and the Nation of Islam as “feeders of antisemitism” creates the conditions for the imminent infringement of the constitutionally protected right of free exercise of religion.

455. It is against the backdrop of these rapidly evolving regulatory policies of “eliminating hate” and “combating antisemitism” adopted by the State and City of New York that causes the investigatory actions of Defendant ADL on behalf of, and in junction with, the State and City of New York to result in a real and imminent threat of harassment, targeting,

and likely criminal prosecution of members of the Nation of Islam's in violation of the First Amendment right to free exercise of their religion.

Associational Standing

456. The Nation of Islam, as a body comprised of registered members who study, subscribe to, and accept the Teachings of the Most Honorable Elijah Muhammad, and, thereby, accept to be His follower under the Divine guidance of Minister Farrakhan, asserts the claim stated herein in its own capacity, and on its own behalf for injuries it has sustained.
457. Additionally, the Nation of Islam asserts the claim stated herein on behalf of its members since the Nation of Islam is founded and established upon the Teachings of the Most Honorable Elijah Muhammad, and every registered member has articulated his or her intention to abide by and subscribe to the Teachings of the Most Honorable Elijah Muhammad, and to abide by the laws, policies, rules, and regulations of the Nation of Islam, written or otherwise.
458. In addition, every member accepts the challenge to strive to live a life in accordance with the Restrictive Laws of the Nation of Islam, and to abide by the principles upon which the Nation of Islam stands.
459. The Nation of Islam asserts the claim stated herein on behalf of its members because: 1) each member would otherwise have standing to individually assert said claim on his or her own behalf, 2) the interests asserted herein are germane to the Nation of Islam's purposes, and 3) neither the claim asserted nor the relief requested requires the participation of any individual member in this lawsuit.

460. Thus, no individual member is an indispensable party to the proper resolution of this claim.

461. In addition, the actions of Defendant ADL as asserted herein are injurious to every member of the Nation of Islam, and said injury is immediate and/or threatened to occur.

462. Moreover, if granted, the remedies sought, which include an injunction against Defendant ADL, will inure to the benefit of every member of the Nation of Islam.

Injury in Fact (Nation of Islam)

463. The Nation of Islam has an actual and/or threatened injury in fact that is fairly traceable to the unlawful actions of Defendant ADL.

Nation of Islam's Injury #1 - Impairment to Reputation

464. Defendant ADL's historical and contemporary actions of spying on and surveilling the Nation of Islam, coupled with its "partner[ship]" with the City of New York to guide its law enforcement departments in the apprehension and prosecution of people it determines is using "hate," serves to diminish the Nation of Islam's reputation in the community.

465. The negativity generated by Defendant ADL's false labeling of the Nation of Islam as "a leading promoter of antisemitism in America today" (Exhibit XX), significantly tarnishes, damages, and impairs the Nation of Islam's reputation in the community.

466. Moreover, said false labeling by Defendant ADL invariably serves to engender vituperation and contempt for the Nation of Islam in the eyes, minds, and hearts of those who accept Defendant ADL's false labeling of the Nation of Islam as true.

467. Furthermore, said false labeling impairs the Nation of Islam’s reputation among Black people, which cuts to the core of the Divine Mission of the Most Honorable Elijah Muhammad and Minister Farrakhan, which includes delivering the Truth that will correct the condition of spiritual, mental, and moral death of the Black man and woman of America.

Nation of Islam’s Injury #2 – Threat of Sanctions

468. As noted, *supra*, ¶¶423-428, Mayor Adams articulated one of the objectives of why his administration “partnered with the ADL,” which was to “stop the feeders of antisemitism” by seeking a “real law enforcement response[.]”

469. Said statement is an immediate threat to anyone the City of New York determines to be “feeders of antisemitism[.]”

470. Since the City of New York has “partnered with the ADL[.]” and since Defendant ADL has declared from its perspective that the Nation of Islam is “a leading promoter of antisemitism in America today[.]” then the threat of sanctions from various departments of the City of New York is real, imminent, and foreseeable.

Nation of Islam’s Injury #3 – Chilling Effect on Desire to Hold National Events in New York

471. The Nation of Islam has held multiple national events in the City of New York over the past four decades.

472. Defendant ADL’s false labeling of the Nation of Islam, however, and its declaration in its October 31, 2022, online article (*supra*, ¶450) that the Nation of Islam caused others to become anti-Semitic, i.e., the Nation of Islam is a “feeder[] of antisemitism,” Defendant

ADL's "partner[ship]" with the City of New York on the subject of antisemitism, coupled with the city administration's declaration to "investigate[]...apprehend[]...[and] prosecute[] to the full extent of the law" anyone it determines to be "feeders of antisemitism" has chilled the Nation of Islam's desire to host any national event in the City of New York.

Injury in Fact (Members of the Nation of Islam)

473. The members of the Nation of Islam share a unique and collective injury due to Defendant ADL's violation of its constitutional rights.

Collective Injury #1 – Real and Imminent Threat of Prosecution

474. In said press conference, Mayor Adams stated, in part, "those who are using hate to target people in the city, we want those cases investigated, we want the people apprehended, and we want to make sure that they're prosecuted to the full extent of the law."

475. While the members of the Nation of Islam are not using "hate to target people" in the City of New York, or in any city in America for that matter, the members of the Nation of Islam, according to Defendant ADL, constitute "feeders of antisemitism[.]"

476. Thus, the prospect of members of the Nation of Islam, who have been falsely labeled as people who hate Jewish people simply because of their faith, being "...investigated... apprehended, and...prosecuted to the full extent of the law" is real, imminent, and foreseeable.

477. Harassment of the members of the Nation of Islam is real and imminent due to the actions of Defendant ADL, and its entwinement with law enforcement as evidenced by said

Defendant taking credit for personally identifying over 25% of the individuals who breached the Capitol on January 6, 2021, and forwarding that information to law enforcement, which led to their arrest and prosecution. (Exhibit CCC-1)

478. Here, the mayor of the City of New publicly expressed his administration's intention to investigate, apprehend, and prosecute the "feeders of antisemitism," and Defendant ADL has identified the Nation of Islam and its members for all intents and purposes as, "feeders of antisemitism."

479. Thus, the threat of arrest, prosecution, and imprisonment to members of the Nation of Islam is real, imminent, and foreseeable.

Collective Injury #2 – Chilling Effect on Wearing Readily Identifiable Uniforms / Garments

480. The Nation of Islam's registered members dress in unique and readily identifiable uniforms and garments.

481. Thus, part of the registered members' exercise of their religion includes wearing unique and readily identifiable garments.

482. The male members, at times, wear either: 1) a distinct uniform with a red star and crescent emblem affixed to the shoulders of the uniform, 2) a suit and bowtie, or 3) a suit and straight tie with a Nation of Islam lapel pin.

483. The female members, at times, wear distinctively made, long garments with either a head scarf, or what is called a "headpiece," which is a more formal version of the head scarf.

484. The actions of Defendant ADL, while acting "under color of state law," produces the real and reasonable fear and/or likelihood of chilling the Nation of Islam's members' desire to exercise their religion by wearing their readily identifiable religious garments because of

Defendant ADL's relentless and false labeling of Minister Farrakhan and the Nation of Islam as "anti-Semitic," coupled with its "partner[ship]" with various City of New York law enforcement agencies.

485. In addition, the readily identifiable dress of the members of the Nation of Islam makes them an open target for Defendant ADL's surveillance and investigation as it has historically and, admittedly, conducted as early as the 1940s.

486. Thus, the injury in fact caused by said actions of Defendant ADL are common to the entire membership of the Nation of Islam, and are shared by all in the Nation of Islam to an equal degree.

487. The real and imminent threat of harassment, prosecution, and likely loss of liberty because of being a member of the Nation of Islam has the real and imminent likelihood of chilling a members' desire to express his or her faith by wearing unique religious garments.

Collective Injury #3 – Chilling Effect on Spreading the Teachings

488. As stated, *supra*, the Mission of the Nation of Islam is to spread the Teachings of the Most Honorable Elijah Muhammad that will correct the condition of the spiritual, mental, and moral death of the Black man and woman of America, and, eventually, the whole of humanity.

489. In addition, part of the proselytizing of the religion of Islam, as taught by the Most Honorable Elijah Muhammad, is the selling of a religious-based newspaper once known as *Muhammad Speaks*, now known as *The Final Call*.

490. Every newspaper contains words from the Most Honorable Elijah Muhammad and the Honorable Minister Louis Farrakhan, which are designed to further their salvific Mission

of delivering the Truth taught by Master Fard Muhammad that will correct the condition of the spiritual, mental, and moral death of the Black man and woman of America, and, eventually, the whole of humanity.

491. Mainly the registered men, but occasionally the registered women accompany the men while going door-to-door offering *The Final Call* newspaper to the community.

492. In addition, many registered men sell *The Final Call* to members of their community on public streets.

493. The Nation of Islam's right to free exercise of religion has a real and imminent threat of not only being infringed upon, but likely being eviscerated, by Defendant ADL's actions of surveilling, investigating, and sharing with New York state law enforcement agencies what it identifies as evidence of "antisemitism" and "hate."

494. The results of their investigations will lead to imminent criminal prosecution, and said actions will have a real and imminent chilling effect on the members of the Nation of Islam's desire to exercise their religion by selling *The Final Call* newspaper in the public.

Causal Connection to Defendant ADL

495. The injuries identified herein to the Nation of Islam and its members are causally connected to the actions of Defendant ADL.

496. It is Defendant ADL, who has tracked Minister Farrakhan for decades, and has historically mischaracterized, misrepresented, and mislabeled him and the Nation of Islam as being "anti-Semites" and "anti-Semitic."

497. It is Defendant ADL who has falsely labeled the Nation of Islam as "a leading promoter of antisemitism in America today."

498. It is Defendant ADL who created, developed, and worked with the Executive Branch of the U.S. government to establish The National Strategy.

499. Said policy against religious discrimination is not objectionable, in and of itself, but the false labeling of Minister Farrakhan and the Nation of Islam, which affixes proverbial targets on the backs of Minister Farrakhan and the Nation of Islam, is not only objectionably, but injurious.

500. It is Defendant ADL who has “partnered” with the City of New York, and, upon information and belief, the State of New York as well, to aid them in “combat[ing] antisemitism and root[ing] out hate, with the likely #1 target being Minister Farrakhan and the Nation of Islam.

501. It is Defendant ADL who, upon information and belief, has an active an ongoing surveillance operation targeting Minister Farrakhan and the Nation of Islam and likely intends to share whatever information it determines to be “anti-Semitic” with the New York State Police, the New York Division of Homeland Security, the New York Attorney General’s office, and the City of New York’s law enforcement agencies and Hate Crimes Unit for possible criminal prosecution.

502. Thus, the injuries identified herein to the Nation of Islam and its members are causally connected to the actions of Defendant ADL.

