

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE**

TADRINT WASHINGTON and  
MICAH WASHINGTON

Plaintiffs,

v.

JAMES ALEX FIELDS, JR.  
Albemarle-Charlottesville Regional Jail  
160 Peregory Lane  
Charlottesville, VA 22902

Case No. CL 17-442

**Jury Trial Demanded**

JASON KESSLER  
1013 Altavista Avenue, Apt. B.  
Charlottesville, VA 22902

RICHARD SPENCER  
1001 A King Street  
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NATIONAL POLICY INSTITUTE, INC.  
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MICHAEL HILL  
146 Bridgewood Drive  
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MATTHEW HEIMBACH  
619 N. Gospel Street, Lot 3  
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By *gw*  
Jun 06 2019

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LEAGUE OF THE SOUTH )  
c/o Michael Hill )  
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BRADLEY GRIFFIN a/k/a Hunter Wallace )  
13 G W Griffin Rd. )  
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VANGUARD AMERICA )  
c/o Dillon Ulysses Hopper )  
5124 Criterion Way )  
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AUGUSTUS INVICTUS )  
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ELLIOTT KLINE a/k/a Eli Mosley )  
117 Mesa Drive )  
Reading, PA 19608 )  
John Doe 1-1000, Jane Doe 1-1000, )  
Defendants )  
\_\_\_\_\_ )

**FIRST AMENDED COMPLAINT**

1. In 2008, Defendant Richard Spencer (“Spencer”) coined the term “Alternative Right” (“Alt-Right”) to refer to an anti-globalist movement centered on white nationalism and the creation of a white ethno-state. In its early years, the “Alt-Right” was comprised of groups of varying ideologies and an informal collection of radicals operating on the Internet.

2. The internet provided the radical right a forum where they could offer their opinions anonymously without the high social cost of being associated with an extremist group. The Alt-Right used the internet to directly target disenfranchised, young white men to indoctrinate as new members to the movement.

3. The Alt-Right viewed the campaign and election of Donald Trump as a sign that America was radically shifting towards white nationalism and identity politics. The leaders of the movement agreed to unite together to seize the momentum of the Trump presidency and make their extreme, racist views familiar to mainstream conservatives. In 2017, Defendants Spencer, Jason Kessler, William Regnery, Mike Peinovich, Michael Hill, Bradley Griffin, Matthew Heimbach, Augustus Invictus, Christopher Cantwell, Andrew Anglin, Nathan Damigo, Elliott Kline, and their respective organizations (collectively “Defendants”) agreed to join forces in organizing events and rallies to achieve their shared goal of creating a “White America.”

4. The pro-Trump and Alt-Right rallies generated large numbers of counter-protestors including the presence of the anti-fascist group known to as “Antifa.” With the growing political divide, physical altercations between the Alt-Right and Antifa became commonplace at the rallies and events.

5. Defendants did not view Antifa as a threat to the movement but rather an opportunity to exploit for recruiting traditional conservatives. Unlike previous white supremacy and neo-Nazi movements, the Alt-Right valued the importance of “optics” and stressed the importance of appearing well-dressed, well-groomed and organized. With this public persona, Defendants conspired to organize the Unite the Right rally (“UTR Rally”) in Charlottesville, Virginia. Defendants assembled in the streets of Charlottesville for the express purpose of turning the city into a war-zone, inciting violent confrontations between their members and Antifa, and committing assaults and battery upon citizens without authority of law. Defendants directed, welcomed, encouraged and incited violence in Charlottesville as part of their goal to publicly denounce the Left as an enemy to free speech and the interests of white Americans.

6. In organizing the UTR Rally, Defendants were fully aware that its members were planning to violently attack counter-protestors and actively took measures to ensure that violence was the inevitable result of the event.

7. James Fields, Jr. (“Fields”) was a member of the radical Alt-Right and had fully adopted his beliefs in white nationalism and white supremacy by the time he was a teenager. As an isolated, young white male from a low income family, Fields was intentionally targeted by the Alt-Right. Prior to 2017, Fields primarily communicated with other Alt-Right members online through websites and message boards dedicated to espousing the ideals of the radical far-right groups.

8. At the UTR Rally, Fields and hundreds of others answered the call of Defendants and took their activism from behind their computer screens and into the streets of Charlottesville. Defendants referred to Fields and the other young attendees as their “Alt-Right army” and encouraged them to show up in Charlottesville and fight for the cause, no matter the cost.

9. On the afternoon of August 12, 2017, Defendant Fields intentionally drove his car into a crowd of people causing serious injury to Plaintiffs, dozens of others and the killing of thirty-two year old Heather Heyer (“Heyer”) a resident of Charlottesville.

10. It is a bedrock principle of American law that to be a member of a conspiracy, one need not know all of the other participants in the conspiracy or share all of the same goals. Co-conspirators need only share a central unlawful aim—in this case, to incite a riot and commit violence against counter-protestors and civilians in furtherance of white nationalism and white supremacy. Co-conspirators are partners in crime and responsible for reasonably foreseeable actions of other parties in furtherance of the conspiracy.

11. The murder and attempted murder of counter-protestors was the intended, likely, imminent, and reasonably foreseeable consequence of Defendants’ actions in furtherance of the conspiracy to incite violence and turn Charlottesville into a battlefield. Thus, Fields and the other Defendants equally bear responsibility for Plaintiffs’ injuries.

### **JURISDICTION AND VENUE**

12. This Court has subject matter jurisdiction over this action pursuant to Va. Code §§ 17.1-513.

13. The proper venue for this case lies in the City of Charlottesville. Plaintiffs are residents of Charlottesville and this cause of action, including the injuries to Plaintiffs, arose out

of Defendants' intentional, illegal, and tortious behavior which occurred in Charlottesville, Virginia.

## **PARTIES**

### **PLAINTIFFS**

14. Plaintiff Tadrin Washington is a resident of the Commonwealth of Virginia. Tadrin Washington suffered both physical and emotional injuries when Fields intentionally drove his car into a crowd of people and directly into the vehicle she was driving

15. Plaintiff Micah Washington is a resident of the Commonwealth of Virginia. Micah Washington is Tadrin Washington's sister suffered both physical and emotional injuries when Fields intentionally drove his car into a crowd of people and directly into the vehicle in which she was a passenger.

### **DEFENDANTS**

16. James Alex Fields, Jr., ("Fields") is a resident of Maumee, Ohio and a committed member of the radical alternative right. On August 12, 2017, Fields intentionally drove his Dodge Challenger into a crowd of people resulting in injuries to Plaintiffs.

17. Jason Kessler ("Kessler") is a resident of Charlottesville, Virginia, a member of the Alt-Right and one of the primary organizers of the UTR Rally. Kessler was a member of The Proud Boys and President of a right wing movement known as Unity of Security for America. Kessler became more radical and associated himself with the Alt-Right following his meeting of Spencer in April 2017. As one of the principal organizers of the event, Kessler directly participated in the planning, organization, and promotion of the UTR Rally.

18. Richard Spencer ("Spencer") is a resident of Alexandria, Virginia and is the best-known activist and a public symbol of the Alt-Right movement. Spencer received an

undergraduate degree from the University of Virginia in Charlottesville, Virginia and holds a masters degree in humanities. Spencer founded the radical traditionalist online magazine AlternativeRight.com and in 2011 became the President and Creative Director of the National Policy Institute and Executive Director of Washington Summit Publishers. In January 2017, Spencer co-founded AltRight.com a website to bring together the international leaders of the Alt-Right. Spencer has been central to the coordination, planning, and rise of the Alt-Right movement in the United States and was a principal organizer and architect of the UTR Rally.

19. The National Policy Institute, Inc. (“NPI”) is a Virginia corporation and white nationalist think tank based in Alexandria, Virginia. NPI produces, publishes and distributes reports, articles and opinion blogs advocating Alt-Right interests including white supremacy and the dangers of the dispossession of white Americans. NPI has hosted networking events for the Alt-Right movement where attendees and activists from around the globe plan, strategize, and organize street demonstrations. As Executive Director, Spencer relied on NPI and its resources for planning, organizing, and promoting the UTR Rally.

20. William H. Regnery, II (“Regnery”) is a resident of Florida. Regnery provides direct financial support and fundraising efforts to the Alt-Right movement. In 2005, Regnery founded NPI to advocate for white supremacy and the interests of the Alt-Right. Regnery remains a central figure with NPI and regularly communicates with Spencer regarding the advancement of the Alt-Right movement. Regnery also founded the Charles Martel Society, the Occidental Quarterly, and the Occidental Observer which focus its efforts on the defense of white interests, white identity, and racial reconstruction.

21. AltRight Corporation is a for-profit Virginia corporation registered by Spencer in January 2017 for the purpose of creating, maintaining, funding, and operating the website



AltRight.com. The AltRight Corporation was created for the purpose of bringing together Alt-Right leaders, organizers, writers, and analysts from around the world. Spencer and Regnery are on the Board of Directors for the AltRight Corporation and serve in leadership roles. The AltRight Corporation was used by Spencer and Regnery for organizing, planning, and funding the UTR Rally.

22. Mike Peinovich, is a resident of New York, founder of the Alt-Right website The Right Stuff and host of the podcast The Daily Shoah. The Right Stuff is an outlet for extreme racism, white nationalist, and Alt-Right ideals. Peinovich, also known as “Mike Enoch” frequently speaks at public rallies and advocates the use of violence against minorities and counter-protestors. Peinovich directly participated in the planning, organization, promotion and violence of the UTR Rally.

23. Michael Hill is a resident of Alabama and founder of the “League of the South” a white nationalist organization that has become more radicalized following its association with the Alt-Right movement. Hill has openly advocated for the League of the South to participate in street demonstrations and rallies in response to the “race war.” Hill was a featured speaker and directly participated in the planning, organization, promotion and violence of the UTR Rally.

24. The League of the South is a Southern nationalist organization operating out of Alabama. The League of the South seeks to repeat the Civil War by seceding from the United States and creating a white nationalist state. The League of the South agreed to join forces with the Alt-Right in 2017 to advocate for white nationalism. In February 2017, the League of the South issued a directive creating a “defense force” to support its increased militancy during street demonstrations. The League of the South helped organize and promote the UTR Rally and both conspired to, and did, incite, encourage, and commit violence in the City of Charlottesville.

25. Bradley Griffin (aka Hunter Wallace) is a resident of Alabama, a member of the League of the South, and editor of the Southern nationalist Alt-Right website the “Occidental Dissent.” Griffin was a key proponent of having The League of the South join forces with the Alt-Right to advance their goal of establishing a white ethno-state. Griffin played a key role in recruiting attendees to the UTR Rally and actively encouraged the use of violence against counter-protestors. Griffin directly participated in the planning, organization, promotion, and violence of the UTR Rally.

26. Matthew Heimbach is a resident of Indiana and co-founder of the white nationalist groups The Traditionalist Worker Party and the Traditionalist Youth Network alongside his father-in-law, Matt Parrott. Heimbach directly participated in the planning, organization, promotion, and violence at the UTR Rally.

27. The Traditionalist Worker Party (“TWP”) was founded in 2013 and is based out of Cincinnati, Ohio. TWP is deeply anti-Semitic and aligns with the Alt-Right and other traditional American white supremacist and neo-Nazi groups. TWP has approximately sixteen (16) chapters operating in the United States with over 500 dues-paying members. TWP serves as one of the primary military and/or security arms of the Alt-Right and attends street demonstrations and rallies armed and prepared to engage in violence. TWP actively encouraged its members to attend, bring weapons, and engage in physical altercations and attacks at the UTR Rally.

28. Vanguard America (“Vanguard”) is a white supremacist group that has demonstrated a neo-Nazi ideology. Vanguard has adopted the slogan “Blood and Soil” that became a rallying cry at the UTR Rally. The members of Vanguard America directly participated in the planning, organization, promotion, and violence at the UTR Rally, including the purchase of shields and other equipment to be passed to attendees prior to the event. Vanguard America

provided Defendant Fields with a shield when Fields joined members of their organization throughout the UTR Rally as they marched to the statue. Vanguard America actively encouraged its members to attend, bring weapons and engage in physical altercations and attacks at the UTR Rally.

29. Augustus Invictus (“Invictus”) is a resident of Florida and a leading member of the Fraternal Order of Alt-Knights (“FOAK”) and a Sergeant at Arms for the white supremacist Florida American Guard. The Fraternal Order of Alt-Knights (“FOAK”) was created as the militant and tactical defense arm of The Proud Boys, a male chauvinist society operating out of California. Invictus helped establish FOAK to protect and defend the radical right through street activism and confrontation. The official announcement introducing FOAK included the slogan “We don’t fear the fight. We are the fight.” Invictus wrote the initial draft of the “Charlottesville Statement” a political manifesto for the Alt-Right in advance of the Unite the Right rally. Invictus was a featured speaker for the event and was a key organizer and participant in the planning, organization, promotion, and participation in the violence of the Unite the Right rally.

30. Christopher Cantwell (“Cantwell”) is a resident of New Hampshire and hosts the Alt-Right talk show “Radical Agenda.” Cantwell frequently argues for an Anglo ethno-state free of minorities, Jews and non-white immigrants and has called for the violent overthrow of the United States government. Cantwell directly participated in the planning, organization, promotion and participation in the violence of the UTR Rally.

