

**DECLARATION OF CINDY CLARK ON BEHALF OF
SOUTHERN POVERTY LAW CENTER
TO BE SUBMITTED IN SUPPORT OF ANM ET
AL.'S COMMENTS IN RM2017-3**

I, Cindy Clark, declare as follows:

1. I am the Director of Development Operations at the Southern Poverty Law Center (SPLC). SPLC is a nonprofit organization exempt from income tax under the Internal Revenue Service Code Section 501(c)(3), and is headquartered in Montgomery, Alabama at 400 Washington Avenue, Montgomery, Alabama, 36104.
2. I have worked at SPLC for more than 11 years and served in my current position for more than five years. Prior to being named Director, I served as Manager of Development Operations for six years. In my role here I oversee all functions of the marketing procurement processes including vendor selection, contract negotiations and management, vendor relationships, and production and mailing of all direct marketing campaigns. I also work in close relationship to the department that buys and mails our publications. In addition, I oversee our gift processing department that is responsible for processing all incoming Business Reply Envelopes and white mail containing donations.
3. I am a member of the board of directors of the Alliance of Nonprofit Mailers because I believe in the importance of reasonable nonprofit mail rates and a United States Postal Service that provides reliable mail delivery.
4. The SPLC, founded in 1971, is a civil rights advocacy organization that is dedicated to fighting hate and bigotry and to seeking justice for the most vulnerable members of our society. Using litigation, education, and other forms of advocacy, the SPLC works toward the day when the ideals of equal justice and equal opportunity will be a reality.
5. The SPLC has won landmark victories on behalf of the exploited, the powerless, and the forgotten. Our lawsuits have toppled institutional racism and stamped out remnants of Jim Crow segregation; destroyed some of the nation's most violent white supremacist groups; and protected the civil rights of children, women, the disabled, immigrants and migrant workers, the LGBT community, prisoners, and many others who faced discrimination, abuse or exploitation.

6. The SPLC's Intelligence Project is internationally known for tracking and exposing the activities of hate groups and other domestic extremists, including the Ku Klux Klan, the neo-Nazi movement, neo-Confederates, racist skinheads, black separatists, antigovernment militias, and others. We are currently tracking more than 1,600 extremist groups operating across the country. We publish and mail to law enforcement, policymakers, and our supporters investigative reports about the actions of extremist groups. We also provide training to law enforcement officers and share key intelligence and expert analysis to the media and the public. Our comprehensive database on hate groups is one of reasons that the FBI calls us first whenever they are investigating an incident of domestic terrorism.
7. The SPLC's Teaching Tolerance project produces and distributes through the mail anti-bias documentary films, books, lesson plans, and other materials that reduce prejudice and promote educational equity in our nation's schools — free of charge to any school or teacher who requests them. We also provide webinars, podcasts, policy guides, and much more. Educators use our materials to supplement their curriculum, to inform their practices, and to create civil and inclusive school communities where children are respected, valued, and welcomed participants.
8. The SPLC is home to the Civil Rights Memorial Center (CRMC) in Montgomery, Alabama, the birthplace of the modern civil rights movement. The CRMC displays a memorial with the names of 40 civil rights martyrs who lost their lives in the struggle for freedom and the Wall of Tolerance that displays the names of nearly one million people who have pledged to stand against hate and work for justice and tolerance in their daily lives.
9. The SPLC is working to ensure that people living in poverty in the Deep South, especially communities of color, are not punished or exploited because of their economic status. We are shutting down modern-day debtors' prisons and helping lead the charge to protect consumers from payday and title lenders that prey upon low-income communities and trap the poor in a cycle of debt.
10. The SPLC is working to reform the criminal justice and immigration enforcement systems so that they operate fairly and equitably; to ensure the dignity and humanity of those interacting with these systems; and to reduce the population of jailed, detained, and incarcerated juveniles and adults in the United States.
11. The SPLC is working to empower voters and eliminate disenfranchisement and discriminatory practices in the Deep South. The Voting Rights Practice Group works in collaboration with community partners and organizers to mobilize voters, restore voting rights to returning citizens, pursue electoral

policy reforms, and bring litigation to challenge unconstitutional and discriminatory voting practices.