Redressable Injury by Favorable Decision

503. The injuries identified herein, on behalf of the Nation of Islam and its members, are redressable to both by a favorable decision to the claims note above.

504. To wit, for purposes of this count, an injunction against Defendant ADL from falsely labeling the Nation of Islam and its members serves to minimize future targeting by state

and local law enforcement agencies particularly since the promulgation of The National Strategy simply due to the free exercise of their religion.

505. Additionally, said injury would be redressed by a favorable decision enjoining Defendant ADL from targeting the Nation of Islam and its members for surveillance based upon the free exercise and expression of their religion.

506. Moreover, while no amount of money can repair the damage done that has been identified herein, and since the past cannot be undone, the only other remedy this Court has to redress the past injury, damage, and harm done by Defendant ADL is to award monetary damages.

Wherefore, for the foregoing reasons, the Nation of Islam respectfully requests this Court find Defendant ADL's actions violate its First Amendment right to free exercise of religion, and grant it the appropriate relief.

COUNT 5

VIOLATION OF FIRST AMENDMENT – FREEDOM OF ASSOCIATION - §1983

NATION OF ISLAM V. ADL

507. The Nation of Islam realleges and incorporates by reference paragraphs 14-236, 362-404, 423-441, and 455-461 as though fully set forth herein.

Deprivation of Nation of Islam's First Amendment Right (ADL and State / City of New York)

508. Defendant ADL, as a state actor, in concert with certain State and City of New York governmental agencies, have engaged in actions that infringes upon the Nation of Islam and its members' First Amendment right to freedom of association in violation of 42 U.S.C. §1983.

509. Moreover, there is a real, imminent, and foreseeable threat of exponentially greater infringement upon said First Amendment right of the Nation of Islam and its members since the promulgation of The National Strategy.

Infringement of Freedom of Association (ADL and State / City of New York)

510. To this end, Defendant ADL has falsely labeled the Nation of Islam and its members as a “a leading promoter of antisemitism in America today.” (Exhibit XX)

511. As noted, the governor of the State of New York stated, “...we will continue taking action to fight antisemitism and use every tool at our disposal to eliminate hate and bias from our communities.” (Exhibit RR)

512. Also as noted, the mayor of the City of New York stated, “We need to stop the feeders of antisemitism. That is why we’ve partnered with the ADL...we wanted to be clear that if there are those who are using hate to target people in the city, we want those cases investigated, we want the people apprehended, and we want to make sure that they’re prosecuted to the full extent of the law. (Exhibit AAA)

513. Since Defendant ADL has falsely labeled the Nation of Islam as a body of “anti-Semitic” people, it is axiomatic to say that the Nation of Islam, and its members, are targets of the positions espoused by Governor Huchel and Mayor Adams.

Associational Standing

514. The Nation of Islam has standing on behalf of itself and its members. (*Supra*, ¶¶456-494)

Injury in Fact (Nation of Islam and its Members)

515. The Nation of Islam and its members have an actual and/or threatened injury in fact that is fairly traceable to the unlawful actions of Defendant ADL.

Injury in Fact #1 – Disassociation due to Impairment of Reputation

516. The governor's stated objective to "eliminate" hate, and the mayor's stated objective to "apprehend[]" the perpetrators of "antisemitism," coupled with Defendant ADL's false labeling of the Nation of Islam and its members invariably hinders the Nation of Islam's First Amendment right of freedom of association because said false labeling greatly hinders the Nation of Islam's ability to reach the 47 million Black people in North America, with the Teachings of the Most Honorable Elijah Muhammad.⁹

517. Said false labeling by Defendant ADL, particularly in light of the promulgation of The National Strategy, invariably creates hatred, contempt, aversion, and induces an evil and unsavory opinion of the Nation of Islam, and its members, in the minds of millions of Black people, which causes them to shun the Nation of Islam, and its members, before many have even heard what the Nation of Islam, and its members, stand for, or have to say.

518. Said actions by Defendant ADL induces disassociation between the Nation of Islam, and its members, and millions of Black men and women in America.

Injury in Fact #2 - Chilling Effect on Association with Non-members

519. Moreover, said actions by Defendant ADL has a real and imminent chilling effect on non-members desiring to attend mosque meetings, or to otherwise associate with the Nation of Islam, and its members.

⁹ Statistic is from www.Pewresearch.org/social-trend (1/4/2024).

520. There are invariably some Black men and women who do desire to become members of the Nation of Islam, but fear being falsely labeled as an “anti-Semite” or as “anti-Semitic” as Defendant ADL currently labels the Nation of Islam, and all its members.

521. This, in turn, adversely affects the Nation of Islam’s associational rights.

Injury in Fact #3 – Chilling Effect of Being Targets of Surveillance

522. Upon information, belief, and history, Defendant ADL exercises its incontrovertible status as a state actor when it unlawfully surveils and spies on the Nation of Islam, and its members.

523. Said unlawful surveillance is abusive, intrusive, demeaning, and unwarranted.

524. Moreover, said surveillance, and sending spies among people that hold views contrary to its views, traverses well beyond Defendant ADL’s feigned representation that it is only an “advocacy” non-profit organization.

525. Said actions have a real, imminent, and foreseeable likelihood of producing an unduly burdensome chilling effect on continued association of current members of the Nation of Islam.

Causal Connection to Defendant ADL

526. The injuries identified herein to the Nation of Islam and its members are causally connected to the actions of Defendant ADL. (*Supra*, ¶¶495-502)

Redressable Injury by Favorable Decision

527. The injuries identified herein, on behalf of the Nation of Islam and its members, are redressable to both by a favorable decision to the claims note above.

528. To wit, for purposes of this count, an injunction against Defendant ADL from falsely labeling the Nation of Islam and its members serves to minimize future targeting by state and local law enforcement agencies particularly since the promulgation of The National Strategy and it serves to minimize and ameliorate the damage done by the infringement of the Nation of Islam and its members' First Amendment right to freedom of association.

529. Additionally, said injury would be redressed by a favorable decision enjoining Defendant ADL from targeting the Nation of Islam and its members for surveillance, which infringes upon said First Amendment rights.

530. Moreover, while no amount of money can repair the damage done that has been identified herein, and since the past cannot be undone, the only other remedy this Court has to redress the past injury, damage, and harm done by Defendant ADL is to award monetary damages.

Wherefore, for the foregoing reasons, the Nation of Islam respectfully requests this Court find Defendant ADL's actions violate its First Amendment right to free exercise of religion, and grant it the appropriate relief.

COUNT 6

DEFAMATION *PER SE* (TRADE/BUSINESS/MISSION/CALLING)

FARRAKHAN V. ADL AND GREENBLATT (OFFICIAL CAPACITY)

531. Minister Farrakhan realleges and incorporates by reference paragraphs 14-236, as though fully set forth herein.

532. The elements of a cause of action sounding in defamation *per se* are: 1) a defamatory statement of fact concerning the plaintiff, 2) publication to a third party, 3) fault (either negligence or actual malice depending on the status of the defamed person, 4) falsity of the defamatory statement, and 5) *per se* actionability.

533. A defamatory statement which tends to disparage a person in the way of his office, profession, or trade is defamation *per se* and does not require proof of special damages.

Defamatory Statement #1 - “Anti-Semite” / “Anti-Semitic”

Statement 1A

534. On or about October 20, 2022, on its official website, Defendants ADL and Greenblatt published to the world and its online followers. an article entitled, “Extremists Are Praising Kanye West’s Antisemitism, Parlor Acquisition,” wherein it falsely labeled Minister Farrakhan as “antisemitic.” (Exhibit DDD)

535. In said article, Defendants ADL and Greenblatt did not disclose any facts to the reader of the online post to accompany the false statement that Minister Farrakhan is “antisemitic.”

536. A reader of that online post would readily understand that Defendants ADL and Greenblatt relied on certain facts that were unknown and unstated to the reader that supported said false statement that Minister Farrakhan is “antisemitic.”

Statement 1B

537. Additionally, on February 9, 2023, Defendants ADL, by way of its CEO, Defendant Greenblatt, published to the readers of its articles, and posts on its official website, a letter to the CEO of Ticketmaster regarding Minister Farrakhan’s 2023 Saviours’ Day address.

Statement of Fact

538. Defendants ADL and Greenblatt are not, and should not be considered, the average entity, or “person,” when it comes to the topic of antisemitism.

539. To this point, Defendant ADL:

- a. Touts itself as “the leading anti-hate organization in the world” and that it is “[a] global leader in combating antisemitism, countering extremism and battling bigotry wherever and whenever it happens[;],” (Exhibit SS)
- b. Claims it has trained over 100,000 law enforcement personnel on the topic of antisemitism; (Exhibit Z)
- c. Trains “every” single new F.B.I. agent on the topic of antisemitism, (Exhibit F-1)
- d. Claims that it has educated 1.5 million school-aged children on the topic of antisemitism; (Exhibit EEE)
- e. Claims that it has been “routinely cited by federal courts as an authority on antisemitism and hate crimes[;]” (See Dkt #63, pp. 2-3)
- f. The U.S. Government identifies Defendant ADL as its expert in criminal cases on the topic of anti-Semitic propaganda, beliefs, and symbols;¹⁰
- g. Developed and had implemented The National Strategy; (Exhibit QQ)
- h. Created “The ADL Tracker,” which it claims, “informs the public in near real-time of the latest developments in antisemitism and other related activity across the U.S. and abroad[;]” (Exhibit GGG) and
- i. Claims that it helped the United States’ Department of State to craft its working definition of the word, “antisemitism.” (Exhibit HHH)

¹⁰ U.S. v. Hunt, 573 F. Supp. 3d 779 (E.D.N.Y. 2021)

540. Defendant ADL cannot claim this type of history, breadth, depth, and scope of engagement on the topic of antisemitism, and reasonably maintain that when it labels someone as an “anti-Semite,” or as “anti-Semitic,” that it is only offering an “opinion.”

541. To the contrary, when Defendant ADL labels someone as such, to the casual reader, observer, and/or listener, Defendant ADL is presenting a statement of fact.

542. In the full context of the communication, in the broader social context, and in the surrounding circumstances, the reader of said statements by Defendants ADL and Greenblatt are not likely to accept said statements as opinion, but rather fact.

543. A reasonable reader could have concluded said statement was factual because it came from the Defendant ADL, which holds itself out as an authority on the topic.

544. With respect to Defendant Greenblatt, as the CEO of Defendant ADL, his position on anyone or any group he declares to be anti-Semitic is likely considered by the casual reader, observer, and/or listener to be a statement of fact.

Actual Malice of Defamatory Statement #1 (History of Reckless Disregard for the Truth)(?)

545. Defendants ADL and Greenblatt’s defamatory statements constitute clear and convincing evidence of actual malice because it knew said statements were false and/or were made with reckless disregard as to their falsity.