31. Andrew Anglin (“Anglin”) is a resident of Ohio and the founder of the *Daily Stormer*, the most popular and widely read website of the Alt-Right, white nationalist, and neo-Nazi movement in the United States. Anglin created the Daily Stormer in 2013 and named the website after the anti-Semitic newspaper *Der Sturmer* published by Julius Streicher in Nazi

Germany. Anglin, a resident of Ohio, has used the *Daily Stormer* to adopt and popularize the iconography and message of the Alt-Right and encourage militancy and violence against Antifa, counter-protestors and other minority groups. Anglin uses the *Daily Stormer* to encourage online trolling campaigns and mobilize Alt-Right members to attend rallies and oppose counter-protestors. In furtherance of his vision for a racist and violent society he helped organize and actively promote the UTR Rally.

32. Defendant Moonbase Holdings, LLC is an Ohio, for-profit, limited-liability corporation registered by Anglin for the purpose of providing financial support and assisting in the operation of the *Daily Stormer*. Anglin filed the articles of incorporation for Moonbase Holdings with the Ohio Secretary of State in September 2016 and signed the articles of incorporation as the statutory agent in January 2017.

33. Nathan Damigo (“Damigo”) is a resident of California and the founder of the Alt-Right organization Identity Evropa. In creating Identity Evropa, Damigo drew his inspiration and implemented the tactics of National Action, a UK-based neo-Nazi group that has been designated as a terrorist organization. Damigo was a featured speaker at the UTR Rally and was a key organizer and participant in the planning, organization, promotion, and participation in the violence at the event. Damigo resigned as the Chief Executive Officer of Identity Evropa shortly after the UTR Rally.

34. Identity Europa, Inc. a/k/a Identity Evropa is a white nationalist organization founded by Damigo in March 2016. Damigo has claimed that Identity Evropa has over 450 members across the country. Identity Evropa has become one of the primary organizations responsible for the branding of the Alt-Right movement, including the requirement that its members appear “clean-cut” at public appearances. Identity Evropa popularized the “You will not

replace us” slogan shouted by the Alt-Right at the UTR Rally. In August 2017, Eli Mosley took over as the leader of the organization. Identity Evropa actively encouraged its members to attend, bring weapons, and engage in physical altercations and attacks at the UTR Rally.

35. Elliott Kline a/k/a Eli Mosley (“Mosley”) is a resident of California and the current CEO of Identity Evropa. Mosley joined Identity Evropa in 2016 and as of August 12, 2017 he was the head organizer for the group. Along with Kessler, Mosley was tasked with handling the logistical planning and organization for the UTR Rally and served as a main contact for answering Alt-Right questions relating to the event. Mosley was heavily involved in the planning, organization, and strategy for the event and incited and encouraged violence aimed at counter-protestors and the citizens of Charlottesville.

36. John Doe 1-1000 and Jane Doe 1-1000, are the thousands of racist, hateful, and violent people who organized, attended, incited violence, and promoted the UTR Rally, but whose identities are not known at this time.

### **FACTS**

37. White supremacy groups have supported and committed violent acts to achieve its political, ideological, religious, and social goals for decades.

38. As noted by the Combating Terrorism Center at West Point, far-right white supremacy groups “are interested in preserving or restoring what they perceive as the appropriate and natural racial and cultural hierarchy, by enforcing social and political control over non-Aryans/nonwhites such as African Americans, Jews, and various immigrant communities.”

39. In line with the movement’s ideology, the great majority of violent attacks perpetrated by the racist groups are directed towards individuals or groups affiliated with specific minority ethnic groups and groups or individuals supportive of equal rights.

40. In a November 2012 Report, the Combating Terrorism Center at West Point noted that with respect to America's violent far-right movement:

Findings indicate that contentious and conservative political environments as well as the political empowerment are positively associated with the volume of violence; thus, it is not only feelings of deprivation that motivate those involved in far right violence, but also the sense of empowerment that emerges when the political system is perceived to be increasingly permissive to far right ideas.

41. Fatalities resulting from attacks by far right wing violent extremists have exceeded those caused by radical Islamist violent extremists in 10 of the 16 years since September 11, 2001.

42. According to data from the U.S. Extremist Crime Database (ECDB), as of 2016, there have been 85 attacks in the United States by violent extremists since September 11, 2001 resulting in 225 fatalities. Of these, 106 were killed by far right violent extremist in 62 separate incidents (73 percent).

43. The injuries suffered by Plaintiffs on August 12, 2017 was not the result of an isolated incident caused by a lone-wolf extremist but rather the intended, imminent, and reasonably foreseeable result of Defendants conspiracy to organize an event for the sole purpose of instigating and committing violence in the name of their racist cause.

#### **A. THE BIRTH OF THE ALT-RIGHT MOVEMENT**

44. In 1999, Regnery, a prominent son of a textile magnate, organized a meeting of approximately fifteen men who shared his belief in total racial segregation and a white ethno-state. At the meeting, Regnery shared his vision of a country divided by race and warned of the dangers facing the next generations of white Americans.

45. In 2001, Regnery founded the Charles Martel Society, a secret white nationalist society comprised entirely of white men. The Society funds and publishes a magazine and journal advocating for white supremacy and white nationalism.

46. In 2005, Regnery founded the National Policy Institute (NPI) a white nationalist think tank with over half the money coming from him personally and the remainder coming from grants he obtained from his closest associates.

47. In 2007, Regnery met Spencer through his close friend Jared Taylor, a board member at NPI and editor at the white nationalist magazine *American Renaissance*. Regnery saw Spencer, a writer for *American Renaissance*, as young, successful, and ambitious.

48. Regnery introduced Spencer to another of his close friends Paul Gottfried (“Gottfried”) a humanities professor, paleo-conservative, and contributor of white nationalist essays. In 2008, with the support of Regnery and Spencer, Gottfried founded a new group called the H.L. Mencken Club. Gottfried appointed Regnery as the Treasurer and a member of the Board of Directors.

49. In November 2008, the H.L. Mencken Club held its first annual meeting in Baltimore, Maryland. Gottfried and Spencer were both featured speakers and the audience was comprised of primarily white men in their twenties and thirties. Gottfried’s speech was aimed at establishing an “independent intellectual Right.” Gottfried envisioned a movement that would serve as an “opposition force” tasked with uncovering “the root causes of our political and cultural crises” and eradicating the successes of the Left.

50. Spencer posted Gottfried’s speech to Taki’s Magazine, an online publication for which he was serving as editor under the title of “The Decline and Rise of the Alternative Right.” This marked the first known use of the term “Alternative Right.”

51. Spencer’s influence among Regnery, Taylor and Gottfried strengthened and, in 2010, Regnery named Spencer as the new President of NPI. After being appointed President of NPI, Spencer launched [AlternativeRight.com](http://AlternativeRight.com) where he worked to refine the movement’s

ideological tenants as a new intellectual right-wing independent and operating outside of the traditional conservative environment.

52. Over the course of the next seven (7) years, the Alt-Right evolved into an international, far-right movement comprised of groups and individuals whose core belief was centered on the premise that “white identity” is under attack.

53. The “Alt-Right” actively and openly supports racial nationalism, antisemitism, fascist ideology, homophobia, misogyny, and advocates for a racially pure ethno-state.

54. Regnery remains the largest financier of the Alt-Right movement and continues to work with Spencer in the planning, administration, and strategy behind the movement. In a July 2017 interview, Spencer confirmed that Regnery is “vitaly important and indispensable” and provides “substantial donations and big picture advice.” Spencer further confirmed that he consults Regnery at least once a week and would not “do a big thing without consulting him.”

55. Regnery continues to financially support Spencer, NPI, the AltRight Corporation and the entire Alt-Right movement to this day, including payments in excess of half a million dollars through his family charities and tax-exempt organizations. The UTR Rally would not have been possible had it not been for the financial support provided by Regnery personally and through these organizations.

56. As Regnery and Spencer were developing their strategy to advance the message of the Alt-Right, various other factions and groups identifying as Nazi, white nationalist and white supremacist were organizing across the United States, including Defendants Vanguard America, Identity Evropa, Moonbase Holdings, League of the South, and the Traditionalist Worker Party. Although these groups differed in the veracity of their positions on white nationalism, antisemitism and fascist ideology, they all fundamentally rejected left-wing, liberal democratic values.



57. From 2008 to 2015, the Alt-Right, white nationalist, white supremacist, neo-Nazi and other racist groups were generally operating underground through the internet and online forums. Defendants quickly realized the utility of the internet and message boards to spread the message of their movement and recruit new members.

58. In 2017, Spencer stated that “[t]he reason that I founded Alternative Right was that there was a clear opening for a young, edgy, take no prisoners type of conservative.”

59. In a August 9, 2017 article posted to *The Daily Stormer*, Defendant Anglin noted that the Alt-Right was “trying to create a mass movement” and therefore it was necessary to “market [their] ideas.” In 2016, Defendant Anglin appeared on a podcast with Defendants Spencer and Enoch and noted that approximately 1/3 of the Daily Stormer readers are in high school. As his *Daily Stormer* article further explained:

Our target audience is white males between the ages of 10 and 30. I include children as young as ten, because an element of this is that we want to look like superheroes. We want to be something that boys fantasize about being part of. That is a core element to this.

60. By 2017, under the influence of Spencer and Regnery, the white nationalist and white supremacist groups associated themselves under the banner of the Alt-Right and agreed that the goal was to recruit young males to the “movement” rather than any particular group or organization.

#### **B. THE ALT-RIGHT’S RELIANCE ON THE INTERNET**

61. A study by the International Centre for the Study of Radicalization and Political Violence concluded that, “[The internet] creates a new social environment in which otherwise unacceptable views and behavior are normalized. Surrounded by other radicals, the internet becomes a virtual ‘echo chamber’ in which the most extreme ideas and suggestions receive the most encouragement and support.”

62. The Alt-Right has used an online subculture to create a cultural war and attract a younger audience. During the 2010's "trolling" or making deliberately offensive or provocative comments or statements online with the aim of eliciting a hostile, negative or outraged reaction, was becoming a phenomenon among young, white males. The Alt-Right adopted and embraced "trolling" as a means to gradually introduce young men to their ideology and recruit new members.

63. In 2011, members of the Alt-Right began using 4chan an image-based message board where users can post comments and images anonymously. In 4chan, the group primarily communicated within the "Politically Incorrect" board commonly abbreviated to /pol/.

64. The Alt-Right began utilizing 4chan and other online forums to organize directed campaigns to target its opposition, stir up controversy, and manipulate the media. Through their daily communication on the 4chan message board, the Alt-Right developed its own set of phrases and memes that became widely recognized throughout the white supremacist community and became symbols of the Alt-Right movement.

65. One of the most ubiquitous memes<sup>1</sup> adopted by the Alt-Right was an anthropomorphized cartoon frog known as "Pepe." The use of the "Pepe the Frog" meme was first popularized on 4chan and was increasingly altered by Alt-Right members to depict Pepe using racist, anti-Semitic, and far right imagery. Members of the Alt-Right have confirmed that they implemented a concerted and dedicated campaign within 4chan to associate Pepe the Frog with the Alt-Right movement. The same was true with respect to other memes created by the radical right.

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<sup>1</sup> A meme is defined as "an amusing or interesting item (such as a captioned picture or video) or genre of items that is spread widely online especially through social media."

66. Alt-Right members frequently use the 4chan message boards to engage in harassment campaigns and for “doxing”, the practice of identifying counter-protesters from rallies and events.

67. Due to its success in trolling campaigns, the Alt-Right began referring to the acts of its 4chan members as “weaponized autism.” The Alt-Right’s 4chan /pol/ members began creating and sharing “Weaponized Autism” memes to represent a source of pride in their accomplishments.

68. In a May 2017 article published on AltRight.com, Defendants Regnery and Spencer through the AltRight Corporation celebrated the “brave and noble actions from the wunderkind troll army of 4chan’s /pol” in doxing an alleged attacker. The article concluded with an expression of gratitude for their help in the culture wars.

69. The 4chan message board also serves as an integral part in the recruitment, coordination and communication among the Alt-Right and its organizations.

70. Defendants recognized that the continued exposure of white nationalism and white supremacy to young, socially isolated, white men would result in the adoption of Alt-Right ideals by a significant percentage of the readers.

71. In a December 2016 interview, Defendant Richard Spencer described the influence of 4chan:

I have actually met some kids from 4chan who started reading some Identitarian. . . or some of Kevin MacDonald’s work, or anything critical of race relations, immigration, Jewish influence, so on, and they actually read this stuff so that they could troll people. . . That was their entrance to it but after reading it they were actually convinced by it.

72. Defendant Anglin admitted that he was first exposed to the Nazi movement through 4chan and that the forum was a driving force behind his Alt-Right beliefs. In a August 9, 2017

article Anglin explained that in 2011 he “had just recently converted myself to a White Nationalist belief system, mainly on 4chan’s /new/ (now /pol/) and through reading actual fascist and racist literature from the 1920s and 30s.”

73. Defendants deliberately used online forums, blogs, social media, and other online platforms as part of its central strategy to spread its racist, sexist, and homophobic beliefs and glorify its genocidal ideals. The 4chan boards provided the Alt-Right an opportunity to spread its message of white nationalism and supremacy to young white men without interference from opposing viewpoints.

74. As Patrik Hermansson, a journalist who attended the UTR Rally as an undercover member of the Alt-Right explained:

Bit-by-bit hate began to be ‘normal’. This is the key lesson I learnt. Allowing these hateful ideas to go unchallenged allows them to become normal. It brings about the creeping acceptance of alt-right and far-right ideas in the mainstream.

