November 5 , 2019

SENT VIA U.S. MAIL AND EMAIL communications@catholicleague.org; clrcr@catholicleague.org

Mr. Bill Donohue
President
The Catholic League
450 Seventh Avenue
New York, NY 10123

Re: Retract false, libelous claims by 3:00 p.m. Eastern time

Dear Mr. Donohue:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to demand that you immediately remove false claims in a recent article and publish a retraction of those claims. The article in question, "Atheists Who Are Haters," was dated November 5, 2019 and published at www.catholicleague.org/atheists-who-are-haters/. The article was also sent via email to the Catholic League mailing list, including to two FFRF staff members who have not received such articles before.

In that piece, you wrote, "In 2018, the IRS revoked FFRF"s tax exemption for failing to file its Form 990 for three consecutive years. FFRF then sued the IRS, claiming its tax-exempt status was unfairly revoked."

This is false. It damages FFRF's reputation with donors. FFRF is tax exempt and has filed a Form 990 every year since it received its tax exemption. FFRF's Form 990s are even available online. The briefest fact check would have shown your statement to be false, which proves that this piece—and that statement in particular—was written with a reckless disregard for truth.

We require that (1) the libel be removed from the article immediately; (2) an editorial note permanently appear at the top of the article noting that "The original article falsely reported that FFRF lost its tax exemption for failure to file Form 990s with the IRS and has sued the IRS over that revocation, when it fact FFRF has never lost its tax exemption, is fully compliant with IRS reporting provisions, and its Form 990s may be found at FFRF's website. We regret the error."; and (3) a retraction with this language be sent to everyone who received a copy of this article either by mail or email. If these do not happen by 3:00 p.m. Eastern time, FFRF will seek to vindicate our rights in court. In the meantime, FFRF will work to mitigate the damage.

I called your office to inform you of this libel at 9:30 a.m. Central time. I was routed to someone who identified himself as Rick Henshaw. He refused to give any assurances that the libel would be removed and a retraction issued.

This lie is particularly egregious given that FFRF is one of the country's elite charities. There are more than 1.4 million nonprofits in the US and only 77 have a perfect 100 score from Charity Navigator, including FFRF.[1]

FFRF has also achieved a four-star rating from Charity Navigator for ***ten years*** in a row. Charity Navigator President and CEO Michael Thatcher recently informed FFRF in a letter, "Only 2 percent of the charities we evaluate have received at least 10 consecutive four-star evaluations, indicating that Freedom From Religion Foundation outperforms most other charities in America. This exceptional designation from Charity Navigator sets Freedom From Religion Foundation apart from its peers and demonstrates to the public its trustworthiness."[2]

While FFRF has reached the highest levels of accountability and transparency, the same cannot be said of your organization. The Catholic League has only achieved two stars in its Charity Navigator rating.[3]

The false claims described above are libelous per se under New York law. *See Dillon v City of New York*, 261 A.D.2d 34 (1999). The statement meets all the elements of defamation because (1) You published these false claims online; (2) FFRF did not authorize you to publish these false claims; (3) You were at least negligent in publishing these false claims, and are knowingly publishing false claims if they are not immediately removed upon receipt of this letter; and (4) The false claims cause special harm by giving FFRF donors and members, and potential donors and members, false and damaging information, and the false claims also qualify as defamation per se because they directly "impugn[] the basic integrity or creditworthiness" of FFRF. *See*

[1] *See* Charity Navigator website, "Charity Navigator Now Provides Basic Information for all 1.4 Million U.S. Registered Nonprofits," www.charitynavigator.org/index.cfm?bay=content.view&cpid=1533,
and "Charities with Perfect Scores," www.charitynavigator.org/index.cfm?bay=content.view&cpid=2203.
[2] See FFRF's press release from yesterday, NOv. 4, 2019.
https://ffrf.org/news/news-releases/item/36158-charity-rating-group-certifies-ffrf-as-cream-of-the-crop
[3] www.charitynavigator.org/index.cfm?bay=search.summary&orgid=11293.

Ruder & Finn Inc. v. Seaboard Surety Co., 52 N.Y.2d 663, 439 N.Y.S.2d 858, 422 N.E.2d 518, 522 (1981).

You will notice that we do not take issue with your other mischaracterizations of FFRF, sweeping or absurd though they are.[4] But this particular statement is false and damaging.

Again, we require that, by 3:00 p.m. Eastern time:

> (1) the libel be removed from the article immediately,
> (2) an editorial note permanently appear at the top of the article noting that a harmful factual error was removed and advising readers of the truth of FFRF's good standing and compliance with IRS reporting requirements, and
> (3) a retraction be sent to everyone who received a copy of this article either by mail or email.

Sincerely,

Andrew L. Seidel
Constitutional Attorney
Director of Strategic Response
Freedom From Religion Foundation

[4] For instance, you wrote, "What makes FFRF's beef so dishonest is its habit of ignoring politicians who use black churches for a rally." This is also untrue and FFRF has complained about politicians from across the spectrum visiting churches and those churches electioneering. Again, a brief check of the website would have corrected this misconception. Or your false claim that "FFRF loses more than it wins." For a non-FFRF source, s*ee, e.g.,* Kranick and Moore, *Godless Citizens in a Godly Republic: Atheists in American Public Life,* (WW Notron 2018) noting that "FFRF wins 75 percent of its cases . . ."