546. In the link embedded in that same February 9, 2023, letter to the CEO of Ticketmaster, Defendants ADL and Greenblatt attributed multiple claims against Minister Farrakhan for which it believes justified it labeling him as “anti-Semitic” when, in actuality, it evidences its actual malice toward him.

547. Defendants ADL and Greenblatt’s actual malice toward Minister Farrakhan is evidenced by the fact that it labeled Minister Farrakhan as an “anti-Semite” for saying, in substance, the same thing Jewish scholars and rabbis have said, yet, upon information and belief, Defendants ADL and Greenblatt have never referred to said Jewish scholars and rabbis as being “anti-Semitic.”

548. For instance, in said link embedded in the February 9, 2023, letter, Defendants ADL and Greenblatt said:

In recent years, Farrakhan has embarked on a wide-ranging campaign specifically targeting the Jewish community, a campaign that has featured some of the most hateful speeches of his tenure as head of NOI. Farrakhan has alleged that (1) the Jewish people were responsible for the slave trade and that they conspire to control the government, the media and (2) Hollywood, (3) as well as various black individuals and organizations. (4) He frequently denies the legitimacy of Judaism – or (5) Jewish claim to the land of Israel – (6) arguing that Judaism is nothing more than a “deceptive lie” and a “theological error” promoted by Jews to further their “control” over America’s government and economy.

Over the years, Farrakhan’s speeches have attracted a range of politicians and other public figures. He draws thousands of attendees to his speeches, which gives him the dubious distinction of being quite possibly America’s most popular anti-Semite.

During a speech at Washington, D.C.’s Watergate Hotel in November 2017, Farrakhan told his audience that (7) the Jews who “owned a lot of plantations” (8) were responsible for undermining black emancipation after the Civil War. He also endorsed the second volume of the anti-Semitic book, “The Secret Relationship Between Blacks and Jews,” which blames Jews for promoting (9) a myth of black racial inferiority and makes conspiratorial accusations about (10) Jewish involvement in slave trade and (11) the cotton, textiles, and (12) banking industries. Farrakhan believes this book should be taught in schools. (Enumeration added.)

- a. These statements contribute to the basis for establishing Defendant ADL’s actual malice in its February 9, 2023, letter, because it uses words it claims Minister Farrakhan said on the topics contained therein as the justification for falsely labeling him as being “anti-Semitic,” yet, Defendant ADL knows he spoke the truth

on those topics because prominent Jewish scholars and rabbis have said, in substance, the very thing it quoted Minister Farrakhan as saying on the same topics.

- i. Some of the enumerated points addressed in the embedded link to Defendant ADL's February 9, 2023, letter to the CEO of Ticketmaster are addressed in order:

1. On the topic of some Jewish people being responsible for the slave trade, Defendant ADL quoted Minister Farrakhan as saying:

“Listen, Jewish people don't have no hands that are free of the blood of us. They owned slave ships, they bought and sold us. They raped and robbed us. If you can't face that, why you gonna condemn me for showing you your past, how then can you atone and repent if somebody don't open the book with courage, you don't have that, but I'll be damned, I got it.” Saviours' Day speech, Chicago, Illinois, Feb 27, 2005.

- a. On this same topic, Jewish Rabbi Dr. Marc Lee Raphael, in his book, *Jews and Judaism in the United States*, wrote:

“Jews also took an active part in the Dutch colonial slave trade... Slave auctions were postponed if they fell on a Jewish holiday. In Curacao...as well as in the British colonies of Barbados and Jamaica... Jewish merchants played a major role in the slave trade. In fact, in all the American colonies...Jewish merchants frequently dominated.” (1983), pp. 14, 23-25;

2. On the topic of some Jewish people controlling Hollywood, Defendant ADL quotes Minister Farrakhan as saying:

“The Jewish people have said that Hollywood is theirs. Can any of you deny that they are the masters of Hollywood[.]”—Speech at Mosque Maryam, Chicago, Illinois, March 7, 2010

- a. On this same topic, Jewish columnist, Joel Stein, wrote in his article, “Who runs Hollywood? C'mon,” The Los Angeles Times, December 19, 2008:

“Jews totally run Hollywood...As a proud Jew, I want America to know about our accomplishment. Yes, we control Hollywood[;]” (Exhibit K)

3. On the topic of some Jewish people controlling “various black individuals and organizations,” Defendant ADL quoted Minister Farrakhan as saying:

“...Anytime the Jewish philanthropists financed the NAACP, they have a stake in what the NAACP does. So, the leaders of that organization have to kowtow to those kinds of powers. That’s what I’m angry about. I’m hateful of their inordinate control over black politicians, black intellectuals, black organizations, and I will fight to destroy that kind of control as long as God gives me health and strength. We will never be free until we are free of that kind of control that limits our ability to state exactly what we think and what we feel.” Meet The Press interview, October 18, 1998.

- a. On this same topic, a columnist in for the Memphis Commercial Appeal wrote regarding the first president of the NAACP, who was Jewish:

“The documents show Spingarn who remained NAACP chairman during his tenure at [Military Intelligence Division of the U.S. Army] used his post to obtain critical information for MID such as a list of the organization’s 32,000 members. The NAACP gives an annual award named for Spingarn.” March 21, 1993, (Exhibit G-2)

4. On the topic of Minister Farrakhan allegedly denying the legitimacy of Judaism, Defendant ADL was unable to quote any statement from Minister that actually used the word “Judaism” in a sentence that allegedly denied its legitimacy. This further establishes Defendant ADL’s actual malice in said February 9, 2023, letter.

- a. There is no source Minister Farrakhan would quote on this topic because anyone who denies the religion of those

Jewish people who strive to follow the Torah would not be worth quoting and are not sanctioned by Minister Farrakhan as being legitimate;

5. On the topic of Minister Farrakhan denying “Jewish claim to the land of Israel,” Defendant ADL quoted Minister Farrakhan as saying, “Israel has no permanent home in our Holy Land. The Holy Land does not belong to a White Arab or a White Jew. You are settlers on our land.” Tweet from the official Louis Farrakhan Twitter account, May 18, 2017.

a. On this same topic, a Jewish writer is the well-established Jewish publication of *Haaretz*, wrote:

Even when I believed, mistakenly, that the ‘Jewish people’ was exiled by the Romans in 70 C.E. or 132 C.E., I didn’t think that this conferred on the Jews some sort of imagined ‘historic right’ to the Holy Land.” Dr. Shlomo Sand, “The Twisted Logic of the Jewish ‘Historic Right’ to Israel,” *Haaretz*, Nov. 14, 2018;

6. On the topic of Minister Farrakhan allegedly saying, “Judaism is nothing more than a ‘deceptive lie and a theological error,” Defendant ADL was unable to quote any statement from Minister Farrakhan that actually used the word “Judaism” in a sentence that allegedly claimed that revealed religion was a “deceptive lie” or a “theological error.” This further establishes Defendant ADL’s actual malice in said February 9, 2023, letter.

a. There is no source Minister Farrakhan would quote on this topic because anyone who denies the religion of those

Jewish people who strive to follow the Torah would not be worth quoting and are not sanctioned by Minister Farrakhan as being legitimate;

7. On the topic of certain Jewish people owning “a lot of plantations,”

Defendant ADL quoted Minister Farrakhan as saying:

Members of the Jewish community, who owned a lot of plantations, please don't get angry and upset because this is real history, you put us back on the plantation as sharecroppers and began riding down on us, and if any of us escaped the plantation many of the Irish that were coming over, they call them the paddy wagon, they would come after us and bring us back to the plantation; those were hard days, hard days.” — Speech at the Watergate Hotel in Washington, DC, November 11, 2017

a. On this same topic, Rabbi I. Harold Sharfman wrote in B'nai

B'rith Messenger publication on October 17, 1975:

“There was on the mainland, in the jungles of Dutch Guiana, or Surinam, an all Jewish city, Die Joden Savannah. It served the Portuguese Jewish plantationers whose fields lined the Paramaribo River[;]”

8. On the topic of how certain Jewish people treated Black people

immediately after slavery, Defendant ADL quoted Minister Farrakhan as saying:

“Members of the Jewish community, who owned a lot of plantations, please don't get angry and upset because this is real history, you put us back on the plantation as share croppers and began riding down on us, and if any of us escaped the plantation many of the Irish that were coming over, they call them the paddy wagon, they would come after us and bring us back to the plantation; those were hard days, hard days.” — Speech at the Watergate Hotel in Washington, DC, November 11, 2017

a. On this same topic, Rabbi Dr. Jacob Rader Marcus, author

of *Memoirs of American Jews 1775-1865*, said therein:

Jewish immigrant Isaac Hermann, “was a leader in the movement to organize [Civil War] veterans into an association whose primary aim, it would seem, was to protect whites against the Negro freedman... He worked to restore white supremacy and to resist what he believed to be encroachment of the Negroes.” Vol. 3, p. 236;

9. On the topic of certain Jews who have promoted “a myth of black inferiority,” Defendant ADL quotes Minister Farrakhan as saying:

“...The mind of Satan now is running the record industry, movie industry and television. And they make us look like we're the murders; we look like we're the gangsters, but we're punk stuff.” — Justifiable Homicide: Black Youth in Peril (Part 3), Mosque Maryam, Chicago, Illinois, November 11, 2017

- a. On this same topic, Dr. Lester D. Friedman, author of

Hollywood's Image of the Jew, wrote therein:

“Today, most people associate the blackface tradition with minstrel shows, and more particularly with Al Jolson. In actuality, many Jewish performers gained early and continued success using it... The undisguised elements of ridicule in such blackface portrayals by Jews mimicking the outlandish stereotypes of blacks now looks suspicious like one group's desperate need to assert its own superiority by mimicking another” (pp. 49-50);

10. On the topic of certain “Jewish involvement in the slave trade,”

Defendant ADL quoted Minister Farrakhan as saying:

So, when the Jews were punished and beaten and murdered, they left Spain. Where did you go? Went into the Caribbean. Went into South America and you became plantation owners. That is why many Jewish people don't want us to talk about reparations. I'm not a hater, just get that out of your mind. My passion is for truth and justice. But no Jewish person who will be brave enough to read your history will come away saying your hands are cleaned. Here's a book, where's my book? Here it is – it's called *The Secret Relationship Between Blacks and Jews*... One of our brothers, brother Allen, did research in Jewish libraries, he never quoted a rabbi or Jewish scholar who was a hater of

the Jewish people. He put out this book.” — Saviours' Day speech, Chicago, Illinois, February 29, 2004

- a. On this same topic, Dr. Jonathan Schorsch, *Jews and Blacks in the Early Modern Mediterranean and Atlantic Worlds, 1450-1800*, wrote therein:

“Jewish merchants routinely possessed enormous numbers of slaves temporarily before selling them off.” (p. 490)

- b. Also, Dr. Abraham J. Peck, “Blacks and JEWS: The American Experience, 1654-1992,” in exhibit brochure, wrote:

