



1819 NEWS

Allen Mendenhall: The SPLC question for Alabama's next attorney general

[Allen Mendenhall](#) | 04.30.26



(shuttershock)

There's a particular discomfort, humid and inescapable as an Alabama summer, that visits when two friends decide to run against each other for the same political office. You find yourself at a dinner party, smiling at one friend, then the other, careful as a man crossing a minefield in patent leather shoes.

It's happening to me right now, as Katherine Robertson and Jay Mitchell – two people I count as genuine friends – square off for the Republican nomination for Alabama attorney general. I confess I'm watching them both with more than social interest because there's a question that Alabama voters deserve to have answered before a single primary ballot is cast, and it concerns the Southern Poverty Law Center (SPLC).

I recently wrote (<https://1819news.com/news/item/allen-mendenhall-splc-and-the-map-that-ate-the-territory>), about the SPLC and its federal indictment of 11 counts of wire fraud, false statements to a federally insured bank, and conspiracy to commit concealment money laundering. The government alleged that between 2014 and 2023, the SPLC secretly funneled more than \$3 million in donated funds to individuals associated with violent extremist groups, including the Ku Klux Klan, Aryan Nations, and the National Socialist Party of America.

Whatever one makes of the federal prosecution, the underlying facts raise questions belonging squarely in the lap of Alabama's next attorney general. All Alabama voters should insist upon knowing what Robertson and Mitchell intend to do about the SPLC under state law.

Let us consider the possibilities.

First, theft by deception. Under Alabama Code § 13A-8-2, a person commits theft of property when he or she knowingly obtains control over another's property by deception, defined under § 13A-8-1 as the knowing creation of a false impression, including false impressions about purpose, intent, or use of funds.

If the federal indictment's allegations hold that donors were misled about how their contributions would be spent, the same conduct could theoretically support a state deception theory. The aggravated version, § 13A-8-2.1, applies when the deceptive taking exceeds \$200,000 and carries a sentence of five to 30 years. Three million dollars, allegedly passed through fictitious shell accounts, is not an especially ambiguous sum.

Second, charitable fraud, the provision tailored most precisely to the facts at hand. Alabama Code §§ 13A-9-71 through 13A-9-75 create a comprehensive regulatory and criminal framework governing charitable solicitation in this state. Under § 13A-9-71, any charitable organization soliciting contributions in Alabama must register with the attorney general and make truthful disclosures about the use of donated funds.

A professional fundraiser or solicitor who commits theft by charitable fraud in the first degree – involving amounts exceeding \$2,500 – is guilty of a Class B felony. Any solicitor or person who knowingly violates the registration and disclosure requirements shall be guilty of charitable fraud, with a second or subsequent conviction rising to a Class C felony, and the attorney general or a district attorney may bring an action to enjoin the violation.

The SPLC has been headquartered in Montgomery for decades and has raised vast sums from Alabama donors. If its representations to those donors were materially false – as the federal indictment asserts – the charitable fraud provisions of Title 13A are precisely the instrument the legislature fashioned for such occasions.

Third, unlawful charitable solicitation in Article 3A, §§ 13A-9-80 through 13A-9-84, which governs the use of containers and campaigns to solicit donations and requires complete transparency about where the money goes. Any person or organization that knowingly violates this article is guilty of unlawful charitable solicitation. If donors gave money believing it would fight white supremacy and it instead funded the salaries of white supremacist leaders – even under the theoretical cover of an informant program – the state may have a colorable claim under these provisions as well.

Fourth, money laundering. One must note that, unlike the federal government, Alabama does not have a standalone money-laundering statute of general application in its criminal code. However, § 13A-9-45, which prohibits falsifying business records, is directly on point with the indictment's most concrete allegations: "A person commits the crime of falsifying business records if, with intent to defraud, he: (1) Makes or causes a false entry in the business records of an enterprise; or (2) Omits to make a true entry in violation of a legal duty to do so."

The federal indictment alleges that SPLC employees opened bank accounts in the names of fictitious entities and made false or misleading certifications to the banks about ownership of those accounts. That conduct is the very

definition of falsifying business records under Alabama law, and while it carries only a Class B misdemeanor classification as written, it opens the door to further inquiry into whether companion provisions – including § 13A-9-49, governing false financial statements – might elevate the exposure.

Fifth, criminal conspiracy. Under Alabama Code § 13A-4-3(a), “A person is guilty of criminal conspiracy if, with the intent that conduct constituting an offense be performed, he or she agrees with one or more persons to engage in or cause the performance of the conduct, and any one or more of those persons does an overt act to effect an objective of the agreement.”

The federal indictment describes coordinated action by multiple SPLC employees over nearly a decade – accounts opened, payments routed, records maintained – all in furtherance of the alleged scheme. That’s not a portrait of a lone actor but of an agreement, which is precisely what Alabama’s conspiracy statute was written to address.

I’m not a prosecutor, but I have spent an immoderate number of years watching the gears of Alabama politics turn. Thus, I’ve learned that the most important questions are often the ones nobody thinks to ask in public.

What Robertson or Mitchell thinks about the SPLC, and what either of them intends to do with the considerable powers of the attorney general’s office – those are not abstractions. They are the practical, consequential, governing questions of this primary.

The SPLC sits in Montgomery. The violations alleged, if true, occurred here. Alabama’s laws are implicated. Silence from either attorney general candidate on this subject should itself be considered a kind of answer.

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