### **C. THE ALT-RIGHT’S SHIFT FROM THE SHADOWS OF THE INTERNET INTO THE MAINSTREAM**

75. Defendants adopted a strategy was to slowly make its presence and extreme views familiar in the hope that more traditional conservatives would begin moving further to the right and eventually adopt Alt-Right ideals centered on white identity politics.

76. From 2011 to 2015, the white nationalist and white supremacist movements were still operating primarily on the Internet and, therefore, the majority of Americans were unaware of the flourishing online community. During this period, there remained a high social cost for associating oneself as “Alt-Right.” The high social cost began to diminish during the presidential campaign of Donald Trump. As stated by Defendant Heimbach:

The march to victory will not be won by Donald Trump in 2016, but this could be the steppingstone we need to then radicalize millions of White working and middle class families to the call to truly begin a struggle for Faith, family and folk.

77. In October 2015, while campaigning for the Republican presidential primary, President Donald Trump posted a picture of himself as “Pepe the Frog” to his Twitter account. Later in the election, President Trump’s son Donald Trump, Jr., posted a meme of “Pepe the Frog”, made reference to a “gas chamber” and referenced an article warning that immigration in Europe would lead to a “rape epidemic.” Defendants viewed these statements from the Trump family as signals that the candidate shared many of the same ideals as the movement.

78. Spencer described Trump as a “kind of alt-right hero” and having a “psychic connection” with its members. Defendant Regnery referred to Trump as “a legitimizer” as he allowed white nationalism to be part of the public discussion.

79. The Alt-Right rejoiced when Trump was elected President in November 2016. *The Daily Stormer* sent a tweet from its official Twitter page that read: “Get all these monkeys the hell out of our country – now! Heil Donald Trump – THE ULTIMATE SAVIOR.

80. Following the election, NPI hosted its “Become Who You Are” conference in Washington, DC. The conference was attended by international leaders of the Alt-Right to discuss the strategic mission of the movement. At the conference, Spencer delivered a speech rife with anti-Semitic comments and Nazi references and called Trump’s victory “the first step towards identity politics in the United States.” Spencer drew a standing ovation and concluded his speech by joining attendees in fascist salutes while yelling “Hail Trump, hail our people, hail victory.”

81. The Alt-Right viewed the election of President Trump as a sign that the American establishment lost its legitimacy, that the movement could be open about their true beliefs without the fear of repercussions, and that the time was ripe for the Alt-right to move from the shadows of

the internet and into the mainstream. As Spencer summarized in a February 2017 interview with Europe Maxima, “For me, Trump is more important as a symbol of the kind of energies he has unleashed instead of his actual policies.”

#### **D. MERGING OF INTERESTS UNDER THE BANNER OF THE ALT-RIGHT**

82. Prior to 2016, there were often fundamental disagreements and in-fighting amongst the various white nationalist, white supremacist, southern nationalist, and neo-Nazi organizations. These differences made it nearly impossible for any single group to mobilize and effectively spread its message.

83. Regnery and Spencer organized the 2016 NPI Conference around the central theme of bringing together the leaders of the various groups and organizations in order to build on the momentum of the Trump election.

84. In a statement posted to its official website, Defendant League of the South agreed that they must take advantage of the Trump election:

Once the globalist-progressive coalition of Jews, minorities, and anti-white whites stops reeling in confusion from the results of yesterday’s election, we can expect them to start striking back with trickery and violence. Thus, we as Southern nationalists face both danger and opportunity.

Now, more than ever, we need tight organization and numbers to help drive a stake through Dracula’s heart and keep him from rising once again to menace our people and civilization. No mercy should be shown to the enemies of our God, our Folk, and our civilization. None would be afforded us.

85. The following day, Defendant Hill published an article titled “A warning to a Southern nationalist” in which he wrote “do not go back to sleep and think all is well. If you don’t finish the job by routing your enemies and driving them into the sea while you have the chance, they will re-group and be back at your throats in no time!” Hill concluded by stating that America “must once again be White Man’s Land.”

86. As the Alt-Right movement gained momentum neo-Nazi, white nationalist, southern nationalist, and white supremacist groups in the United States began identifying themselves under the umbrella of “Alt-Right” and adopted the movement’s online tactics and iconography. At the same time, the Alt-Right groups began to disassociate themselves with a group of conservative individuals and groups known as the “Alt-Lite.” The Alt-Right considered the Alt-Lite’s less radicalized pro-Trump message as a direct threat to the future of their movement.

87. In January 2017, Spencer and Regnery along with leaders of the European Alt-Right movement founded AltRight.com. The goal of the website was to bring together the leaders and voices of the Alt-Right movement in the hope for “consolidation, creation of lasting cultural institutions, new projects in print and film, alternative media, reaching a broader audience, establishing multi-channel connections with its ideological identitarian counterparts in Europe and Russia, and, of course, successful fundraising efforts to facilitate all this.”

88. Defendants Spencer, Griffin, Mosley, Parrott, Heimbach, Anglin, Peinovich, and Cantwell began appearing on podcasts together, publishing statements and articles on AltRight.com and other websites and organizing joint events and rallies.

89. Griffin, writing under the pen name “Hunter Wallace” advocated for the League of the South to work with other far-right groups to expand the use of militias and militancy in the movement and instigate “battles” to neutralize their dissenters.

90. Hill who previously cautioned against working with the Alt-Right changed his position as a result of the Alt-Right’s participation in street activism and the rise of Antifa. In a May 2017 blog titled “Working with our nationalist allies” Hill wrote:

I am very happy that The League is now working with several other nationalist groups on the right. We have the same common enemy, and we agree on many points --- political, economic and social. We look forward to forging even stronger bonds within this alliance.

## E. RESPONSE TO THE RISE OF ANTIFA

91. Following the Trump election, Defendants increased the number of public appearances, speeches, and rallies at college campuses around the country. Antifa and other groups began organizing counter-protests in response to the Alt-Right and the majority of events resulted in violence between the Alt-Right and counter-protestors.

92. In April 2017, Identity Evropa, FOAK, and other Alt-Right activists attended a “free speech” rally in Berkeley, California. Prior to the event, members of Identity Evropa, FOAK, and other Alt-right groups expressed their intention to engage in violent confrontations with Antifa.

93. The Berkeley rally resulted in bloody fights, over twenty arrests and the confiscation of weapons by police. Defendant Damigo gained notoriety within the Alt-Right community when he was filmed punching a female counter-protestor in the face at the Berkeley rally. After the Berkeley event, the Alt-Right unleashed a doxing campaign aimed at Damigo’s victim where they sent her rape threats and posted pornographic images to her grandmother’s Facebook page. Damigo claimed that his assault and subsequent doxing campaign were justified as part of “cultural warfare.”

94. Following the April 2017 rally, the Alt-Right began referring to the Berkeley event as the “Battle of Berkeley.” The rally was highly publicized and seen as the most violent clash between white supremacist groups and counter-protestors in decades.

95. In the aftermath of Berkeley, the Alt-Right began using Berkeley and Antifa to galvanize the movement, recruit new members and justify violence through a militarized front. Defendant Damigo confirmed that the membership of Identity Evropa greatly increased following the “Battle of Berkeley.” The increase in membership following the violence in Berkeley was



seen throughout the ranks and organizations of the Alt-Right and became one of the driving factors in Defendants conspiracy to incite and commit widespread violence in the streets of Charlottesville.

96. In January 2017, Defendant Spencer stated, “In a way [Antifa] help us. Their protests make our events more intense. They make them a little scarier. There is a bit of a threat of violence with the unknown whenever we have an event.” On July 23, 2017, Kessler parroted this sentiment when he posted a message to other organizers of the UTR Rally stating that Antifa “are a useful tool to make the Democrat and cuckservative establishment look bad. Antifa aren’t our true enemy. We’re after the reigns of power in society.” Other members agreed referring to Antifa as “a godsend” and “pawns.”

97. In an article published on AltRight.com, Defendant Parrot made a case for how the Alt-Right could use Antifa and increased violence to its benefit:

But the very real threat of violence guarantees an authenticity, integrity, and virility in our movement which will pay dividends as our movement scales up from here.

Having it on record that it’s the Left that is instigating the aggression—with the mainstream Left fully endorsing it—is a priceless long-term propaganda victory. This will help frame what’s in store in the years to come.

Having it on record that leadership of our struggle is genuinely dangerous will frighten off plenty of lesser men eager to elbow their way to the top of a rapidly growing political movement. But moments like the one that took place this weekend transcend our differences. The leftist degenerate attacked all nationalists when he attacked [Richard Spencer] and it escalated a conflict between nationalists and globalists, one which we are destined to win.

98. On May 6, 2017, The League of the South organized and led a march in New Orleans, Louisiana to protest the city’s removal of Confederate monuments. The League of the South referred to the event as the “Battle of New Orleans” and were joined by members of the Alt-Right, White Nationalists, Confederate heritage activists, various Patriot groups and the “Alt-Lite.”

99. Following the “Battle of New Orleans” Griffin openly criticized the “Alt-Lite”, Patriot groups, and the “Confederate heritage crowd” as weak and unwilling to engage in real conflict for the cause. In a May 16, 2017 post to the website the Occidental Dissent Griffin stated that “[i]n order to stop antifas, we must physically oppose and out organize them.”

100. On May 19, 2017, Griffin published an article titled “Lessons from New Orleans” in which he decreed that “[s]outhern Nationalists do not believe we can coexist in a multiracial democracy” and that there is a “burning desire in White America for strong leadership.” In his article, Griffin argued that they were ultimately responsible to take back their country. He wrote:

As time goes on though, these people will continue to push but will steadily encounter more resistance. Whites will become less bashful about taking our own side in these disputes. We will become stronger, angrier, more unified and organized, more assertive and less captivated by delusions about race and politics.

101. After Berkeley and New Orleans, Defendant began to openly discuss the need to control the “optics” of the street demonstrations and rallies. Defendants agreed that future rallies would need to be well-attended and well-organized.

102. Defendants began to implement a policy to organize events in a manner by which they would outnumber counter-protestors. This would allow them to instigate aggression and violence and respond with well-orchestrated and planned attacks against their “enemies.” The primary goal of Defendants conspiracy was to assemble a group for the purpose and intent of committing assault, battery, incite a riot, and engage in premeditated violence. Defendants conspired to commit violence, assault, and battery in a manner where they could deflect blame to liberals and minorities.

103. *The Daily Stormer* highlighted the effect that a strong, unified group could have in responding to Antifa and counter-protestors in an article celebrating “brave Nazi warriors.” The

article included a photograph of an Alt-Right member punching an Antifa counter-protester with the caption “A little push, and antifa crumbles.”



*A little push, and the antifa crumbles.*

#### **F. CONFLICT SURROUNDING THE REMOVAL OF THE ROBERT E. LEE STATUE FROM CHARLOTTESVILLE.**

104. In early 2017, many Southern communities began taking down statues and monuments of Confederate leaders and soldiers in the name of anti-racism and inclusivity, including monuments of Robert E. Lee and Jefferson Davis.

105. The removal of Confederate monuments were highly politicized and subject to extensive public debate. Defendants used the public debate regarding the Confederate monuments as a catalyst for the Alt-Right movement. Defendants understood that they could capitalize on the attention generated by the debate to unite the various Alt-Right groups as well as garner support among the American public that opposed the removal of the statues.

106. In 2016, the Confederate monument debate engulfed Charlottesville, Virginia. Emancipation Park (formerly known as “Lee Park”) is located one block from the City of

Charlottesville historic Downtown Mall, and is approximately one square block in size and shape. Emancipation Park houses a statue of Robert E. Lee which has stood in the City of Charlottesville since 1924.

107. In March 2016, Wes Bellamy the Vice-Mayor of Charlottesville held a press conference urging the city to join the movement of other prominent southern cities and remove the Robert E. Lee statue and a statue of Thomas “Stonewall” Jackson.

108. In May 2016, the City Council of Charlottesville established a special commission (“Commission”) to discuss the removal of the statue and other Confederate monuments. The Commission issued a report recommending that the city either relocate the monument or affix a plaque providing historical information regarding Robert E. Lee and the statue.

109. The Commission noted that “[r]eflecting many of the racist attitudes of Jim Crow-era South, an unveiling ceremony for the sculpture was organized by local chapter of the Confederate Veterans, Sons of Confederate veterans, and United Daughters of the Confederacy.” The Commission further noted that the landscape surrounding the statue retained a reputation as a segregated “whites only” space for decades.

110. Defendant Kessler, a Charlottesville resident, was an outspoken critic of the removal of the statues. Kessler described himself as an advocate for “white civil rights” and saw the potential removal as a denial of cultural heritage.

111. On February 6, 2017, the City Council held a public comment period on the issue of the statue removal. Supporters of the statues showed up in large number wearing Confederate-themed apparel. Nonetheless, the City Council voted to remove the statue from the park. Councilor Bob Fenwick noted that the conduct of the statue supporters contributed to his vote in

favor of removal commenting that their behavior suggested that “there’s something deeper and darker going on. . .”

112. In April 2017, the City Council voted to sell the statue through a process whereby the city would receive bids from educational institutions, museums, and non-profit organizations. The Monument Fund, the Sons of Confederate Veterans, and about a dozen private citizens sued the City and Council over the decision. In May 2017, a partial injunction was entered stating the Lee statue could not be moved for six months.