“The first two centuries of the Black-Jewish encounter in America were highlighted by a fairly extensive record of Jewish slave-holding. Indeed, during the colonial period, in the small Jewish community of the time, almost every Jewish household of any form, North or South, possessed at least one slave.” (Florida Atlantic University, Boca Raton, FL, 1992);

11. On the topic of certain “Jewish involvement in the...cotton... industr[y],” Defendant ADL quoted Minister Farrakhan as saying:

The Rothschilds became rich from cotton, the Lehman brothers became rich from cotton in Alabama, then moved to New York and Wall Street. I know the truth. And somebody gotta tell it or die trying.”— Atlanta, Georgia, June 26, 2010

- a. On this same topic, Dr. Michael R. Cohen, author of *Cotton Capitalists*, wrote:

The experience of Jewish merchants in the cotton industry accounts for American Jewry’s golden age during the Reconstruction era. It also demonstrates the importance of economics in dictating the ways in which Jews shaped, and were shaped by, the milieu in which they lived[.]” (p. 202); and

12. On the topic of certain “Jewish involvement in the...banking industr[y],” Defendant ADL quoted Minister Farrakhan as saying:

“Now you know I’m going to be lambasted and called anti-Semitic... They’ll say Farrakhan was up to his old canards; he said Jews control Hollywood. Well, they said it themselves! Jews control the media. They said it themselves! Jews and some gentiles control the banking industry, international banks. They do! In Washington right next to the Holocaust Museum is the Federal Reserve where they print the money. Is that an accident?” Holy Day of Atonement Keynote Address (part 2) Mosque Maryam, Chicago, Illinois, October 21, 2012.

a. On this same topic, Mr. Simon Wolf, former president of B’nai B’rith, author of *The Influence of the Jews on the Progress of the World*, wrote:

We all know that the first bankers of the world – Rothschilds – are Jews; we know they control not only the money market, but the political destiny of the world... Even our loans were taken principally by Jews; but mercantile enterprises owe a vast debt to the Jew.” (p. 37)

549. Upon information and belief, Defendants ADL has never referred: 1) Rabbi Dr. Marc Lee Raphael, 2) Joel Stein, 3) Dr. Shlomo Sand, 4) Rabbi I. Harold Sharfman, 5) Rabbi Dr. Jacob Rader Marcus, 6) Dr. Lester D. Friedman, 7) Dr. Jonathan Schorsch, 8) Dr. Abraham J. Peck, 9) Dr. Michael Cohen, or 10) Mr. Simon Wolf – all of whom are Jewish – as being “anti-Semitic” for what they said, which was the same or substantially similar to what Minister Farrakhan said.

550. Apparently, Defendant ADL does not have a problem when Jewish writers, scholars, historians, and rabbis speak the truth; it has a problem when Minister Farrakhan, and others, speak the same truth that come from Jewish sources.

551. Defendant ADL’s history of making statements about Minister Farrakhan with knowledge of their falsity aids tremendously in contextualizing its current statements made with actual malice as identified herein.

Defamatory Statement #2 - “Farrakhan referring to Jews as ‘termites’”

552. In Defendants ADL and Greenblatt’s February 9, 2023, letter, it falsely stated to the CEO of Ticketmaster, and to the world, that a past instance of antisemitism was, “Farrakhan referring to Jews as ‘termites.’” (Exhibit KK)

False Statement of Fact

553. Defendants ADL and Greenblatt’s false claim that Minister Farrakhan referred “to Jews as ‘termites’” is not a statement of opinion; it either happened or it did not.

554. Said statement was a false statement of fact, and capable of being proven as false, because Minister Farrakhan has neither said, “Jews are termites,” nor “refer[ed] to Jews as ‘termites.’”

Actual Malice of Defamatory Statement #2 (Material Alteration of Words)

555. The false claim that Minister Farrakhan referred “to Jews as ‘termites’” stems from a material alteration of Minister Farrakhan’s words he delivered on October 14, 2018, in Detroit, Michigan.

556. The full context of his words surrounding that statement were:

So, when they talk about Farrakhan call me a hater. You know what they do? Call me an “anti-Semite.” Stop it. I’m anti-termite. I don’t know [anything] about hating somebody because of their religious preference. But just like they called our ancestors

in the 30s “Voodoo People,” they figure “anti-Semite” would be a good thing to put on me. “Farrakhan hates Jews.” Stop it.

Now, to the Jewish people, you cannot find one Jew that one who follows me have pulled one hair from his head. You haven’t found us defiling a synagogue. Our Qur’an teaches us if we see something like that, stop it.

557. Nowhere in that statement did Minister Farrakhan refer “to Jews as ‘termites.’”

558. Moreover, the full context in which the statement was made confirms that neither he, nor anyone who is his follower, condones or advocates the harming of a Jewish person, or have been found defiling or condoning the defiling of a synagogue.

559. He went on to say that if someone who follows the Qur’an saw someone doing something that would qualify as being anti-Jewish, such as defiling a synagogue, then the Muslims under his charge are duty-bound to intervene to stop such desecration.

560. The full context of Minister Farrakhan’s words in 2018 where he mentioned the word “termite” is inconsistent with Defendants ADL and Greenblatt’s mischaracterization of his words in its February 9th letter to CEO of Ticketmaster.

561. Since the statement read in context does not make any reference “to Jews as ‘termites,’” and since the words immediately following that materially-altered statement provides support for Minister Farrakhan’s denial of disliking someone simply because of his or her faith tradition, then said material alteration is evidence of actual malice because Defendants ADL and Greenblatt knowingly, willfully, and intentionally published said false statement to the world on its official website without privilege or authorization for the purpose of generating hatred, contempt, aversion, and to induce an evil and unsavory opinion of Minister Farrakhan in the minds of a substantial number of people.

2nd Instance of Actual Malice of Defamatory Statement #2 (Knowing Falsity)

562. Defendants ADL and Greenblatt admittedly track Minister Farrakhan and listen to his public words, and maybe his private ones too.

563. Nevertheless, since said Defendants track him, they would have invariably heard his July 30, 2006, lecture from Mosque Maryam entitled, “Successful Nation Building Depends on Strong Marriage and Family Life.” (Exhibit FFF-20)

564. In said lecture, Minister Farrakhan made reference to the word “termite,” but not in reference to Jewish people, or any people for that matter; it was in reference to a circumstance that undermines structure.

565. Specifically, he said, in part:

Whenever a man who is married allows a strange woman into a relationship with him, he has broken the bond and interfered with the life of that marriage. There are consequences, huge consequences...I’m not going to be long, but this is very important because as the war widens overseas, it’s coming to the United States. The streets are going to bleed in America and it is only a strong sense of family and brotherly love, that can never be if a woman sees another woman coming after her husband, or man sees another man coming after his wife that has broken the brotherhood...

So, you cannot say you love the brotherhood if your desire for sexual contact with a married woman is more important to you than the Brotherhood that we are trying to build. And no sister can say that you love the sisterhood if your desire for a man who is married takes precedence over the sisterhood. Because in so doing, we are destroying a bond that is absolutely necessary when the attack against us comes from the enemy...

Adultery is punished by death [in the Middle East] because adultery brings the death of marriage. Adultery brings the death of family.

Adultery is a termite that undermines the pillars of nationhood. Do you understand? (Emphasis added.)

566. Here, Minister Farrakhan was talking about adultery, but he did not refer to the adulterer as a “termite,” he referred to the circumstance of adultery as a “termite[.]”

567. Since Defendants ADL and Greenblatt have the capacity and the admitted history of tracking Minister Farrakhan’s every word, they would have heard these words spoken

wherein he did not identify people as “termites,” but he identified an action that undermines, destabilizes, weakens, and fractures the tightly woven fabric of that which supports, connects, and covers a community.

568. In America, the citizenry is the community and the fabric that supports, connects, and covers this community is the Constitution of the United States of America.

569. This cause of action is founded upon the erosion of the First Amendment freedoms by the unchecked and destructive actions of said Defendants.

570. Thus, Minister Farrakhan is “anti-termite,” he is against any action that erodes, undermines, and/or destabilizes that which is necessary for successful family life, self-determination, and the foundation of this country called America.

571. Since Minister Farrakhan never referred to “Jews as ‘termites[,]’” since he made respectful statements about Jewish people immediately after using the word “termite,” and since said Defendants would have heard him refer to the circumstance of adultery as “a termite” and not the adulterer as such, then said Defendants’ published declaration that Minister Farrakhan referred to “Jews as ‘termites’” was done with knowing falsity.

572. Thus, said false statement Defendants ADL and Greenblatt attributed to Minister Farrakhan was, in fact, made with actual malice.

Defamatory Statement #3 – “Satanic Jews”

573. Defendants ADL and Greenblatt also wrote in its February 9th letter that Minister Farrakhan used the phrase, “Satanic Jews.” (See Exhibit KK)

574. Defendants ADL and Greenblatt quoted that statement out of context, and, coupled with its other statements in said letter, published to its readers said quote as if Minister Farrakhan referred to all Jews as “Satanic” or that only Jews can be Satanic.

Actual Malice of Defamatory Statement #3 (Known Falsity)

575. Minister Farrakhan uses the word “Satanic” to describe the actions of some people who claim faith, yet commit acts in direct contradiction to the faith tradition they claim.

576. To this point, in a 2007 interview, Minister Farrakhan said of some Muslims who act in a “Satanic” way:

Religion is controlled by Satan. That’s why religion is ineffective. The divisions in the Muslim world, that’s Satanic. Muslim killing Muslim, Muslim bombing another Mosque of a Muslim, if they did, that’s un-Islamic. We’ve become so insane because of injustice that we strap a bomb on ourself and go kill another human being that didn’t bother you. This is madness. (See Exhibit III)

577. Since Defendants ADL and Greenblatt track, record, and document Minister Farrakhan’s words, they knew, or should have known, that he used the word “Satanic” to describe the actions of some of those who claim to be Muslim, but their actions are inconsistent with the dictates of the Holy Qur’an.

578. Thus, Defendants ADL and Greenblatt knew, or should have known, that when Minister Farrakhan used the phrase “Satanic Jews,” he was not making a declaration regarding every Jewish person, but was describing the actions of some of those who claim to be Jewish, but their actions are inconsistent with the dictates of the Torah.

579. Defendants ADL and Greenblatt’s inclusion of the out-of-context phrase “Satanic Jews” in its February 9, 2023, letter, wherein it described Minister Farrakhan as “one of the most notorious antisemites in the country[,]” constituted actual malice because the context of the use of said phrase, as published on their website, was a known falsity.

Defamatory Statement #4 – “Farrakhan Predicts Another Holocaust”

580. On February 28, 2023, on its official website, Defendant ADL posted a letter entitled, “Farrakhan Predicts Another Holocaust...in Saviours’ Day Speech.” (Exhibit XX)

False Statement of Fact

581. Defendant ADL’s false claim that Minister “Farrakhan Predicts Another Holocaust” is not a statement of opinion; it either happened or it did not.