12. The SPLC's Immigrant Justice project works to protect the rights of immigrants and their children to ensure they are treated with dignity and fairness. The US has long offered a promise of opportunity and safety to arriving immigrants. We work to ensure that our country safeguards that promise. Our work in the immigration courts and detention centers has revealed systemic abuses. We use litigation to fight those abuses, taking on cases that few private lawyers will accept.
13. The SPLC's work is supported primarily through donor contributions. We do not receive or use government funds. We do not charge our clients any legal fees or accept any portion of the judgements in our legal victories which have cumulatively totaled more than 100 million dollars in initial rulings over the last 48 years.
14. The SPLC relies on direct mail to communicate with our supporters about our work — providing updates on key litigation, current hot topics, and investigative reports. We also use the mail to attract new donors and renew current donors' memberships. Mail accounts for more than 85 percent of our fundraising revenue.
15. We use First Class, nonprofit standard, nonprofit periodicals, and library mail. In fiscal year 2019 the fundraising department alone mailed 30,217,000 pieces of nonprofit mail and 1,800,000 pieces of First Class mail. Each mailing contained a BRE for donors to mail back their donation.
16. Our Teaching Tolerance department mailed 17,435 teaching kits, documentaries, and other materials in 2019. It also mail its magazine *Teaching Tolerance* to educators twice per year and to donors once per year—approximately 750,000 magazines annually.
17. Our Intelligence Project mails its magazine the *Intelligence Report* to donors, policymakers and law enforcement twice per year — approximately 1,200,000 magazines annually. This investigative journal contains the most up-to-date information on hate groups and is known for its annual Hate Map showing hate groups across the nation.
18. In 2019, SPLC spent more than eight million dollars on postage equaling about 15 percent of our operating budget.
19. If the PRC permits the Postal Service to raise prices on market-dominant mail by at least three-to-four times the rate of inflation, it will force the SPLC to reduce the amount of mail it sends out. The SPLC, like all nonprofits, is monitored closely by watchdog organizations, like Charity Navigator, who rate

nonprofits on their fiscal responsibility. It is generally accepted that a responsible nonprofit will spend less than 35 percent of its operating budget on overhead costs (which includes management, accounting, fundraising, and other general costs of doing business). If a nonprofit receives a failing grade from these watchdog groups donors stop trusting the organization and stop donating. Without donations we cannot fund our programs adequately and will be forced to reduce our programmatic work.

20. We are already seeing a reduction in mail due to postal increases. In 2020 the SPLC will no longer be mailing the *Intelligence Report* magazine to law enforcement officers or donors. Instead the information will only be available online.
21. Our *Teaching Tolerance* magazine has already been reduced to one mailing per year to our donors where it was previously sent twice per year. Now, there is more emphasis pushed to digital media. And where we used to mail DVDs of our documentaries along with teaching guides, these items are now only available as downloads.
22. Our fundraising efforts are already looking to new channels to bring in revenue, such as canvassing, text messaging, voice mails, telemarketing, peer-to-peer, and other electronic means. Currently the most effective channel for fundraising is through the mail but with increased postal rates the cost per dollar raised is rapidly diminishing the value of direct mail. If the rate of increase in postage expense continues to accelerate, the SPLC will be forced to move away from direct mail for fundraising and outreach.
23. Nearly 50 years of testing direct mail and response shows us that when mail is reduced donations are reduced. We know from experience that it takes several mailings to each donor before that donor will respond. Cutting a few mailings per year to save expense results in an exponential drop off in donations. No matter what other channels we engage to fill the gaps, nothing compares to direct mail for fundraising effectiveness.
24. The formulaic rate increase proposals make it impossible for the SPLC to project each year's postage expenses. We rely on stable, foreseeable postal rates in order to plan our fundraising operations for the following year. Our executive team could decide that it is simply easier to move our donor communications to other mediums where we can better control our spending but have less confidence in response.
25. If the USPS increases its rates faster than inflation the SPLC would have reduced funds for its programs. The SPLC would be forced to reduce the amount of mail for its fundraising appeals, publications, investigative reports, and other important communications. This would severely impact our ability

to carry out our mission of fighting hate, seeking justice, and teaching tolerance. Teachers would not have the advantage of our teaching resources to supplement their curriculum. Law enforcement agencies would not have published access to our comprehensive database of hate groups. And our attorneys would have to reduce the number of cases they can file to defend the most vulnerable members of society.

I declare under penalty of perjury that the foregoing is true and correct.

Date

January 29, 2020

Signature

A handwritten signature in black ink, appearing to be "P. Cole" or similar, written in a cursive style.