### **G. KESSLER JOINS THE ALT-RIGHT**

113. In April 2017, Kessler attended a protest against the President’s authorization of a missile strike against the Syrian government in Washington, D.C. At the protest, Kessler met Spencer, Mosley, and other Alt-Right leaders. Spencer, Mosley, and Kessler discussed the Charlottesville statue debate and the Alt-Right’s recent focus on protesting the removal of Confederate monuments.

114. At the time, Kessler was a member of the Proud Boys a male chauvinist organization that Spencer and the Alt-Right considered to be part of the “Alt-Lite” and unwilling to fully embrace the movement.

115. Spencer informed Kessler that he planned to co-sponsor a rally in Charlottesville with Defendant Identity Evropa in May 2017 and Kessler agreed to participate and assist Spencer in any way possible. Over the course of the next month, Defendants Spencer Regnery, Mosley, Kessler, Identity Evropa, NPI, the Traditionalist Worker’s Party, and American Vanguard worked together to organize the May 2017 rally in Charlottesville.

116. Around 12:00 p.m. on May 13, 2017, Spencer and approximately 100 to 200 Alt-Right members, dressed in white polo shirts and khaki pants, marched in two lines towards

Jefferson Park in Charlottesville. Spencer and the other organizers specifically instructed the group to wear white polo shirts and khaki pants as it was thought to represent a deliberate contrast to the black worn by Antifa.

117. In addressing the Alt-Right group, Spencer castigated Charlottesville, referenced the statue removal in New Orleans, pledged to fight in the war on genocide and told supporters “We will never back down from the cowardly attacks on our people and our heritage. What brings us together is that we are white. We are people. We will not be replaced!”

118. Defendant Peinovich spoke at the event and reminded the participants that the protest was “more than just Confederate monuments” and that the removal of the statues represented an attack upon the white race and an attempt to destroy white heroes.

119. *The Daily Stormer* reported that the event as an “impressive showing” and a “life-changing religious experience” where “over 200 pro-white activists took to marching on Jackson Park in Charlottesville in what was ostensibly a protest against the local kikes and negroids attempting to destroy Confederate monuments.”

120. At approximately 9:00 p.m. on May 13, 2017, Spencer, Peinovich, Kessler and a large number of their Alt-Right supporters gathered again in downtown Charlottesville. The organizers of the event handed out tiki torches and the group marched in two single-file lines into Lee Park. The group chanted “blood and soil,” “you will not replace us,” and “Russia is our friend.”

121. As night fell, the rally leaders called upon the group to commence a “ritual” designed to “resurrect the life-force of the greatest heroes of the White race: General Robert E. Lee.” As *The Daily Stormer* reported:

The 200+ honorable whites marched to the base of the statute as they carried torches reminiscent of the 3rd Reich whilst intoning glorious and secret maxims in the archaic languages of their Nordic fathers...In a bold oration, Richard [Spencer] held forth on the nature of what was to transpire: the spirit of Lee would not return

as a negro-hunting horseman of the apocalypse, as some expected. Nay, the spirit of the General had been returned in order to guide the folk present there to ever loftier heights in the dissemination of white supremacist ideals throughout the globe.

122. The first Charlottesville event was the first phase of Defendants conspiracy to incite a riot and widespread violence in the streets of Charlottesville. The event was scheduled to take place on May 13, 2017 and was kept secret to anyone outside of the Alt-Right. The organizers went to great lengths to assure that the torch lit march was not made public or leaked outside a close knit group of Alt-Right members in an effort to control the narrative and lay the foundation for upcoming rallies, including the next event in Charlottesville.

123. In comments to the media, Spencer and demonstrators denied that their goal was to instill fear or commit acts of violence but rather it was merely a peaceful demonstration to celebrate their heritage and express their disagreement with the removal of the statues. As stated by Spencer, the event was designed to illustrate “how matters proceed and people with whom [he] associate[s] conduct themselves when elements of the political Left do not appear to disrupt and attack peaceful demonstrators.”

124. At the time of the May 13, 2017 rally, Spencer, Enoch, Mosley, Kessler, and other Alt-Right leaders were already planning for another larger rally to take place in Charlottesville later in the summer.

125. Defendants’ deliberate plan for the next Charlottesville rally was to re-create their march upon Lee Park but to do so with the presence of Antifa and “the political Left.” Defendants conspired to organize, plan, and conduct a rally in Charlottesville that would result in widespread violence, chaos, and mayhem. Defendants agreed that by instigating and engaging in violence

they could use the May 2017 rally in Charlottesville to shift all blame to Antifa and the “political Left.”

126. Following the May 13<sup>th</sup> event, the leaders of the various groups, including Enoch and Heimbach, joined Spencer at a Nazi-themed party where the group discussed the movement’s recent successes and failures and planned their upcoming strategy, including another rally in Charlottesville.

#### **H. THE UNITE THE RIGHT RALLY**

127. On May 30, 2017, Kessler submitted an application request to the City of Charlottesville seeking a permit to hold a “free speech rally in support of the Lee monument” in Lee Park on Saturday, August 12, 2017. Kessler estimated that there would be a total of 400 participants at the demonstration.

128. Spencer’s decision to allow Kessler to serve as the named applicant for the Rally and lead organizer was part of the overall conspiracy as it allowed the public figures of the Alt-Right plausible deniability. This was confirmed by Andrew “Weev” Auernheimer a former neo-Nazi co-runner of *The Daily Stormer* following the UTR Rally. In encouraging Alt-Right members not to attend a later event in Charlottesville, Auernheimer explained:

This is a repeat of the Charlottesville formula. Spencer gets top billing, an easily disavowable organizer with no reputation gets to take the fall while he says “tee hee it’s not my rally I’m just a speaker.” Only this time they are going to escalate the situation with guns. Seriously, it’s on the event page.

129. Due to the number of Alt-Right, white nationalist, Neo-Nazi and other white supremacist groups that would be involved in the planning and organization of the event, the organizers dubbed the event the “Unite the Right” rally (“UTR Rally”).

130. The official Facebook page for the Rally described the rally as follows:



This is an event which seeks to unify the right-wing against a totalitarian Communist crackdown, to speak out against displacement level immigration policies in the United States and Europe and to affirm the right of Southerners and white people to organize or their interests just like any other group is able to do, free of persecution.

131. The organizers wanted the event to include members from only the most extreme and militant organizations and celebrated the fact that the “Alt-Lite” would not be attending in significant numbers.

132. Defendants immediately undertook steps to make the Charlottesville event as large and widely publicized as possible. Shortly after the announcement, Defendants began distributing flyers for the event in an effort to increase the number of attendees.

133. The League of the South informed its members that the event would be the biggest United States rally in over a decade. In a July 3, 2017 article published on the Occidental Dissent, Griffin advised League of the South members that

Charlottesville has the potential to be a breakthrough moment in our activism. There is so much energy which has been bottled up online over the past 15 years that the dam is close to breaking. It is only a matter of time before it finally spills over into the real world and we are getting very close to that point.

134. In the months leading up to the “UTR Rally, the Alt-Right referred to the event as:

- an earth-shaking day that will go down in the history books;
- a shot heard around the world
- a monumental turning point in the progression of our movement;
- a turning point for white identity in America; and
- a historic rally, which will serve as a rallying point and battle cry for the rising Alt-Right movement

135. On July 30, 2017, the *Daily Stormer* urged its readers to join its staff at the “Unite the Right” rally:

We need to do everything we can to get as many people to attend the rally as possible. Whatever differences we have with whoever will be there is irrelevant. This is about making a statement. There is a rising nationalist movement in

America and it is not going away. Having thousands of nationalists come out for this rally will put the fear of god into the hearts and minds of our enemies.

136. The UTR Rally was referred to by its attendees as a “glorious triggering” of the Left and was intentionally designed to instill fear and invoke instigate and cause an emotional, violent response from Antifa, counter-protestor, and its own members.

#### **I. PLANNING AND ORGANIZATION OF THE UTR RALLY**

137. Defendants Spencer, Kessler, Regnery, Damigo, Enoch, Mosley and their respective organizations were primarily responsible for the planning and organization of the Rally.

138. Spencer was one of the primary architects of the UTR Rally, however, he credits Damigo, Mosley, Identity Evropa, and Kessler as some of the principal organizers responsible for the Rally.

139. On June 25, 2017, Spencer held a free speech rally at the Lincoln Memorial in Washington, D.C. Defendants Spencer, Cantwell, Damigo, Kessler, Enoch, and Invictus all gave speeches to hundreds of Alt-Right and white nationalists including large groups from Identity Evropa and Traditionalist Worker Party. Prior to the free speech rally, the speakers met at NPI headquarters to organize and plan the Unite the Right rally. At the NPI meeting, Spencer discussed the drafting of a “Charlottesville Statement” which would serve as a political manifesto for the worldwide Alt-Right. Following the meeting, Defendant Invictus wrote the initial draft of the manifesto which was later edited by Spencer and his colleagues before circulating in advance of the UTR Rally.

140. Kessler and Mosley were tasked with coordinating the logistics of the event between the various organizations including travel arrangements, lodging, and transportation. Between June 2017 and August 12, 2017, both Kessler and Mosley were dedicating the majority of their time to planning the Rally.

141. On June 3, 2017, AltRight.com created a separate channel on the online chat platform Discord in order to directly communicate with its readers. Discord is a free messaging platform where individuals and groups can set-up secure channels for communications. Spencer recommended that Defendants also use Discord for the purpose of planning and organizing the UTR Rally.

142. On or about June 6, 2017, Defendants Kessler, Mosley and other co-conspirators created dedicated channels in Discord within an invitation-only chatroom labeled “Charlottesville 2.0” for the purpose of planning the Rally and providing critical information to leaders of the various Alt-Right organizations.

143. The Discord communications relating to the initial planning of the Rally were meant to remain limited and confidential so that the organizers could control the message and strategy relayed to its members. On July 11, 2017, Mosley reminded all Discord participants that publicly sharing information not approved by the organizers would result in the immediate banning of the individual from all future Alt-Right events.

144. Within Discord, the organizers assigned tasks to specific members and appointed “state organizers” to coordinate travel and logistics with Alt-Right members in specific states and regions. There were at least 43 separate channels set up in the “Charlottesville 2.0” chatroom for the purpose of planning and sharing information regarding the Rally. Those channels included:

#announcements	#news	#ma_ct_ri
#dixie-lyrics	#safety_planning	#vt_nh_me
#mod_help	#alex_jones_chat	#great_lakes_region
#confirmed_participants	#pictures_and_video	#midwest_region
#shuttle_service_information	#beltway_bigots	#ky_tn
#code_of_conduct	#voice_chat	#tx_ok
#self_promotion	#friday-night	#florida
#flags_banners_signs	#sunday-night	#georgia
#promotion_and_cyberstrike	#chants-	#carolinas
#gear_and_attire	#virginia_laws	#california_pacific_nw

#antifa_watch	#lodging	#carpool_available
#demonstration_tactics	#lodging_wanted	#ny_nj
#sponsors_only	#lodging_available	#pennsylvania
#i_need_a_sponsor	#carpool_wanted	#dc_va_md

145. One of the group’s moderators also set up private, organization-specific channels so members in each group could coordinate and plan for the Rally. The organizers would hold periodic “Leadership Meetings” where each Alt-Right organization was encouraged to have at least one representative present for the call. The listed groups included Defendants Identity Evropa Traditionalist Worker Party, Vanguard America, and League of the South.

146. In addition to Kessler and Mosley, other contributors to the “Charlottesville 2.0” Discord chats included Defendants Cantwell, Heimbach, Invictus, Parrot, and Spencer.

147. In June 2017, Kessler and Mosley began preparing an operational document for the Rally. The operational orders for the event were amended at various times in the months leading up to the Rally. On June 7, 2017, Kessler circulated a section from an early version of the operational document titled “Regarding Self-Defense” which read:

STICKS AND SHIELDS: I recommend you bring picket sign posts, shields and other self-defense implements which can be turned from a free speech to a self-defense weapon should things turn ugly.

OPEN CARRY: Please do not open carry. We want to avoid that optic for both the media and Antifa. We ultimately don’t want to scare them from laying hands on us if they can’t stand our peaceful demonstration.

148. The operational document was finalized in a document titled “General Orders.” The General Orders were deliberately edited to serve as a layer of protection for the Rally’s organizers and were not indicative of the group’s communications in the months leading up to the Rally.

149. Defendants appointed a team that was responsible for providing “security” at the Rally. The individuals assigned to lead the security team were Anthony Overway and Brian Brathovd. Overway is a resident of Michigan and a member of the white nationalist group known as the Detroit Red Wings. Overway uses the handle “Heinz\_MI” in Discord.<sup>2</sup> Brathovd is a member of the Alabama National Guard and started his own private security firm. Brathovd uses the handle “Caerulus Rex” in Discord and Twitter.

150. On July 7, 2017, Overway circulated a document entitled “Shields and Shield Tactics Primer” to the leaders of the various Alt-Right organizations. The purpose of the primer was to instruct Alt-Right members on how to effectively use shields and “shield walls” during the Charlottesville Rally. The document envisioned two lines of a wall: the first serving as a defensive wall and the second as the offensive component using polearms and other “longer weapons” to push back people as the group advances. Overway envisioned that his security team would further train attendees prior to their arrival in Charlottesville.