582. Said statement was a false statement of fact, and capable of being proven as false, because Minister Farrakhan never predicted “another holocaust.”

Actual Malice of Defamatory Statement #4 (Knowing Falsity / Material Alteration of Words)

583. Said statement by Defendants ADL was a material alteration of Minister Farrakhan’s words because he neither “predicted” that a “second holocaust” was coming, nor did he “predict[]” that Jews would be put in ovens.

584. Moreover, Minister Farrakhan was quoted the Book of Malachi 4:1, which reads, “For behold, the day is coming, burning like an oven, and all the proud, yes, all who do wickedly will be stubble. And the day which is coming shall burn them up,” says the Lord of hosts, “that will leave them neither root nor branch.”

585. Defendant ADL’s statement constituted actual malice because it knew said statement was false when it made it.

586. Moreover, Defendant ADL materially altered and twisted what Minister Farrakhan said to create that known falsity.

Defamation Per Se

587. Minister Farrakhan publicly acknowledged his disdain for disparaging someone because of his or her faith in said March 7, 2007, CNN interview, wherein he said, in part:

I've never been an anti-Semite from the depth of my heart. I know that I've never hated the Jewish people. And for me to hate a Jewish person because of their faith tradition would make me less than a Muslim, less than a righteous person, and would make me a bigot, and a wicked person. (Exhibit III)

588. Thus, every time Defendants ADL and Greenblatt falsely labeled, and continues to falsely label, Minister Farrakhan as an “anti-Semite,” it has the effect of causing countless people to look at him with opprobrium and as “less than a Muslim[.]”

589. These statements have injured Minister Farrakhan in his status as a Minister and Anointed Servant of Allah (God), because they have caused people, organizations, and/or institutions to shun, disinvite, and disparage him.

590. The defamatory *per se* statements of falsely charging Minister Farrakhan with being an “anti-Semite,” most importantly hinders his full ability to “deliver the message” of Allah (God), that he is commissioned and commanded to deliver to all of humanity.

591. Minister Farrakhan has experienced, and continues to experience the loss of standing in certain communities, the loss of public esteem, and receipt of public disparagement because of these defamatory statements.

592. Said false statements by Defendants ADL and Greenblatt were uttered with actual malice and constituted defamation *per se* because Minister Farrakhan is a world-renowned religious leader with a Mission and calling to represent the faith of Islam, in general, and the Most Honorable Elijah Muhammad and His Teachings, in particular, and to be labeled as one who denigrates the faith of another human being simply because of his or her faith, instantly damages his 68-year standing as a religious / faith leader.

593. Being falsely called an “anti-Semite” is incompatible with his calling as a Man of Faith.

594. Moreover, Defendants ADL and Greenblatt’s false statement attributed to Minister Farrakhan that he referred to “Jews as termites,” or the implication that the phrase “Satanic Jews” applied to every member of the Jewish faith, are also incompatible with his calling as a man of Faith.

Wherefore, for the foregoing reasons, Minister Farrakhan respectfully requests this Court find that Defendant ADL’s false statements constituted defamation *per se*, and grant him the appropriate relief.

COUNT 7

DEFAMATION *PER SE* (TRADE/BUSINESS/MISSION/CALLING)

FARRAKHAN V. GREENBLATT (INDIVIDUAL CAPACITY)

595. Minister Farrakhan realleges and incorporates by reference paragraphs 14-236, and 533-578 as though fully set forth herein.

596. On February 9, 2023, Defendant Greenblatt published to the world on Defendant ADL’s official website a letter he sent to the CEO of Ticketmaster regarding Minister Farrakhan’s then-upcoming 2023 Saviours’ Day address. (Exhibit KK)

Defamatory Statement #5 – “Anti-Semite”

597. Referring to the Nation of Islam’s annual religious observance, Defendant Greenblatt said, in part, “[t]he event is set to be held at the Wintrust Arena in Chicago and headlined by Louis Farrakhan, the Nation of Islam’s longtime leader and one of the most notorious antisemites in the country.” *Id.*

Statement of Fact

598. Defendant Greenblatt is not and should not be considered the average person when it comes to the topic of antisemitism.

599. Upon information and belief, he is the most prominent and identifiable individual in the media, and among those who testify before Congress, on the topic of antisemitism.

600. Defendant Greenblatt cannot claim this type of history, breadth, depth, and scope of engagement on the topic of antisemitism, and reasonably maintain that when he labels someone as an “anti-Semite,” or as “anti-Semitic,” that he is only offering an “opinion.”

601. To the contrary, when he labels someone as such, to the casual reader, he is presenting a statement of fact.

602. A reasonable reader could have concluded said statement was factual because it came from Defendant Greenblatt, who holds himself out as an authority on the topic.

Actual Malice of Defamatory Statement #5 (History of Reckless Disregard for the Truth)(?)

603. (Insert past statements from Greenblatt that evidence reckless disregard for the truth.)

Defamatory Statement #6 – “Farrakhan referring to Jews as ‘termites’”

604. As noted, Defendant Greenblatt, in his February 9th letter falsely stated to the CEO of Ticketmaster that a past instance of antisemitism was, “Farrakhan referring to Jews as ‘termites.’” *Id.*

False Statement of Fact

605. Defendant Greenblatt’s false claim that Minister Farrakhan “refer[ed] to Jews as ‘termites’” is not a statement of opinion; it either happened or it did not.

606. Said statement was a false statement of fact, and capable of being proven as false, because Minister Farrakhan has neither said, “Jews are termites,” nor “refer[ed] to Jews as ‘termites.’”

Actual Malice of Defamatory Statement #6 (Material Alteration of Words)

607. Upon information and belief, Defendant Greenblatt either monitors and/or receives reports on practically every word Minister Farrakhan speaks; therefore, he knew, or should have known, that Minister Farrakhan did not make any such statement.

608. Defendant Greenblatt would have been aware of the full context of Minister Farrakhan words and would not have heard any such reference.

609. Defendant Greenblatt would have also heard been aware of Minister Farrakhan’s historical use of the word “termite,” and he knew, or should have known, that it had nothing to do with anyone’s faith, but had to do with a circumstance that undermines structure.

Defamatory Statement #7 – “Satanic Jews”

610. Defendant Greenblatt also wrote in its February 9th letter that Minister Farrakhan used the phrase, “Satanic Jews.” (See Exhibit KK)

611. Defendant Greenblatt quoted that statement out of context, and, coupled with the other statements in said letter, published to his readers said quote as if Minister Farrakhan referred to all Jews as “Satanic” or that only Jews can be Satanic.

Actual Malice of Defamatory Statement #7 (Known Falsity)

612. Defendant Greenblatt's defamatory statements were made with actual malice because he knew, or should have known, that Minister Farrakhan uses the word "Satanic" to describe the actions of some people who claim faith, yet commit acts in direct contradiction to the faith tradition they claim.

613. Thus, Defendant Greenblatt's inclusion of the out-of-context phrase "Satanic Jews" in its February 9, 2023, letter, wherein it described Minister Farrakhan as "one of the most notorious antisemites in the country[,]'" constituted actual malice because the context of the use of said phrase, as published on their website, was a known falsity.

Defamation Per Se

614. Defendant Greenblatt spewed these false statements for the purpose of generating hatred, contempt, aversion, and to induce an evil and unsavory opinion of Minister Farrakhan in the minds of a substantial number of people.

615. Defendant Greenblatt knowingly, willfully, and intentionally published said false statements to the world on Defendant ADL's official website without privilege or authorization.

616. Said false statements by Defendant Greenblatt uttered with actual malice constituted defamation *per se* because of Minister Farrakhan's standing as religious leader.

617. To this point, Minister Farrakhan is a world-renowned religious leader with a mission and calling to represent the faith of Islam, in general, and the Most Honorable Elijah Muhammad and His Teachings, in particular, and to be falsely labeled as one who

denigrates the faith of another human being simply because of his or her faith, instantly damages his 68-year standing as a religious / faith leader.

618. Being falsely called an “anti-Semite” is incompatible with his calling as a man of Faith.

619. Moreover, Defendant ADL’s false statement attributed to Minister Farrakhan that he referred to “Jews as termites,” or by using the phrase “Satanic Jews” out of context, is also incompatible with his calling as a man of Faith.

Wherefore, for the foregoing reasons, Minister Farrakhan respectfully requests this Court find that Defendant Greenblatt’s statements constituted defamation *per se*, and grant him the appropriate relief.

COUNT 8

DEFAMATION *PER SE* (TRADE/BUSINESS/MISSION/CALLING)

FARRAKHAN V. SWC AND RABBI ABRAHAM COOPER (OFFICIAL CAPACITY)

620. Minister Farrakhan realleges and incorporates by reference paragraphs 14-236, as though fully set forth herein.

621. On March 1, 2023, Defendants SWC and Cooper published on its official website an article entitled, “SWC: Farrakhan’s Annual Savior’s [Sic] Day Anti-Jewish Tirades Continue As Does Silence of Political and Faith Leaders.” (Exhibit DD)

Defamatory Statement #8 – “Anti-Semitic” / “Anti-Judaic”

622. In said article, Defendants SWC and Cooper said they were “condemning Louis Farrakhan’s latest Savior’s [Sic] Day anti-Semitic and anti-Judaic diatribes during the Nation of Islam’s annual conference in Chicago.” (*Id.*)

Statement of Fact

623. Defendants SWC and Cooper are not, and should not be considered, the average entity, or “person,” when it comes to the topic of antisemitism.

624. To this point, with respect to Defendant SWC, it promotes itself as the authoritarian on the topic.

625. For instance, Defendant SWC:

- a. The Museum of Tolerance Los Angeles, has trained 3.5 million children and youth about the Holocaust, (Exhibit JJJ)
- b. The Simon Wiesenthal Center was a pioneer in creating Moriah Films, whose purpose is to continue to produce quality, award-winning documentaries on the epic events of the 20th and 21st centuries – events that shaped and redefined modern Jewish history. (Exhibit JJJ-1)
- c. Over one billion people around the globe have seen Moriah’s films, including Oscar® winners *Genocide* and *The Long Way Home*, in theaters, on cable, and on every major streaming platform, including Netflix, Amazon Prime and Apple TV. (Exhibit JJJ)
- d. 200,000 adults have been trained in the Museum’s customized professional development programs over the last 20 years. (*Id.*)

626. Defendant SWC cannot claim this type of history, breadth, depth, and scope of engagement on the topic of antisemitism, and reasonably maintain that when it labels someone as an “anti-Semite,” or as “anti-Semitic,” that it is only offering an “opinion.”

627. To the contrary, when Defendant SWC labels someone as such, to the casual reader, observer, and/or listener, Defendant SWC is presenting a statement of fact.

628. A reasonable reader could have concluded said statement was factual because it came from the Defendant SWC, which holds itself out as an authority on the topic.

629. With respect to Defendant Cooper, his role with Defendant SWC causes his word to carry more weight than the average speaker, and thereby gives the impression of fact.

Actual Malice of Defamatory Statement #8 – History of Reckless Disregard for the Truth

630. Defendant SWC has a history of reckless disregard for the truth. (*Supra*)

Defamatory Statement #9 – “Invoked...‘Synagogue of Satan’ to demonize Judaism”

631. In said March 1, 2023, article, Defendants SWC and Cooper made the false factual statement, “Farrakhan invoked the New Testament’s ‘Synagogue of Satan,’ to demonize Judaism and those who revere the Torah.” (Exhibit DD)

False Statement of Fact

632. Defendants SWC and Cooper, in said article, claims Minister Farrakhan engaged in a specific act during his 2023 Saviours’ Day speech, which was he used the phrase “Synagogue of Satan to demonize...” – or cast in a negative light – “...Judaism and those who revere the Torah.”

633. Whether Minister Farrakhan used the phrase “Synagogue of Satan to demonize Judaism and those who revere the Torah” is not a statement of opinion, it is a statement of fact; he either engaged in that specific act or he did not, and he did not.

634. Minister Farrakhan never invoked the New Testament’s reference to the “Synagogue of Satan” to cast “Judaism and those who revere the Torah” in a negative light. Said inaccurate claim by Defendants SWC and Cooper renders said declaration a false statement of fact.

Actual Malice of Defamatory Statement #9 (Material Alteration of Words)

635. Evidence of actual malice in said statement from Defendants SWC and Cooper is the fact that said Defendants completely fabricated said statement about Minister Farrakhan.

636. To this point, said Defendants cannot reasonably claim Minister Farrakhan did anything with respect to the faith of Judaism when he never once mentioned “Judaism” in his entire three-hour address.

637. In addition, said Defendants cannot reasonably claim Minister Farrakhan used the phrase “Synagogue of Satan” to cast Judaism in a negative light when he never once mentioned the word “Judaism” in his entire three-hour lecture.

638. Moreover, he never even mentioned the phrase “Jewish religion,” which said Defendants could have possibly interpreted as meaning “Judaism.”

639. So, Defendant SWC’s claim that Minister Farrakhan used the phrase “Synagogue of Satan” to “demonize Judaism” is capable of being proven as false because Defendants SWC and Cooper cannot reasonably identify any words from Minister Farrakhan’s 2023 Saviours’ Day address that were attributed directly, or indirectly, to the faith of “Judaism.”

640. Defendants SWC and Cooper materially altered what Minister Farrakhan said, and publicly attributed words to him that he never spoke about the faith of “Judaism” and “those who revere the Torah.”

Additional Evidence of Actual Malice of Defamatory Statement #9 (History of Material Alteration)

641. Defendant SWC’s history of misquoting Minister Farrakhan with respect to Judaism includes the roundly debunked claim that he called it a ‘gutter religion.’ (Exhibit JJJ-2)

Additional Evidence of Actual Malice of Defamatory Statement #9 (Known Falsity)

642. In the same March 1, 2023, article, Defendants SWC and Cooper admitted that it has “tracked... [Minister] Farrakhan...for four decades.” (Exhibit DDD)

643. According to Defendants SWC and Cooper, they have tracked Minister Farrakhan “for four decades,” and thus knew, or should have known, that Minister Farrakhan does not “demonize” the legitimacy of Judaism because in its monitoring, it would have heard Minister Farrakhan make public statements that express admiration and respect for Judaism and its legitimacy with Islam and Christianity as one of the “three great revealed religions.” (*Supra*, ¶191)

644. Thus, Defendants SWC and Cooper made such defamatory statements with actual malice because it made them with knowledge of their falsity and/or with a reckless disregard for their falsity.

645. Defendants SWC and Cooper spewed the false statements with actual malice for the purpose of generating hatred, contempt, and aversion, and to induce an evil and unsavory opinion of Minister Farrakhan in the minds of a substantial number of people.

Defamation Per Se

646. Defendants SWC and Cooper knowingly, willfully, and intentionally published said false statements to the world on its official website without privilege or authorization.

647. Being falsely called an “anti-Semite” and “anti-Judaic” is incompatible with his calling as a Man of Faith.

648. Additionally, being falsely accused of using the Bible's reference to the "Synagogue of Satan" to "demonize Judaism" is also incompatible with his calling as a Man of Faith.

Wherefore, for the foregoing reasons, Minister Farrakhan respectfully requests this Court find that Defendants SWC and Cooper's statements constituted defamation *per se*, and grant him the appropriate relief.

COUNT 9

DEFAMATION PER SE (TRADE/BUSINESS/MISSION/CALLING)

FARRAKHAN V. COOPER (INDIVIDUAL CAPACITY)

649. Minister Farrakhan realleges and incorporates by reference paragraphs 14-236, as though fully set forth herein.

Defamatory Statement #10 – "Anti-Semitic" / "Anti-Judaic"

650. In said article, Defendant Cooper he was "condemning Louis Farrakhan's latest Savior's [Sic] Day anti-Semitic and anti-Judaic diatribes during the Nation of Islam's annual conference in Chicago." (Exhibit DD)

Statement of Fact

Defendant Cooper is not, and should not be considered, the average person when it comes to the topic of antisemitism because his words carry tremendous weight because his role as the Director of Global Social Action Agenda for Defendant SWC leaves the impression in the mind of the casual listener that he is speaking facts and not opinion.

Defamatory Statement #11 – “Invoked...‘Synagogue of Satan’ to demonize Judaism”

651. In said March 1, 2023, article, Defendant Cooper made the false factual statement, “Farrakhan invoked the New Testament’s ‘Synagogue of Satan,’ to demonize Judaism and those who revere the Torah.” *Id.*

False Statement of Fact

652. Defendant Cooper, in said article, claims Minister Farrakhan engaged in a specific act during his 2023 Saviours’ Day speech, which was he used the phrase “Synagogue of Satan to demonize...” – or cast in a negative light – “...Judaism and those who revere the Torah.”

653. Whether Minister Farrakhan used the phrase “Synagogue of Satan to demonize Judaism and those who revere the Torah” is not a statement of opinion, it is a statement of fact; he either engaged in that specific act or he did not, and he did not.

654. Minister Farrakhan never invoked the New Testament’s reference to the “Synagogue of Satan” to cast “Judaism and those who revere the Torah” in a negative light.

655. Said inaccurate claim by Defendant Cooper renders said declaration a false statement of fact.

Actual Malice of Defamatory Statement #11 (Material Alteration of Words)

656. Evidence of actual malice in said statement from Defendant Cooper is the fact that he completely fabricated said statement about Minister Farrakhan.

657. To this point, said Defendant cannot reasonably claim Minister Farrakhan did anything with respect to the faith of Judaism when he never once mentioned “Judaism” in his entire three-hour address.

658. In addition, said Defendant cannot reasonably claim Minister Farrakhan used the phrase “Synagogue of Satan” to cast Judaism in a negative light when he never once mentioned the word “Judaism” in his entire three-hour lecture.

659. Moreover, he never even mentioned the phrase “Jewish religion,” which said Defendants could have possibly interpreted as meaning “Judaism.”

660. So, Defendant Cooper’s claim that Minister Farrakhan used the phrase “Synagogue of Satan” to “demonize Judaism” is capable of being proven as false because Defendant Cooper cannot reasonably identify any words from Minister Farrakhan’s 2023 Saviours’ Day address that were attributed directly, or indirectly, to the faith of “Judaism.”

661. Defendant Cooper materially altered what Minister Farrakhan said, and publicly attributed words to him that he never spoke about the faith of “Judaism” and “those who revere the Torah.”

Additional Evidence of Actual Malice of Defamatory Statement #11 (Known Falsity)

662. In the same March 1, 2023, article, Defendant Cooper admitted that he and Defendant SWC “tracked... [Minister] Farrakhan...for four decades.” *Id.*

663. According to Defendant Cooper, he, through Defendant SWC, tracked Minister Farrakhan “for four decades,” and thus knew, or should have known, that Minister Farrakhan does not “demonize” the legitimacy of Judaism because in its monitoring, it would have heard Minister Farrakhan make public statements that express admiration and respect for

Judaism and its legitimacy with Islam and Christianity as one of the “three great revealed religions.” (*Supra*, ¶191)

664. Thus, Defendant Cooper made such defamatory statements with actual malice because he made them with knowledge of their falsity and/or with a reckless disregard for their falsity.

665. Defendant Cooper spewed the false statements with actual malice for the purpose of generating hatred, contempt, and aversion, and to induce an evil and unsavory opinion of Minister Farrakhan in the minds of a substantial number of people.

Defamation Per Se

666. Defendant Cooper knowingly, willfully, and intentionally published said false statements to the world on the Defendant SWC official website without privilege or authorization.

667. Being falsely called an “anti-Semite” and “anti-Judaic” is incompatible with his calling as a Man of Faith.

668. Additionally, being falsely accused of using the Bible’s reference to the “Synagogue of Satan” to “demonize Judaism” is also incompatible with his calling as a Man of Faith.

Defamatory Statement #12 – “Anti-Semitic Incitement”

669. As previously noted, on March 1, 2023, Defendant Cooper, on SWC’s official website, made false and defamatory statements about Minister Farrakhan when he said, “[w]e have tracked and denounced Farrakhan and his...antisemitic incitement for four decades.”

(Exhibit DD)

False Statement of Fact

670. Defendant Cooper's statement that Minister Farrakhan engaged in "antisemitic incitement" was not a statement of opinion; it was a false statement of fact.

671. A reasonable reader could have concluded said statement was factual because it came from Defendant Cooper, who holds himself out as an authority on the topic.

672. Defendant Cooper's acknowledgment that he determined Minister Farrakhan engaged in "antisemitic incitement" after "four decades" of "track[ing]" him provides for the casual reader of said words to reasonably conclude that said statement was a statement of fact.

673. Moreover, Black's Law Dictionary defines "incitement" as, "the act of persuading another person to commit a crime."¹¹

674. Minister Farrakhan has neither "incite[d]" anyone to harm a Jewish person, nor has he attempted to persuade anyone to cause damage to a Jewish synagogue, or any other property owned by a Jewish person.

675. Thus, said statement about "antisemitic incitement" was completely false.

Actual Malice of Defamatory Statement #12 (Known Falsity)

676. Said mischaracterization is exacerbated by Defendant Cooper's history of repeatedly mischaracterizing and falsely labeling Minister Farrakhan in the same or substantially similar defamatory manner.

677. Upon information and belief, Defendant Cooper either monitors, or receives reports on, practically every word Minister Farrakhan speaks, therefore, he knew, or should have

¹¹ Black's Law Dictionary, 10th Edition, ©2014

known, that Minister Farrakhan has never advocated for violence against any Jewish person, or Jewish property.

678. Thus, Defendant Cooper made such defamatory statements with actual malice and with knowledge of their falsity and/or with a reckless disregard for their falsity.