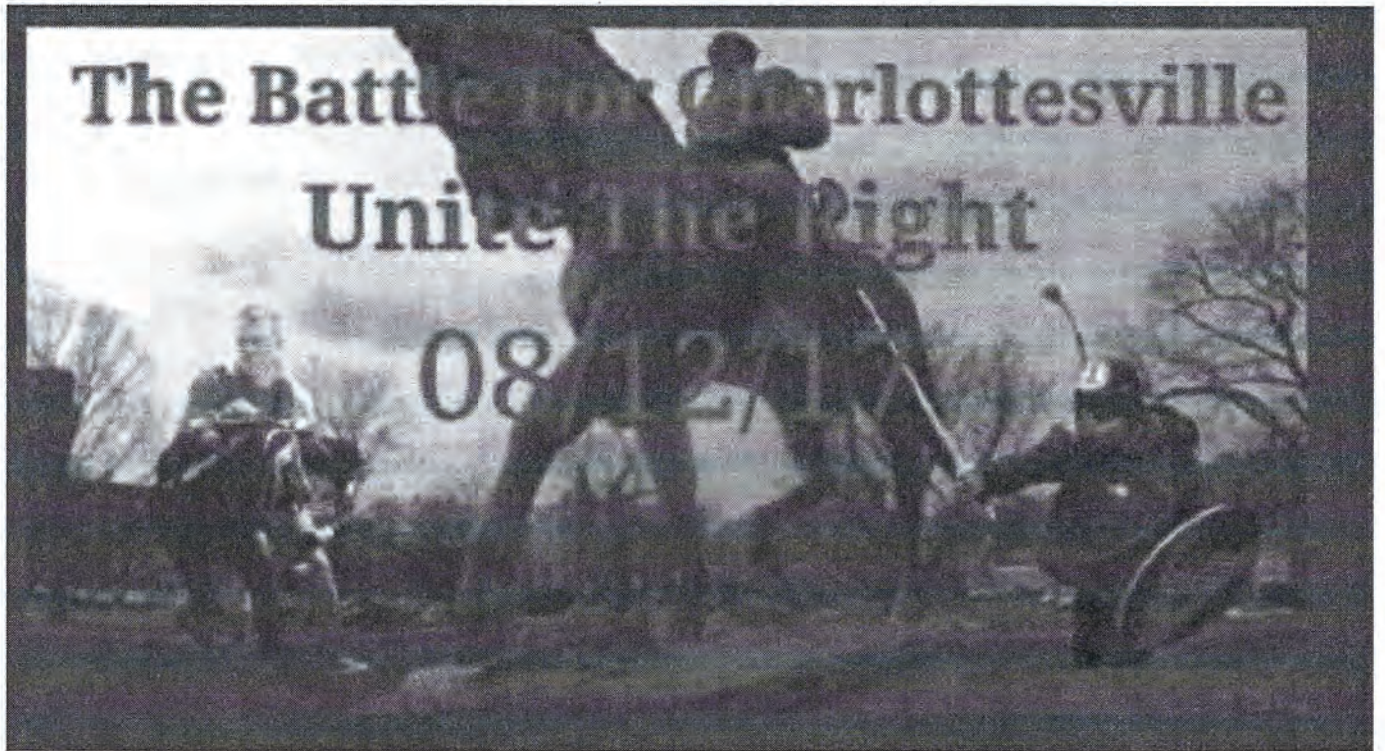
151. On July 16 2017, Kessler posted in the Discord channel #demonstration\_tactics a general call for people to assist with general security and to become a “party of a highly organized defense against the Antifa that are sure to come.” Kessler noted that the Detroit Red Wings would be providing security and instructed anyone interested in helping to contact Overway.

152. In the months leading up to the event, Kessler stated on a popular Alt-Right podcast that with the numbers of attendees expected, the Rally was shaping up to be a repeat of the Battle of Berkeley.

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<sup>2</sup> Overway selected his alias “Heinz\_MI” as he assumes the role of “Heinz the Barbarian” in a medieval fantasy live action role-play group known as Dogorhir Battle Games.

153. A poster created for the event referred to the Rally as the “Battle for Charlottesville” and included a picture of the Alt-Right punching a member of Antifa with “Based Stickman” armed and ready to fight in defense of the cause:



154. On the Discord channels, co-conspirators repeatedly advocated violence and encouraged attendees to bring weapons to the Rally:

- “WhiteTrash”: “my boys bringing AKs”;
- “Americana – MD” “Well overwhelmed and dying won’t happen when you’re armed and can properly defend yourself”;
- “Azzmador” “Well, I always come barehanded and bareheaded, bc officers don’t duck lol. But my guys will be ready with lots of nifty equipment”;
- “Tyrone” “I’m bringing Mosin-Nagants with bayonets attached... I will shoot through a crowd at least four deep.”
- “Chris Liguria” “Then we will rely on ourselves. . . with the amount of nationalists concealed carrying or equipped with shields and pepper spray, and coupled with some fortitude, i don’t see us getting ran out of town”

- “Stannisthemannis” “We’re going up against thousands of antifags pretty sure we need all hands on deck”;
- “Erika” Posting a Rally poster from the Traditionalist Worker Party which states “This is not an attack on your heritage. This is an attack on your racial existence. FIGHT BACK OR DIE.”
- “Chris Liguria” posting that he would be bringing “a shield with bolts sticking out of it and pepper spray.”
- “Bero” posting a photograph of a “Millwall brick” an improvised weapon made from a folded newspaper with the instruction that “remember that newspapers can be your greatest ally. Toss a few pennies in there, roll it up and fold it and bam.”
- “Erika” “I see far too many people getting way to [sic] excited to scrap with Antifa.”
- RCD Nick \_ TX “We will be fine as long as we have bodies there and willing to remove whoever is in our way. Vanguard is fabricating 20 additional shields. We should have a good amount between organizations. We just need to make sure we have bodies there ready to rock.”
- 8OD “We can stick [our shields] together and become one undefeatable well protected battle unit”;
- Codaius – PA “I would love to headbutt the fuck out of some antifa”
- Goldstein Riots” “carving war swa[s]tika into chest to prepare for battle.”
- Kurt14Lipper “We must secure the extinction of Antifa”
- ManWithTheHand “Stock up now” alongside a posting a fake advertisement for a product called “Nig-Away” that promised to be a “no-fuss, no-muss ‘nigger-killer””
- MackAlbion “feel free to urinate and defecate on your nearest Antifa wannabe terrorist faggot pussy”
- John Cholisniky – TX “If you don’t look like this in Cville, you’re a cuck” alongside a photograph of a man pointing guns into the camera

155. Discord was also filled with instructions on how to construct flag poles and shields so that they could be used as weapons. On July 24, 2017, the user “Tyrone” recommended that

most flag poles “are for purposes other than looking good in pictures.” He recommended that the flag poles should be 3 feet long and include an axe handle with a solid grip “like you would use for a baseball bat.” He added that anything longer would be “too long to effectively bludgeon someone with” and something like a broom or dowel would break after “3-6 whacks.” In response to Tyrone, the user “Kurt – VA” noted that “[i]mpaling people is always the best option.”

156. Tyrone later instructed other members on how to properly construct a flag pole weapon: “Put a 6-8 inch double threaded screw into 2 3 ft axe handles. It [sic] shit gets real unscrew the bottom and go to town. The flag can get rolled up in the top where it was attached.” Another user “Chris Liguria” added that “If you use PVC [for flagpoles] get schedule 80 for thicker thumping.”

157. The Discord user “PureDureSure” added that a “sound course of action” would be to fashion a small, light shield that could also serve as “an effective striking tool.” He added that the smaller shield would serve as a better defense to the “question of offensive intent from the standpoint of a third party.” Instead, you would simply be seen as “the ‘unfortunate’ soul whose shield was too small and had to improvise.”

158. Discord members also advised wearing bulletproof vests and vests made of “stab-proof metal.”

159. In directly communicating with Kessler regarding a media report that there would be 4,000 counter-protesters at the Rally, the user “Tyrone” stated that if the report was accurate it’s a no lose situation as “all the cops will be busy and our elite commando Space Marine units will unleash White Sharia on the rest of the town.” He then added that he thinks of the following quote in situations like this:





160. The Discord group collectively recognized that when Antifa showed up there would be “an all out brawl” and the Rally would turn into a “shitshow.” In a July 23, 2017 post one user exclaimed simply “good, bring it on.” Tyrone responded that he “wanted Antifa to show up, for...self defense purposes” and that “violence like [what would be seen in Charlottesville] is a team game.” Another user “ElderGrim” remarked that “violent revolution [is] inevitable. Let [Antifa] dine on the dish they prepared, some of us have decided retreat isn’t an option.”

161. Understanding that violence was inevitable, the organizers arranged for a team of Alt-Right affiliated emergency medical providers to provide treatment and care to those injured in the melee.

162. At no time did any of the Defendants take measures to remove members that advocated violence from the group responsible for planning the event or ban them from intending the UTR Rally. Instead, Defendants directly and implicitly advocated, encouraged and incited violence.

## J. COMMUNICATING WITH THE ALT-RIGHT ARMY REGARDING THE UTR RALLY

163. The plans for the UTR Rally were communicated to the masses of the Alt-Right through 4chan, social media, *The Daily Stormer*, and organizational websites. Defendants' encouragement and advocacy for violence went beyond private communications in Discord and was widely distributed by Defendants to its "Alt-Right army" through their websites, social media accounts and blog postings.

164. The organizers circulated a document through 4chan and other Alt-Right websites and chatrooms titled "Rules for Unite the Right." The "Rules" instructed attendees to: (1) avoid bringing traditional weapons like guns and knives but instead bring flagpoles, sign-poles and shields; (2) get physical in self-defense and "stand your ground" and "never run" and (3) dress in a way that's flattering. These rules were consistent with Defendants' conspiracy to appear to be acting in self-defense while truly preparing for battle and widespread violence in the streets of Charlottesville.

165. On July 10, 2017, Hunter Wallace posted a blog titled "Unite the Right: Towards Alt-Right Activism" on the Occidental Dissent website:

[Charlottesville] is going to be a king of raid on a [social justice warriors] stronghold by an Alt-Right avant-garde. We are going to whack a hornet's nest. Mayor Mike Signer that labeled Charlottesville a "Capital of Resistance" to the Trump administration. Hopefully, we can trigger them into coming out in force with their vagina hats and ukuleles.

166. On July 24, 2017, Hill posted to his social media account the following "If you want to defend the South and Western civilization from the Jew and his dark-skinned allies, be at Charlottesville on 12 August."

167. On July 31, 2017, the Daily Stormer published an article titled "Operational Security for Right Wing Rallies" whereby they advised Alt-Right members to: (1) not bring their

usual phone to the rally; (2) use phone applications that have “perfect forward secrecy “ and would delete messages after 24 hours; (3) avoid idle chat and racially charged statements on electronic devices<sup>3</sup>; (4) appear to be “clean cut” and avoid looking like a paramilitary force; (5) do not talk to the police if you get arrested; and (6) disappear if you get involved in “heavy stuff” but are not charged by the police.

168. In response to *The Daily Stormer* article, League of the South members began sharing recommendations for the upcoming “Unite the Right” rally. These recommendations were dedicated to weapons and included:

- “Bring old single reflex camers and stout leater on nylon straps. They make great flails”
- “Soap (a big heavy bar) + heavy woolen sock = no traceable fingerprints”
- “Heavy duty bear spray. And steel-toed work boots”
- “Hard wood flag poles and Canemaster canes.”

169. One member of the League of the South commented on August 5, 2017 that “This Unite the Right seems to be inviting anyone and everyone to just show up with the prospect of confronting violent Antifa and system law enforcement in a Liberal college town.”

170. Defendants conspired to encourage and instigate violence with Antifa so that they could justify a non-proportional response. On August 5, 2017, AltRight.com published an article stating:

We’re ready to fight if it comes to it. In fact, we welcome Antifa to start it. We will defend ourselves and break that pathetic little trust-fund anti-White faggot organization once and for all . . . Now it’s time to dominate the streets.

171. On August 8, 2017, Azzmador and Anglin posted a statement to the Daily Stormer website to serve as a “rallying call to all White Men of Good Character” to attend the Rally in

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<sup>3</sup>Daily Stormer’s example of a “risky digital communications” that should be avoided at a rally was “Can’t wait to fight those niggers in the street.”

order to “secure the existence of our people and a future for White children!” The statement warned its readers that they would not be starting fights “BUT IF ATTACKED, WE WILL DEFEND OURSELVES WITH RUTHLESS EFFICIENCY!”

172. The encouragement and incitement of violence under the guise of self-defense has been used by far-right extremist groups for decades. In a November 2016 study from the National Consortium for the Study of Terrorism and Responses to Terrorism (START) titled “Recruitment and Radicalization among US Far-Right Terrorists” found that the typical members experiences of social rejection, exclusion, personal loss, and humiliation “motivate a person to accept extremist ideologies, which often encourages the conception of violence as a form of retaliation or “self-defense.” The study participants, members of far-right extremist groups, “often claimed they were protecting their race from attacks instigated by multi-culturalism and “leftist” politics.” This mindset creates an expectation that, when faced with any challenge, the young men will fight and resort to violence. It is this expectation that was intentionally used and exploited by Defendants.