679. Defendant Cooper spewed these false statements for the purpose of generating hatred, contempt, and aversion, and to induce an evil and unsavory opinion of Minister Farrakhan in the minds of a substantial number of people.

680. Defendant Cooper knowingly, willfully, and intentionally published said false statement to the world on the SWC's official website without privilege or authorization.

Defamation Per Se

681. Said false statement by Defendant Cooper constituted defamation *per se* because Minister Farrakhan is a world-renowned religious leader with a mission and calling to represent the faith of Islam, in general, and the Most Honorable Elijah Muhammad and His Teachings, in particular, and to be labeled as one who denigrates the faith of another human being simply because of his or her faith, instantly damages his 68-year standing as a religious / faith leader.

682. Being falsely called "anti-Semitic" is incompatible with his calling as a man of Faith.

683. Additionally, New York Penal Law §240.08 states in total, "a person is guilty of inciting to riot when he urges ten or more persons to engage in tumultuous and violent conduct of a kind likely to create public alarm. Inciting to riot is a class A misdemeanor."

684. Thus, Defendant Cooper's claim that Minister Farrakhan engaged in "antisemitic incitement," in effect, falsely accused him of having committed a crime, thereby making said statement defamation *per se*.

Wherefore, for the foregoing reasons, Minister Farrakhan respectfully requests this Court find that Defendant Cooper's statements constituted defamation *per se*, and grant him the appropriate relief.

COUNT 10

DE FACTO DEFAMATION *PER SE*

FARRAKHAN AND THE NATION OF ISLAM V. ALL DEFENDANTS

685. Minister Farrakhan realleges and incorporates by reference paragraphs 14-236 and 533-686, as though fully set forth herein.

686. Under New York law, four categories of statements constitute defamation *per se*: 1) those that accuse the plaintiff of a serious crime; 2) those that 'tend to injure another in his or her trade, business, or profession, 3) those that accuse the plaintiff of having a loathsome disease, and 4) those that impute unchastity to a woman. (*Lieberman*, 80 N.Y.2d 435)

687. De facto defamation *per se* is not limited to these four categories.

688. Whether a statement is defamatory *per se* depends upon, among other factors, the temper of the times, or the current of contemporary public opinion, with the understanding that words, harmless in one era, may be highly damaging to reputation at another time or in a different place.

689. Whether a statement is defamatory *per se* can evolve from one generation to the next.

690. In today's times, the false labeling of being an "anti-Semite," and/or any of its variations and/or derivatives, is a statement that is so odious and damaging that sometimes seismic social and economic consequences immediately follow after Defendants ADL and SWC attaches said label to someone, whether it was applied appropriately or not.

691. Defendants' false labeling of the Nation of Islam and Minister Farrakhan as "leading anti-Semites in America today," and the damages that have occurred thereby, warrant designating the false use of said terms as de facto defamation *per se*.

692. Many individuals labeled as "anti-Semitic" have not expressed any hatred toward Judaism or advocated violence against Jewish people.

693. Their "high crime and misdemeanor" was to say something Defendants ADL and SWC did not like or that did not comport with their interests.

694. Persons labeled anti-Semitic are negatively discussed in U.S. government hearings, shunned by people of goodwill, stifled in their businesses, and viewed, in general, as repulsive people worthy of other's hatred, disgust, castigation, and contempt.

695. A person who is falsely labeled as being "anti-Semitic" suffers immediate injury to his or her reputation, which, at times, is coupled with profound economic sanctions, such as the loss of employment, loss of business contracts, and loss of economic opportunities.

696. The threat of economic injury as a result of being labeled "anti-Semitic" has grown exponentially since the implementation of The National Strategy because said individuals will suffer the reprisal of the federal government.

697. Since the terms "anti-Semite," "anti-Semitic," and "antisemitism" engenders the same degree of shame, obloquy, contumely, opprobrium, odium, contempt, ridicule, aversion, ostracism, degradation, and/or disgrace as statements accusing someone of serious criminal conduct, impugning a person in his or her trade or profession, implying that a

person has a “loathsome disease,” or imputing unchastity to a woman, then the false use of that term should be declared to be a category of de facto defamation *per se*.

698. The swift retribution that results from being falsely labeled “anti-Semitic” is on par with, if not greater than, being falsely accused of one of the four categories that currently constitute de facto defamation *per se* under New York caselaw.

699. The operative word in this request for consideration is the “false” use of the word “anti-Semite,” or some variation and/or derivative of the word, particularly in present times precisely because of the immediate, unequivocal, and practically unavoidable social, political, and economic backlash that ensues from being so labeled.

700. This undeniable backlash and punitive economic sanctions that accompany this label when it is falsely ascribed to a person or group has gotten progressively worse, such that the use of the word as a false label should be declared to be defamation *per se*.

Wherefore, for the foregoing reasons, Minister Farrakhan respectfully requests this Court find the “false” use of the word “anti-Semite,” and/or any of its variations and/or derivatives, be declared added to the list of the de facto defamation *per se* categories.

COUNT 11

DECLARATORY JUDGMENT

THE ADL IS A QUASI-GOVERNMENTAL ENTITY

701. Minister Farrakhan realleges and incorporates by reference paragraphs 14-529 and paragraphs 244-260, as though fully stated herein.

702. Based on “The ADL: In Its Own Words,” along with its actions, it is reasonable and justified to declare it as a quasi-governmental entity of the federal government.

703. There is a case or controversy between Minister Farrakhan, the Nation of Islam and Defendant ADL that is definite and concrete, touching the legal relations of the parties having adverse legal interest; and it is real and substantial and possible of relief through a decree that is conclusive.

704. There is a controversy between Minister Farrakhan, the Nation of Islam, and Defendant ADL because said Defendant acts under the color of federal and state law to deprive them of rights secured to them by the United States Constitution.

705. The government uses said Defendant to do what it knows it is unable to do directly and openly.

706. A decree in this regard would resolve the legal rights of the parties impacted.

Justification #1 – Close Nexus with the F.B.I.

707. The U.S. Justice Department is commissioned with, among other things, investigating major domestic crimes, including surveillance and data gathering of potential hate crimes.

708. The department primarily responsible for such governmental investigations is the F.B.I.

709. According to its website:

The FBI's investigative philosophy emphasizes close relations and information sharing with other federal, state, local, and international law enforcement and intelligence agencies. A significant number of FBI investigations are conducted in concert with other law enforcement agencies or as part of joint task forces. (Exhibit DD-1)

710. Since the F.B.I. “emphasizes close relations and information sharing with other federal, state, local, and international law enforcement and intelligence agencies,” then any entity the F.B.I. maintains “close relations” with would be reasonably identified as a “federal, state, local, [or] international law enforcement and intelligence agenc[y].”

711. The plain reading of the F.B.I.'s statement is consequential in identifying Defendant ADL as a quasi-governmental entity because of its "close relations" with the F.B.I., such as:

- a. Creating and Implementing Training Modules for the F.B.I.,
- b. Defendant ADL created a program entitled "L.E.A.S.," which stands for "Law Enforcement and Society,"
- c. Training over 100,000 law enforcement officers in this program,
- d. Every new F.B.I. Special Agent must go through this training, which has also become standard protocol for several major metropolitan police forces, the Department of Homeland Security and the Bureau of Alcohol, Tobacco, and Firearms,
- e. Federal agencies whose agents are trained in the program include the Federal Bureau of Investigation, U.S. Secret Service, and U.S. Immigration and Customs Enforcement, while local departments include the Washington, D.C., Metropolitan Police Department, the Philadelphia Police Department, and dozens more, and
- f. LEAS has also been incorporated into the curriculum of F.B.I. National Academy, the F.B.I. National Executive Institute, and the F.B.I. Law Enforcement Executive Development Seminar.

712. Multiple past and current F.B.I. directors have openly spoken about and emphasized Defendant ADL's "close nexus" to the department.

713. As noted, *supra*:

- a. Former F.B.I. Director J. Edgar Hoover, directed his field agents, "to immediately make certain that [they] have established liaison with the head of the antidefamation

league regional office in [their] territory and explain the jurisdiction and interest of this bureau,” (Exhibit E)

- b. Former F.B.I. Director Comey said, wrote “A Love Letter to the ADL,” wherein he recognized Defendant ADL as, “[a]n organization that works with us to fight hate crime and terrorism [and] to educate law enforcement,” (Exhibit F), and
- c. F.B.I. Director Christopher Comey said “first met with you in the spring of 2014, when I was relatively new on the job-just seven months in. I sang your praises as an organization that fights for inclusivity and diversity, equality and justice. An organization that works with us to fight hate crime and terrorism, to educate law enforcement, and to build bridges with underrepresented communities. I labeled that last speech a love letter to the ADL. Three years later I can say, from the perspective of the FBI, we're still in love with you. (Exhibit F)
- d. Current F.B.I. Director Wray said to Defendant ADL, “...I want to thank the ADL today for your support in conducting the training that all of our new special agents and intelligence analysts participate in...” (Exhibit F-1)

714. These admissions by former and current F.B.I. directors of “close relations” between the F.B.I. and Defendant ADL soundly establishes Defendant ADL as quasi-governmental.

715. Moreover, Defendant Greenblatt confirmed Defendant ADL’s “close relations” with the F.B.I. on February 4, 2021, when he unequivocally said during a congressional hearing that, “...we at the ADL work closely with the F.B.I....” (Exhibit EE)

716. Defendant Greenblatt’s admission on the congressional record further establishes a “close nexus” between Defendant ADL and the F.B.I. such that it can only be reasonably considered as a full-on quasi-governmental actor.

717. Additionally, Defendant Greenblatt publicly acknowledged on a Zoom call with Director Wray that the F.B.I. “works directly with the ADL every day.”

718. Specifically, Defendant Greenblatt stated:

It is the F.B.I. that works directly with the ADL every day, and we could not do our job if you will of fighting antisemitism without them doing their job of protecting our community. So, Director Wray we are in your, we really, really have the deepest appreciation for you and all of your professionals. Thank you for the work that you do. (See Exhibit VV)

Justification #2 – Information Sharing Between it and the F.B.I.

719. Further justification for identifying Defendant ADL as a quasi-government actor is because of its history of two-way “information sharing” between it and the F.B.I.

720. As noted on its website, the F.B.I. “emphasizes...information sharing with other federal, state, local, and international law enforcement and intelligence agencies.”

721. Since the F.B.I. shares information “with other federal, state, local, and international law enforcement and intelligence agencies,” and since it shares information with Defendant ADL, then it is reasonable to conclude that Defendant ADL is viewed by this branch of the U.S. federal government as a “federal, state, local, [or] international law enforcement and intelligence agenc[y].”

722. The free sharing of information between Defendant ADL and the F.B.I. makes Defendant ADL a “willful participant in joint activity” with the federal government and, thus, warrants it being declared to be a quasi-governmental actor. (Exhibit KKK)

Justification #3 – “Entwinement” and “Entanglement” with the Federal Government

723. An illustration of Defendant ADL functioning as a quasi-governmental entity occurred in conjunction with the May 2, 2023, White House briefing on “antisemitism.”