173. Defendant Damigo admitted that violence may be necessary as “politics is essentially the use of force and power.”

174. On August 8, 2017, Cantwell informed his readers that he planned on being armed “to deal with the very real threat of violent communist agitators”

175. On August 9, 2011, Anglin posted a “PSA” to The Daily Stormer where he argued that the Alt-Right must “love the fight” and “[b]e ready to die for it.” Anglin concluded a section titled “Who We Are” with the following statement:

We are angry.  
There is a atavistic rage in us, deep in us, that is ready to boil over.  
There is a craving to return to an age of violence.  
We want a war.

176. In an episode of The Daily Shoah recorded days before the UTR Rally, Defendant Peinovich and Mosley discussed the UTR Rally. Peinovich told listeners to bring whatever firearms or weapons they felt were necessary for the purposes of self-defense.

177. On August 11, 2017, Alt-Right leaders, including Invictus and Baked Alaska posted pictures of battle scenes of rifle-wielding soldiers to their social media accounts with captions that read “Tomorrow #UniteTheRight” and “The Battle of Charlottesville. Tomorrow at 10.”

#### **K. THE ORGANIZERS BRING THE RALLY TO 4CHAN**

178. The organizers created specific threads in the /pol/ section of 4chan in an attempt to rally the Alt-Right army operating in the chatrooms. The postings included the “Rules for Unite the Right” and instructed members to learn the lyrics to “Dixie Land” and “Men of Harlech.”

179. On August 8, 2017, a post advertising the Rally included a link to the Alt Right Discord and stated that “Thousands are going to turn out, both nationalists and antifa, and both sides are gearing up (pics to come).” The post further announced that “We are not afraid. You will not divide us.”

180. The communications amongst the Alt-Right in 4chan largely mirrored the discussions in Discord and included messages encouraging violence and photographs of weapons, shields and helmets that would be brought to the Rally.

181. The Alt-Right attendees knew that the UTR Rally would be far more dangerous than previous events and that deadly violence was likely going to occur at the “Battle of Charlottesville.” In the week leading up to the Rally, Alt-Right members posted the following to /pol/:

- Shits going to be nuts, Can’t wait.
- Mark my words. Im gonna get the digits and there will be deaths. You can screencap this.
- They better call in the national guard because it’s going to be a total shit show

- This narrative will be won in the streets. Look at the success of Berkeley III and how it motivated people to become part. If you don't own the streets you don't have any clout
- Battle of Berkel[e]y – best day of my life watching antifa lose the center of their own stronghold city and be routed by charging frogs.
- Biggest rally of white nationalists since nazi german, better come goyim
- Cant wait to get comfy and watch antifa get ANNIHILATED
- Please be aware that this could become a warzone if things go south. DO NOT GO ALONE OR UNPREPARED
- Have some frontline guys in your group who are down to fight and have the other guys carry CONCEALED and watch over the fighters. Don't carry if you want to fight because it complicates shit when everybody gets arrested. Head protection is AT A MINIMUM is REQUIRED.
- I hope you guys have been training for this, I really do think is going to be insane.
- If anything does happen, make sure they throw the first punch..."
- But right now the priority needs to be to make our side look righteous and the left look like a scrambling horde of destructive refugees from Sodom.
- All signs point to violence and not just a single dude with a bike lock. No place for kekistan bullshit and Reddit their faggotry. Real violent factions and groups who full intend to get down to serious business. I'm not saying not to come. Quite the contrary. We need to demonstrate that we are the popular opinion.
- Everyone bring umbrellas since there is a large chance of rain on the 12<sup>th</sup> in Charlottesville, they also make nifty waking sticks.
- The Traditionalist Workers Party estimates nearly 5,000 attendants, and along with the League of the South, have made armor for us. I couldn't be more excited.

#### **L. Lead Up to the UTR Rally**

182. The Charlottesville Police Department ("CPD") began information-gathering efforts immediately after receiving Kessler's permit application on May 30, 2017. The CPD expected that the Rally would attract as many as 1,000 supporters with the possibility of at least 2,000 counter-protestors. The CPD expected "violent clashes" between protestors and counter-protestors similar to what was seen in other events, including Berkeley.

183. The FBI and the Virginia Fusion Center informed the CPD that the Unite the Right supporters would likely be brining bats, batons, flag sticks, knives, and firearms to confront their political opponents.

184. Kessler exchanged emails with CPD Captain Wendy Lewis on multiple occasions between early June and the first week of August. Kessler also delegated many police discussions

to his “security team” including Brathovd and Jack Pierce, private security for Spencer. The CPD spoke personally to Kessler, Brathovd, Pierce, Peinovich, and Mosley in advance of the Rally.

185. On August 5, 2017, Spencer met with Evan McLaren, a member of Defendant Identity Evropa and current Executive Director of NPI, Daniel Friberg, European Editor of AltRight.com, and Christoff Dulny of Nordic Alt-Right, at the Trump Hotel in Washington, D.C. to further organize and plan the UTR Rally.

186. On August 7, 2017, Kessler attended an hour long meeting with Captain Lewis and City Manager Jones. During the meeting, Jones noted estimates that the event could attract thousands of people which was far more than the 400 listed on Kessler’s permit. Despite knowledge that thousands of Alt-Right members were planning to attend, Kessler intentionally lied to Jones and Lewis and told them that his numbers were closer to the estimated size. At the conclusion of the meeting, Jones explained that the City would be granting Kessler’s permit but only for an event at McIntire Park, a park encompassing 130 acres within one of the lowest populated areas within the City limits.

187. On August 8, 2017, CPD informed Kessler that an event at McIntire Park would be safer. Kessler denied the request to move the event and informed CPD that the event would go on at Emancipation Park with or without a permit.

188. On August 8, 2017, Sergeant Tony Newberry of the CPD spoke with Pierce to coordinate the arrival of event speakers at Emancipation Park.

189. On August 9, 2017, Defendant Cantwell traveled to Charlottesville to finalize plans for the UTR Rally. Cantwell met Kessler for dinner on August 9, 2017 and discussed the recent planning and strategy for the event. Cantwell later posted information to his blog where he wrote that “[m]any of us planned on being armed, not only for general purpose and display, but to deal

with the very real threat of violent communist agitators who have proven dangerous throughout the country.” He further added that “the potential for violence is very real.”

190. The CPD lacked any concrete knowledge of the August 11<sup>th</sup> torch lit rally planned for the Jefferson Monument near the campus of the University of Virginia. Kessler intentionally withheld information from the CPD regarding these plans. Pierce, the head of security for Spencer, confirmed to CPD that there would be an event on August 11<sup>th</sup> but refused to provide any further details.

191. At approximately 12:00 p.m. on August 11, 2017, Cantwell and his supporters engaged in a confrontation with counter-protestors in the parking lot of a Wal-Mart in Albemarle County. During the confrontation, Cantwell brandished his firearm and police were called.

192. At approximately 8:00 p.m., Mayor Singer reported to City Manager Jones and the CPD that he was attending an interfaith service at St. Paul’s Memorial Episcopal Church in downtown Charlottesville and that four alt-right members entered the church and appeared to be dangerous. There were more than 700 parishioners inside the church at the time.

193. At 8:43 p.m. the CPD received a call from an anonymous male claiming to have an AR-15 rifle and threatening to open fire inside the church within five minutes. A second threat against the church was made at 8:56 p.m. where an unidentified male threatened to enter the church and kill a large number of people. The church was put on “lock down” but no shooter was found.

194. The phone calls to the church were made by Alt-Right members for the direct purpose of instilling fear in the citizens of Charlottesville. Defendants knew or should have known that reports of shooters inside of a church, similar to the December 2016 murder of nine black parishioners in Charleston, South Carolina by white supremacist Dylann Roof, would escalate the



response by Antifa the following day. These phone calls were the proximate result of Defendants encouragement and incitement of violence against Antifa and other counter-protestors.

195. At approximately 8:45 p.m. on Friday August 11, 2017, a group of over 200 mostly young white males, many wearing khaki pants and white polo shirts, lit torches in the “Nameless field” a large area behind Memorial Gymnasium at the University of Virginia.

196. In advance of the march, Spencer sent a text message to a reporter that read: “I’d be near campus tonight, If I were you.” “After 9 p.m. Nameless field.”

197. The uniform of khaki pants and white polo shirt was the “official uniform” for the Rally approved by the organizers.

198. With information that the Alt-Right intended to march at 9:30 p.m., a group of demonstrators, students, and supporters from the community began to assemble near the Jefferson statue at 9:15 p.m.

199. At approximately 9:20 p.m., Kessler, Spencer, and other organizers passed out torches and instructed the Alt-Right members’ instructions on what to do if they were attacked by Antifa or counter-protesters. The organizers selected “guards” to march on the outside of the line based on their willingness to engage in violence.

200. At approximately 10:00 p.m., hundreds of white supremacists and white nationalists began to march through the University of Virginia to the Jefferson statue yelling “Blood and soil” “You will not replace us” “Jews will not replace us” “White lives matter” and “Death to Antifa.”

201. The marchers encircled the approximately 20 to 30 counter-protestors who had locked arms around the Jefferson statute. Physical confrontations immediately ensued between the

march participants and counter-protesters. The Alt-right members threw punches, deployed mace, and threw torches in the direction of the group surrounding the statue.

202. After several counter-protestors were injured during the attack, the police intervened to declare an unlawful assembly, forcing the marchers to disperse.

203. The following day, the *Daily Stormer* posted a summary of the torchlit march concluding with “We have crossed the Rubicon. And if there’s a fight, we’re gonna win it.”

#### **M. THE UTR RALLY AND THE EVENTS OF AUGUST 12, 2017**

204. At 8:45 a.m. the following morning, a large group of Unite the Right demonstrators wearing white polo shirts and carrying white flags, shields, and helmets began gathering at McIntire Park. Also present were Spencer, Kessler, Enoch, and David Duke.

205. The demonstrators began loading into white passenger vans responsible for shuttling the members from McIntire Park to various locations around downtown Charlottesville.

206. A group of heavily armed militia had already arrived at Emancipation Park at the direction of the Rally organizers. The militia carried military-style equipment, semiautomatic AR-15 rifles, kevlar helmets, body armor, knives, batons, and gas masks. The militia had been instructed to keep their trigger fingers on, or near, the triggers of their weapons at all times.

207. Shortly after 9:00 a.m., Sergeant Newberry called Pierce’s cell phone and told him that it was a good time to get the speakers and VIPs into Emancipation Park. Pierce told Sergeant Newberry that he understood and would call him back once he got everyone together.

208. Pierce called back several minutes later and told Sergeant Newberry that the speakers changed their mind about coming in separately and would be walking into the Rally with their “audiences.”

209. Based on his observations and communications, Sergeant Newberry believed that the Rally organizers never planned to be brought in through the back of the park as was previously agreed and instead that the Alt-Right was planning for altercations and chaos. Chief of Police Al Thomas confirmed in a press conference following the UTR Rally that the Alt-Right and its organizers ignored the pre-determined safety plan.

210. Defendants had no intention of abiding by the safety plans that they established with the CPD prior to the UTR Rally. Defendants agreed to cooperate with the CPD prior to the event for no other purpose than providing talking points following the known violence that they were the true victim. Defendants intentionally ignored the safety plans in an effort to incite and escalate violence between their “army” and the counter-protestors.

211. At 9:42 a.m., groups from Identity Evropa and Vanguard America were led by Eli Mosley through the southwest entrance of Emancipation Park. The group marched in military formation while chanting “You will not replace us” and “Blood and Soil” as they marched between clergy, militia, and other counter-protestors. Vanguard America and Identity Evropa were soon joined by other groups that had been dropped off close to Emancipation Park.

212. Defendant Fields marched with the initial group and served as part of the initial shield wall that was envisioned by the “security team.” Fields wore the official uniform of the Rally and held a shield with the Vanguard America insignia.

213. At approximately 10:00 a.m., a group of demonstrators with swastikas instigated a fight with a group of counter-protestors behind the First United Methodist Church in Charlottesville. After the violence subsided, the white supremacist demonstrators began harassing a middle-aged black man as he walked down the street. As police officers approached, the demonstrators ran off shouting “You want some more?”

214. A group of clergy formed a line blocking the stairs at the southwest entrance of the park. At approximately 10:35 a.m., a large column of Unite the Right demonstrators wielding shields arrived from the east, marched up the stairs and forcefully pushed through the line of clergy.

215. At 10:45 a.m., massive columns of hundreds of Rally demonstrators marched towards the southeast entrance of Emancipation Park. The group was led by members of the League of the South and the Traditionalist Worker Party and wore helmets and carried shields, flagpoles, and pepper spray.

216. A group of counter-protestors locked arms in front of the clergy and blocked the entrance to Emancipation Park. Defendants instructed their members that because they had a permit to hold their Rally any attempt to block their entry into Emancipation Park should be considered an act of aggression that would justify any efforts to forcefully break through the counter-protestors using shields, flagpoles, and other weapons.

217. As instructed by Defendants, the Alt-Right pushed forward with their shields, hitting the counter-protestors with their flagpoles, and jabbing the poles into counter-protestors' faces. The demonstrators forcefully pushed away the counter-protestors while spraying clouds of pepper spray.

218. Matthew Parrot's group from the Traditionalist Worker Party was directly behind the League of the South and later described their assault upon the clergy and counter-protestors:

With a full-throated rebel yell, the League broke through the wall of degenerates. Michael Tubbs, an especially imposing League organizer towered over and pushed through the antifa like a Tyrannosaurus . . . as League fighters with shields put their training to work.