724. On said date, Defendant ADL, by way of Defendant Greenblatt, established its “entwinement” and “entanglement” with the federal government when he apparently exercised the authority bestowed upon him as the CEO of Defendant ADL to solicit the presence of an official from the Department of Homeland Security to make a presentation at that White House briefing on combating “antisemitism.”

725. Evidence of Defendant ADL’s ability and capacity to summon speakers to an Executive Branch briefing occurred when Homeland Security Advisor Dr. Liz Sherwood-Randall stated in her opening remarks to President Biden and his team:

Good morning. It’s my honor to be here with each of you today. When Jonathan asked if I would give keynote remarks at this gathering, I eagerly agreed because of the vital mission of this organization, the partnership that we have built in the Biden Administration, and the urgent issues facing our community. (Exhibit LLL)

726. Her opening remarks identifying the CEO of Defendant ADL as the reason why she was present at a briefing with the president of the United States not only solidified Defendant ADL as being entwined with the federal government, but she also disclosed that Defendant ADL even has a “partnership” with the Department of Homeland Security.

727. Additionally, further into her remarks, Dr. Sherwood-Randall expressed how much the Department of Homeland Security “need[s]” Defendant ADL when she stated, in part:

... we need the Anti-Defamation League. And we will continue to work alongside you. Because whether it’s the ADL’s COMBAT plan to fight antisemitism in our communities... your REPAIR plan to address online hate... or many of the other remarkable initiatives you have underway.... we share the ADL’s comprehensive approach to end the defamation of the Jewish people.... (*Id.*)

728. The moment the Homeland Security Advisor to the U.S. government says the Department of Homeland Security “need[s] the Anti-Defamation League” to perform its function of protecting the U.S. against terrorist and other criminal organizations that threaten the country’s safety and national security, and that it “work[s] alongside” Defendant ADL,

then it is incontrovertibly established that Defendant ADL: 1) is a “willful participant in joint activity” with the federal government (hereinafter, “government”) 2) is “entwined” with the government, 3) has a “close nexus” with the government, and 4) performs “a public function” for the government.

Justification #4 – Drafting, Shaping, and Implementing a National Policy

729. Defendant ADL was instrumental in facilitating The National Strategy (Supra, ¶¶242-267)

Justification #5 – Solicited Funds Directly from the OMB

730. Another clear and convincing illustration of Defendant ADL’s functioning as a quasi-governmental entity is its remarks regarding the need to be financially supported by the federal government and then its ability to make a direct solicitation of funds to the OMB.

731. In those same congressional remarks on February 4, 2021, Defendant Greenblatt, on behalf of Defendant ADL, stated:

We do not yet have adequate resources. The Biden administration has given us some very encouraging signals and said they will make it a priority, but now we really need an integrated federal strategy across the Executive branch. Mr. Congressman, we also need State and local governments to make sure they are also resourcing to the threat. (Exhibit EE)

732. The astounding level of financial support Defendant ADL actually received from the federal government removes all doubt as to its status as a quasi-governmental entity.

733. As previously noted, on or about December 20, 2022, Defendant ADL submitted a demand letter directly to the OMB for funds it desired to be redirected from programs and services that benefit the average American citizen to its own coffers. (Exhibits N, N-1)

734. Extraordinarily, that same demand letter brazenly commanded the OMB to allocate funds to other agencies and departments of the U.S. government.

735. Specifically, the demand letter specifically directed the OMB on how to allocate \$1,517,900,000.00.

736. Based upon the regulations of the U.S. government, Defendant ADL's fiscal appropriations demand made directly to the OMB incontrovertibly establishes it as a quasi-governmental entity.

737. In support of said statement, the U.S. government has rules and regulations governing the request of funds made directly to the OMB.

738. Specifically, according to the U.S. government's website, only "governmental agencies" can make requests of funds directly to the OMB.

739. With respect to the funding process, on USA.gov, the U.S. government states, in part, the following steps are to be followed in the standard and customary process for requesting and receiving funds through the OMB:

The budget planning begins a year before the budget is to go into effect.

1. Federal agencies create budget requests and submit them to the White House Office of Management and Budget (OMB).
2. OMB refers to the agencies' requests as it develops the budget proposal for the president.
3. The president submits the budget proposal to Congress early the next year.
(Emphasis added.)

740. Since only "federal agencies" can make funding requests directly through the OMB, and since Defendant ADL made a demand of \$1.5 billion directly through the OMB, then Defendant ADL's actions subjected itself to the classification as quasi-governmental.

741. In an amazing display of power, the demand was approved in three days. (Exhibit DD-6)

742. That audacious demand by Defendant ADL establishes, on the most rudimentary level, that it not only had the nerve, but it had the capacity, capability, and confidence to direct the U.S. government on how it should spend the precious and dwindling financial resources of the American taxpayers for its own interests.

743. Candidly, exercising that much power and control over the U.S. government takes Defendant ADL well beyond the classification of “quasi-governmental,” and, in actuality, makes it the proverbial “Pied Piper” that calls the tune that, apparently, the U.S. federal government must dance to...or else.

744. There can be no more quintessential demonstration of a “close nexus,” “entwinement,” “entanglement,” “joint activity,” and/or “public function” than the incorporation of Defendant ADL’s program into the very curriculum of the F.B.I. for the training of “[e]very new F.B.I. Special Agent[.]”

745. While Defendant ADL may have, at one point in time, been able to legitimately describe itself as simply a “non-profit,” “advocacy” organization, over the years, to the present time, it has incontrovertibly and unequivocally metastasized into a quasi-governmental entity because:

- a. It maintains “close relations” with the F.B.I. to the point where the F.B.I. is “in love with” the ADL,
- b. It not only shares information with the F.B.I., like any organization has the ability to do, but the F.B.I. shares its intel with the ADL presumably to activate the ADL to pursue the subjects of said intel,
- c. It created and implemented a training program for “[e]very new F.B.I. Special Agent,” and it facilitates that training,

- d. It has the ability and authority to invite governmental department heads to meetings at the White House,
- e. It drafted, shaped, and took credit for the implementation of The National Strategy through the White House, and
- f. It not only solicited funds directly through the OMB, as only “federal agencies” are authorized to do, but it directed the OMB on what agencies and departments to fund and in what amounts and everything it directed the OMB to do was approved.

746. The declaration that Defendant ADL is quasi-governmental entity serves the purpose of:

- a. clarifying whether Defendant ADL has the capacity to infringe upon Minister Farrakhan and the Nation of Islam’s First Amendment rights under the U.S. Constitution and under 42 U.S.C. §1983,
- b. finalizing said controversy regarding Defendant ADL’s status as a quasi-governmental entity and its ability to act “under color of law,”
- c. establishing that this is not being done as a result of mere “procedural fencing,”
- d. affirming that this will not “increase friction between sovereign legal systems or improperly encroach upon the domain of a state or foreign court,” and
- e. confirming there is no better or more effective remedy because the determination of Defendant ADL’s status as a quasi-governmental entity is the only remedy available to address the constitutional controversy at issue.

Wherefore, for the foregoing reasons, Minister Farrakhan respectfully requests that this Court, pursuant to 28 U.S.C. §2202, declare Defendant ADL to be a quasi-governmental entity of the U.S. government.

COUNT 12

INJUNCTION

MINISTER FARRAKHAN AND THE NATION OF ISLAM V. ADL AND GREENBLATT

747. Minister Farrakhan realleges and incorporates by reference paragraphs 14-529, and relevant paragraphs from previous Counts, as though fully stated herein.

748. As noted, on February 9, 2023, Defendants ADL and Greenblatt wrote the CEO of Ticketmaster prior to Minister Farrakhan's Savours' address in an attempt to have the event canceled.

749. Said Defendants had no legal justification for making such attempts.

750. Said Defendants are well able to address anything it sees fit to address after Minister Farrakhan, or any other public figure makes a statement, but Minister Farrakhan's First Amendment rights, as well as other ministers in the Nation of Islam's First Amendment rights, do not end when Defendants believe something will be said that they do not like.

751. Said actions are a prior restraint on First Amendment protections.

752. Defendants' recent actions establish the cognizable danger of recurring actions.

753. Said actions are not isolated occurrences, but are relatively certain to occur in the future.

754. Moreover, as noted, Defendants ADL and Greenblatt posted online their consternation at Ticketmaster's failure to cancel the event at its veiled request.

755. Said Defendants believe they are blameless in their attempts to infringe upon Minister Farrakhan's First Amendment rights.

756. Thus, Defendants should be enjoined from contacting venues ahead of speaking events featuring Minister Farrakhan, or any other speaker of the Nation of Islam, in an attempt to have the event canceled because the identity of the speaker is not decisive in determining whether speech is protected.

757. The Nation of Islam, and its designated and authorized speakers, contribute to the discussion, debate, and the dissemination of information and ideas that the First Amendment seeks to foster.

Wherefore, for the foregoing reasons, Minister Farrakhan, and the Nation of Islam, respectfully requests that this Court enjoin said Defendants from future attempts at infringing upon their constitutionally-protected First Amendment rights, and grant any other relief appropriate.

REQUEST FOR RELIEF

WHEREFORE, Minister Farrakhan and the Nation of Islam respectfully request this Court enter the following judgment against Defendants ADL, Greenblatt, SWC, and Cooper :

- A. Declare that the actions of Defendants ADL violated Minister Farrakhan and the Nation of Islam's First Amendment rights,
- B. Award non-economic and punitive damages in the amount of \$4.8 billion resulting from:
 - i. violating Minister Farrakhan and the Nation of Islam's First Amendment rights pursuant to the U.S. Constitution and pursuant to 42 U.S.C. §1983, and
 - ii. defaming Minister Farrakhan and the Nation of Islam.
- C. Declare that the false use of the term "anti-Semite," and all its variations and/or derivatives, constitute de facto defamation *per se*,
- D. Declare that Defendant ADL is a quasi-governmental actor,
- E. Enjoin Defendants, their officers, officials, agents, heirs, assignees, and/or employees from further engaging in the unlawful conduct identified herein,
- F. Enjoin the Defendants, their officers, officials, agents, heirs, assignees, and/or employees, from taking any steps to demand, urge, pressure, coerce, threaten, and/or otherwise induce

third parties to disassociate, censor, break contractual relationships with, and/ or take action against Minister Farrakhan, or any minister in the Nation of Islam, or to engage in any activity that constitutes a prior restraint on First Amendment freedoms,

G. Grant Minister Farrakhan and the Nation of Islam court costs, attorneys' fees, and

H. Grant such other and further relief the Court deems just and proper.

Minister Farrakhan and the Nation of Islam demand a trial by jury.

Dated: January 5, 2024

Respectfully submitted,

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All *Pro Hac Vice* Applications Were Granted

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