219. Heimbach instructed his group to keep their "shields up!" and "push" through counter-protestors. His group shoved counter-protestors to the ground while spraying them from point-blank range.

220. The scenario of demonstrators using shields, flags, fists, and other weapons to break through barricades happened on at least six separate occasions. The brawling continued and progressively got more violent over the course of the next forty-five minutes.

221. Once inside the Park, small organized bands would leave to clash violently with counter-protestors on the street before retreating to the larger group. League of the South's Chief of Staff Michael Tubbs led a battalion into the street to battle counter-protestors while screaming "Follow me!" and "Shields forward!"

222. TWP members would continually exit the park, stream down the stairs with clubs and riot shields.

223. At 11:31a.m., the Chief of Police called for the declaration of unlawful assembly and commanded the CPD to announce that all persons must disperse or be arrested. A group of Alt-Right demonstrators remained in the Park throwing objects at their opponents and refusing to leave.

224. By 11:49 a.m., the confrontations between demonstrators and counter-protestors became even more violent as the groups were throwing debris, attacking each other with sticks and spraying pepper spray in all directions.

225. While leaving the park, one Unite the Right demonstrator walked up to a female counter-protestor and, without provocation, punched her in the face.

226. At 12:06 p.m., Governor Terry McAuliffe declared a state of the emergency and by 12:13 p.m. Emancipation Park had been cleared.

227. The violence intended by Defendants spilled into the streets of Charlottesville. Witnesses described the scene as a "complete battleground" and "war zone."

228. Heimbach ordered his group to push down the metal police barricades while others were yelling “Shields up Front” “Attack” “Fuckin’ use ‘em” and “Give ‘em hell, boys.”

229. Kessler shouted to the Alt-Right attendees that “We’re marching to McIntire, We’re marching to McIntire Park!” Mosley joined Kessler in order their troops to McIntire Park.

230. At 12:20 p.m., many of the Unite the Right groups gathered in McIntire Park and held an impromptu rally where Spencer, Enoch, and David Duke spoke.

231. Other groups, including the League of the South and Traditionalist Worker Party members, continued to walk the streets of Charlottesville, instigating fights and violently attacking counter-protestors.

#### **N. THE ATTACK ON PLAINTIFFS**

232. Several groups of counter-protesters and Charlottesville residents converged on Water Street in downtown Charlottesville at approximately 1:20 p.m.

233. At that time, Plaintiffs Tadrin Washington and Micah Washington were driving to their home in Charlottesville, Virginia. Tadrin Washington was driving her 2005 Toyota Camry and her sister Micah Washington was in the passenger seat.

234. Plaintiffs were not counter-protesters and did not attend any of the events relating to the rally or protest.

235. Due to the road closures, Plaintiffs were detoured from their typical route and arrived at 4th street in between Main and Water Street.

236. Plaintiffs were unable to drive further due to the number of pedestrians in on the street and were stuck at the intersection.

237. At approximately 1:42 p.m., Defendant Fields was sitting in his Dodge Challenger on 4<sup>th</sup> Street observing the pedestrians walking through the streets. After several minutes, Fields

began to accelerate slowly directly towards the pedestrians as they were walking down 4<sup>th</sup> Street. As soon as he was close enough to the group of residents and counter-protestors, Fields stepped on the gas pedal intentionally accelerating into the crowd in an attempt to kill and maim as many individuals as possible.

238. Defendant Fields then deliberately slammed his car into the back of Plaintiffs vehicle, propelling it further through the crowd. The impact of the crash caused numerous persons to be thrown onto Plaintiffs vehicle. Fields then reversed down the street in an attempt to escape.

239. At the time he drove his car into Plaintiffs and the crowd, Fields was not under a reasonable apprehension of death or great bodily harm.

240. The crash caused Plaintiffs to slam into the dashboard and windshield leaving them with serious injuries to their head and extremities.

241. Plaintiffs' vehicle was covered in blood and numerous victims of the attack were laying beside the vehicle as first responders were providing treatment and attempting to resuscitate Heyer, a victim that was killed in the attack.

242. Plaintiffs were eventually removed from their vehicle by law enforcement and medical personnel and transferred to the University of Virginia Medical Center where they received treatment for their injuries.

243. Fields was arrested by CPD at approximately 1:45 p.m.

#### **O. FIELDS WAS A 4CHAN CONTRIBUTOR PRIOR TO THE UTR RALLY**

244. The /pol/ users of 4chan began researching Fields immediately after he was identified as the driver of the vehicle. After reviewing public information and Fields Facebook page, the /pol/ users confirmed that Fields was "one of us." At approximately 10:59 p.m., one user posted a screen capture of Fields Facebook and stated:

CONFIRMED /POL/ USER

Top kek he is one of us. He is even an /sg/poster.

245. Fields Facebook page included numerous Alt-Right imagery and memes that were popularized and widely distributed through the /pol/ channels including images of Pepe the Frog and a meme reading “CIA cannot defeat Weaponized Autism.”

246. Other /pol/ members acknowledged their direct role in Fields actions stating:

- So /pol/ helped push this guy to getting 10+ years in prison (maybe life). THAT’s (sic) some powerful shit right there. The hivemind is strong.
- Literally weaponized autism. HAHAHAHAHAAAA. So this is the true power of /pol/

247. The Alt-Right encouraged its members to intentionally run over counter-protestors blocking streets and highways for months leading up to the Rally.

248. “Run Them Over” became a popular catchphrase of the Alt-Right in response to the street activism of Black Lives Matter and other activist groups.

249. In late January 2017, Fox Nation, a website operated by Fox News, tweeted out a “Reel Of Cars Plowing Through Protestors Trying To Block The Road.” The author of the video piece, which originally appeared on the Daily Caller, wrote: “Here’s a compilation of liberal protesters getting pushed out of the way by cars and trucks” and “Study the technique; it may prove useful in the next four years.”

250. The concept of running over liberal protestors and counter-protestors was celebrated and openly discussed among white nationalists, white supremacists, and the Alt-Right in online chatrooms long before Fox News posted its video to Twitter.

251. The legality of running over protestors blocking roadways was discussed on the Unite the Right Discord channel prior to the Rally.



252. In discussing the removal of people from the scene of the Rally, the user “AltCelt(IL) posted an image of buses running over crowds of people with the caption “This will be us.” The user “Tyrone” wrote “I know NC law is on the books that driving over protesters blocking roadway isn’t an offense. . . Sure would be nice.” He included a picture of a large tractor with the caption “Introducing John Deere’s new multi-lane protestor digester”



253. Tyrone proceeded to ask the following to the #virginia\_laws channel: “Is it legal to run over protestors blocking roadways? I’m NOT just shitposting. I would like clarification. I know it’s legal in NC and a few other states. I’m legitimately curious for the answer.”

254. In responding to a posting by Kessler to the #demonstration\_tactics channel another user “PrimitiveXaac” wrote regarding Antifa’s actions at an earlier event: “These fools had babies and children in the streets dragging banners over cars blocking their view and such. Too bad the civilians didn’t just make new speed bumps for some of these scum.”

255. There were numerous 4chan threads from February 2017 to July 2017 where /pol/ users uniformly agreed that the Alt-Right should not hesitate to run over protestors. Comments for this time period included the following:

- “Run em Over”
- “need to scorched earth these antifucks. drive right over em”
- Makes me think how grateful I am for weak vehicular homicide laws
- Shoot those who block movement
- Speed bumps.
- This shit makes me so mad, can someone post the video of protestors getting run over when blocking traffic.
- Only in California. Every other state, you can run protestors like this over
- Plow into them hard enough just to rip the guy at the end of the chain’s arm off.
- The only thing this makes me think about is adding a snowplow to the front of my truck.
- That’s why states have laws allowing cars to run protestors in the street down. It’s just common decency, famalam
- No. Creep slowly up with your car. Once they start chimping out trying to pull you out or break your windows, that’s [sic] creates a reasonable fear of imminent danger (see Reginald Denny). Now that you have a reasonable fear, you’re justified to hit the gas and escape. If that means you run down some stupid nigs in the process, too bad for them.
- Honestly, I’d feel much worse running over a possum than any of these human garbage
- It should be legal to run those annoying little fuckers over
- Black lives splatter
- Degenerate faggots who block roads are subhuman and deserve to be AT LEAST run over.  
I’d love to see some of those losers try it on front of me.

- I'm so hyped to run over some niggers now holy fuck
- I was in fear of my life and the life of my family, officer. All you need to say as you wipe the blood off your windshield. Try to keep a straight face though . . .
- I'm pretty sure it's legal to run over people if they're obstructing traffic. So, yeah, I'd run them over.
- My plan fully involves me getting arrested. I'm either going to run them over, or once they swarm my car just keep shooting until I have a chance to escape.
- Didn't some state already legalize running over protestors?
- Nah, just legalize running them over. No subsidize rewards for people who run them over, \$1000 per leftist
- PLEASE RUN THEM OVER
- JUST RUN EM OVER AND SAY YOU FEARED FOR YOUR LIFE
- These are my favorite videos. Protestors who block public roads and public works should be legally kill-able for causing danger to the public.
- Dude I swear to god I would just hammer the accelerator, no regrets
- They aren't "protestors" They are rioters. Run them over.
- I don't think there has been a successful prosecution of anyone who just drove right on through the protest line.
- Whether or not they die is on them, they made the choice to walk into a road.
- Run them over with a truck of peace
- Seriously why don't people just fucking run them over? If I ever see an antifa or liberal protest roadblock I'm plowing directly through them all.

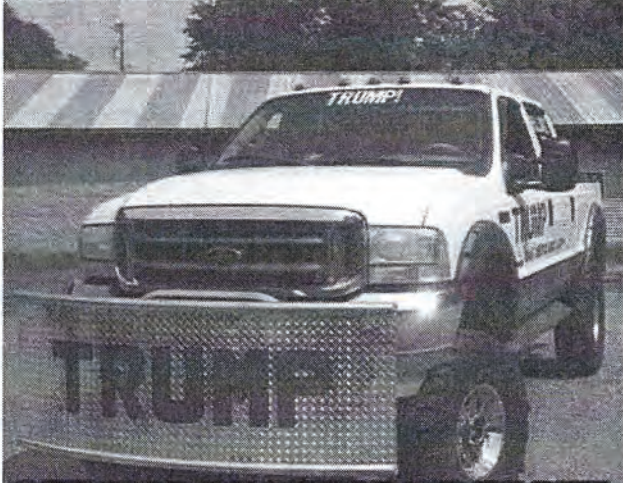
256. In addition to their comments /pol/ users also routinely circulated memes advocating for running over protestors:

**ALL LIVES SPLATTER**

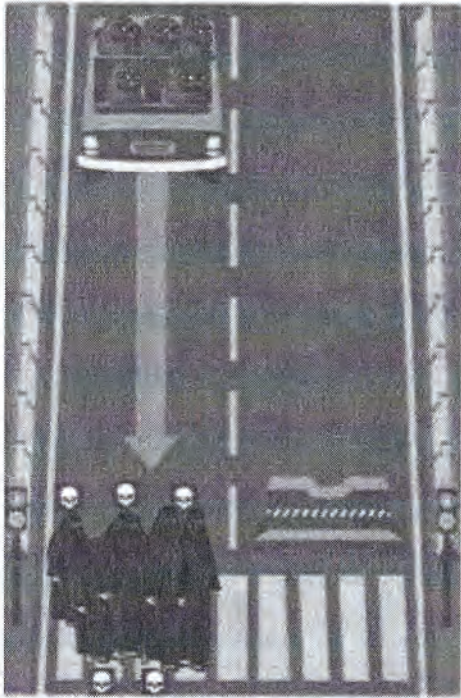


**NOBODY CARES  
ABOUT YOUR PROTEST**

**DON'T BE LATE FOR WORK.**



**GET THE PROTESTOR PLOW.**



257. As a /pol/ user and contributor, Fields would have been routinely exposed to the views of his fellow Alt-Right members that running over protestors was not only legal but necessary.

258. Fields action of accelerating through the crowd was the direct and foreseeable result of Defendants' conspiracy to incite violence and turn Charlottesville into a battlefield for the sole purpose of painting Antifa and other counter-protestors as enemies to "White America."

259. As suggested and encouraged by the Alt-Right through 4chan and other forums, Fields deliberately waited for a crowd to approach, approached the group slowly and then accelerated when the counter-protestors were closer to his vehicle.

260. Fields did not drive his car into the crowd or Plaintiffs' vehicle because he felt threatened or feared for his safety. Fields' consciously and intentionally accelerated his vehicle into the crowd and Plaintiffs' vehicle to cause death and serious bodily injury under the false pretense of self-defense.

## P. THE AFTERMATH OF THE UTR RALLY

261. The UTR Rally turned out exactly as the organizers intended and the Alt-Right immediately claimed that the rally was a tremendous success. In furtherance of their conspiracy, Defendants immediately began to claim that the violence in Charlottesville was caused by Antifa and the CPD, that they were denied free speech and that they were the true victims.

262. Spencer claimed that the event “was a huge moral victory in terms of the show of force.” He claimed that Heyer was a scapegoat for the liberal cause and that Fields was justified in his actions as he was under attack.

263. Defendant Anglin published an article to *The Daily Stormer* shortly after Fields attack claiming Charlottesville as a “total victory.” Anglin wrote that this is “a bigger victory than we ever could have hoped for” that the “Alt-Right has risen” and that Charlottesville marked the “beginning of our revolution.”

264. Defendant Heimbach of the National Front noted:

We achieved all of our objectives... We showed that our movement is not just online, but growing physically. We asserted ourselves as the voice of white America. We had zero vehicles damaged, all our people accounted for, and moved a large amount of men and materials in and out of the area. I think we did an incredibly impressive job.

265. Christopher Cantwell noted that he was trying to become “capable of more violence” and that “Well kill these people if we have to.” He goes on to state “the fact that nobody on our side dies, I’d call that points for us, the fact that none of our people killed anybody unjustly is a plus for us...our rivals are just a bunch of stupid animals who don't pay attention they couldn't just get out of the way of the car.” He states that the attack on Plaintiffs by Fields “was more than justified ...I think a lot more people are gonna die before we're done here frankly.”

266. Defendant Invictus posted a video thanking “Governor McAuliffe, the Charlottesville City Council, the Charlottesville Police Department, Black Lives Matter, and Antifa for giving the right wing a common enemy and uniting the right wing under one banner.”

267. On August 13, 2017, Anglin posted an article to *The Daily Stormer* attacking Heyer referring to her as a “drain on society” and stating that Fields murder “saved us a lot of money.”

268. On his podcast The Daily Shoah that he named “#GVF1111” after Fields license plate, Defendant Peinovich stated that Fields “should get a medal” and that the “world is a better place” without Heyer. Spencer and Mosley appeared on the podcast alongside Peinovich.

269. Kessler sent a tweet disparaging Heyer and stating that her death was “payback time.”

270. On December 15, 2017, Defendant Peinovich hosted an episode of his podcast where he played a song praising the actions of Fields to the tune of “Grandma got run over by a reindeer.” The song depicts Santa Claus as a white supremacist who trades his sleigh in for a Dodge Challenger for the purpose of running over protestors.

271. In December 2017, Cantwell read a poem on his podcast that he wrote to celebrate Fields attack at the UTR Rally. His poem was titled “Twas the Night Before Christmas” and ended with the following:

With his free hand he pointed to the street by the park,  
And sixteen headlights illuminated the dark.  
He told them, “Reindeer are so 2004, so I traded them in for a Dodge Challenger!  
Now Dasher, now Dancer, now Prancer and Vixen!  
On Comet, on Cupid, on Donner and Blitzen!  
Run these kikes over so Heyer they’ll visit.

**COUNT I**  
**ASSAULT AND BATTERY**  
**(Against Defendant James Alex Fields, Jr.)**

272. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

273. As a result of the intentional, malicious, and unlawful acts of Defendants as described herein, Plaintiffs were placed in apprehension of harmful and/or offensive bodily contact, and suffered harmful, offensive bodily contact, from which they suffered serious personal injury.

274. Fields act of intentionally driving his vehicle into Plaintiffs constituted an intentional, nonconsensual and unwanted touching without justification, excuse, or consent and was a battery.

275. At all material times, Fields motor vehicle was an instrumentality under his direct control which he used to intentionally strike plaintiffs.

276. Fields did not act to repel violence directed at him and was, at no time, under reasonable apprehension of death or great bodily harm when he intentionally maliciously and unlawfully drove his vehicle into Plaintiffs and other victims,

277. By reason of the foregoing, Plaintiffs were severely injured and suffered great physical, mental and emotional, pain and injury and requiring them to receive medical care and treatment. As a direct and proximate result of Defendant's assault and battery, Plaintiffs incurred medical expenses and will continue to incur future expenses thereof, and were prevented from attending to the duties of their employment and lost salary and earnings and will lose future salary and earnings thereby.



WHEREFORE, Plaintiffs each demand judgment against Defendants, jointly and severally, in the amount of THREE MILLION DOLLARS (\$3,000,000.00) for compensatory damage and punitive damages in the amount of \$350,000, together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**COUNT II**  
**CIVIL CONSPIRACY**  
**(Against All Defendants)**

278. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

279. Defendants unlawfully, willfully and knowingly conspired, confederated, aided and abetted, tacitly and/or expressly agreed to participate, cooperate and engage in unlawful and tortious acts pursuant to a common course of conduct, namely the incitement, promotion and sponsoring of violent acts and terrorism for the purpose of assembling a mob, instigating a riot, and causing serious bodily injury to counter-protestors.

280. As set forth above, defendants conspired with, encouraged and agreed to provide material support, funding, sponsorship, aiding and abetting and/or other material resources to Alt-Right members, white supremacists and/or white nationalists in furtherance of the conspiracy.

281. Defendants conspired to assemble a group for the collective purpose and intent to commit acts of violence and transform the UTR Rally into mob violence.

282. Defendants conspired to instigate a riot and widespread violence in the streets of Charlottesville and took express measures to provide instructions, weapons and encouragement to its members for the purpose of violently attacking counter-protestors and the citizens of Charlottesville.

283. At all material times, Defendants engaged in commonly motivated, organized and conspiratorial acts of violence designed and intended to instigate and cause physical harm and incite fear in the to the public, including the attack that injured plaintiffs.

284. Defendants knew and intended that its assembly of a mob, incitement of violence, actions, and material support to the Alt-Right, white supremacists, and white nationalists would directly result in acts of violence to others in Charlottesville, Virginia.

285. Defendant James Fields agreed to commit unlawful acts of assault, battery and other acts of violence against the public in order to further the interests of the Alt-Right and white supremacist organizations and to cause riots and wage a civil war against minorities and others that challenged their ideologies.

286. Defendants acted in concert and/or agreement to further their common goal of assembling a mob, inciting violence; inciting a riot, causing intentional physical harm to others, promoting hatred and violence to minorities and those that support equal rights; and maintaining Confederate monuments in public spaces.

287. As a direct and proximate result of the conspiracy, Fields, without lawful justification, intentionally and purposefully planned and implemented an attack upon innocent civilians, resulting in injury to plaintiffs.

288. Fields act of driving his vehicle into Plaintiffs and others was at the direction of the other named Defendants and was the collective purpose and intent of the conspiracy and the UTR Rally.

289. As co-conspirators, Defendants are civilly liable to Plaintiffs for the actions of Fields in the assault, battery, maiming, and terrorist attack as each of the parties were acting in pursuit of the common conspiratorial scheme.

290. As a result of Defendants concert of action and conspiracy to commit acts of violence and domestic terrorism, plaintiffs have suffered damage to their person and property.

WHEREFORE, Plaintiffs each demand judgment against Defendants, jointly and severally, in the amount of THREE MILLION DOLLARS (\$3,000,000.00) for compensatory damage and punitive damages in the amount of \$350,000, together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**COUNT III**  
**NEGLIGENCE PER SE**  
**VIOLATION OF VA CODE § 18.2-46.5**  
**COMMITTING, CONSPIRING AND AIDING AND ABETTING ACTS OF**  
**TERRORISM**  
**(Against All Defendants)**

291. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

292. Pursuant to Virginia Code § 18.2-46.5 any person who commits or conspires to commit or aids and abets the commission of an act of terrorism is guilty of a felony.

293. Virginia Code § 18.2-46.4 defines an “act of terrorism” as an act of violence committed with the intent to (i) intimidate the civilian population at large or (ii) influence the conduct or activities of the government of the United States, a state or locality through intimidation.

294. Virginia Code § 18.2-46.5 was enacted to protect the civilian population from acts of terrorism and violence.

295. Fields intentionally drove his vehicle into a group of civilians and counter-protesters with the intent to injure and intimidate the civilian population at large.

296. Fields intentionally drove his vehicle into a group of civilians and counter-protesters for the purpose of influencing the conduct of the Charlottesville City Council through acts of violence.

297. At all material times, Defendants conspired with Fields to commit acts of violence against the public in furtherance of their shared goal of promoting hatred and preventing the removal of Confederate monuments.

298. Plaintiffs belong to the class of persons for whose benefit Virginia Code § 18.2-46.5 was enacted and the violation of the Statute constitutes negligence per se.

299. As a proximate result of Defendants' violation of the aforesaid statute, said violations constitute a breach of the duties owed to Plaintiffs and caused Plaintiffs injuries.

300. The injuries suffered by Plaintiffs were the exact type of harm against which Virginia Code § 18.2-46.5 was designed to protect.

WHEREFORE, Plaintiffs each demand judgment against Defendants, jointly and severally, in the amount of THREE MILLION DOLLARS (\$3,000,000.00) for compensatory damage and punitive damages in the amount of \$350,000, together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**COUNT IV**  
**NEGLIGENCE PER SE**  
**VIOLATION OF VIRGINIA CODE §§ 18.2-408 and 18.2-415**  
**INCITEMENT TO RIOT AND DISORDERLY CONDUCT**  
**(Against All Defendants)**

301. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

302. Defendants conspired to plan, perpetrate and cause a riot in a manner that would result in the use of force and violence against residents of Charlottesville and counter-protesters.

303. Defendants actions in directing, inciting and soliciting others, including Fields, to commit acts of force and violence is a violation of Virginia Code § 18.2-408.

304. Virginia Code § 18.2-408 was enacted to protect the public from acts of violence and maintain order in the Commonwealth.

305. Defendants actions are also a direct violation of Virginia Code § 18.2-415 which makes it unlawful to engage in conduct that has a tendency to cause acts of violence against persons in a public place, street, highway, or public building.

306. Virginia Code § 18.2-415 was enacted to protect the public from acts of violence and maintain order in the Commonwealth.

307. Defendants conspired to create an unlawful assembly designed to incite a riot and cause disorderly conduct.

308. Defendants conduct was intended to, or recklessly created, a risk of deadly violence and attacks upon residents of the Commonwealth of Virginia and the city of Charlottesville.

309. Plaintiffs belong to the class of persons for whose benefit Virginia Code §§ 18.2-408 and 18.2-415 was enacted and the violation of the aforesaid statutes constitutes negligence per se.

310. As a proximate result of Defendants' violation of the aforesaid statutes, said violations constitute a breach of the duties owed to Plaintiffs and caused Plaintiffs injuries.

311. The injuries suffered by Plaintiffs were the exact type of harm against which §§ 18.2-408 and 18.2-415 were designed to protect.

WHEREFORE, Plaintiffs each demand judgment against Defendants, jointly and severally, in the amount of THREE MILLION DOLLARS (\$3,000,000.00) for compensatory damage and punitive damages in the amount of \$350,000, together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**COUNT V**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**(Against All Defendants)**

312. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

313. As a direct and intended consequence of the intentional and reckless actions of Defendants, which constitute extreme and outrageous conduct that is intolerable in a civilized society, Plaintiffs were caused to suffer severe mental and emotional distress which will continue for the balance of Plaintiffs' lives.

314. At all material times, Defendants acted intentionally, with the specific purpose of inflicting emotional distress that they knew or should have known that their actions would result in emotional distress to the victims of their violence and terrorism.

315. Defendants' actions were outrageous and intolerable in that they offend against the generally accepted standard of decency and morality.

316. As a proximate result of Defendants' actions, Plaintiffs suffered severe emotional distress.

WHEREFORE, Plaintiffs each demand judgment against Defendants, jointly and severally, in the amount of THREE MILLION DOLLARS (\$3,000,000.00) for compensatory damage and punitive damages in the amount of \$350,000, together with pre and/or post-judgment

interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**COUNT VI**  
**CIVIL AIDING AND ABETTING**  
**ASSAULT, BATTERY AND INTENTIONAL INFLICTION OF EMOTIONAL**  
**DISTRESS**  
**(Against All Defendants)**

317. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

318. At all material times, Defendants knew that its actions of inciting, soliciting, and encouraging violence at the rally in Charlottesville, Virginia would result in rallygoers, members of white supremacy, white nationalist, and anti-fascist organizations, to violently and unlawfully attack citizens and counter-protesters.

319. At all material times, Defendants provided rallygoers, including Defendant Fields, with material support and assistance to violently attack citizens and counter-protesters.

320. Defendants acted with extreme recklessness in assisting Fields in his effort to commit violence for the purpose of furthering the shared conspiratorial goal of their organizations.

321. Defendants knew or should have known that the reasonably foreseeable outcome of inciting violence and providing material assistance to rallygoers, including Fields, was an attack upon citizens and counter-protesters.

322. Defendants knew or should have known that its incitement of violence and material assistance would cause members of white supremacy, white nationalist and anti-fascist organizations to commit assault, battery, and intentional infliction of emotional distress.

323. Defendants aided and abetted, intentionally facilitated and/or reckless disregarded the planning, preparation and/or execution of the attack upon Plaintiffs by providing organized

and systematic support to Fields and his white supremacist, terrorist organization. Defendants' actions in encouraging, promoting and inciting violence and providing material support to Fields resulted in the attack upon Plaintiffs.

324. Plaintiffs suffered serious physical and emotional injuries when Fields intentionally crashed his vehicle into Plaintiffs with the intent to cause death or physical harm.

325. As joint venturers, Defendants are vicariously liable to Plaintiffs for the actions of Fields as each of the parties were acting in pursuit of the common criminal goal of instilling fear in the public and obtaining a reversal of the City's decision to remove the Robert E. Lee statue.

WHEREFORE, Plaintiffs each demand judgment against Defendants, jointly and severally, in the amount of THREE MILLION DOLLARS (\$3,000,000.00) for compensatory damage and punitive damages in the amount of \$350,000, together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**COUNT VII**  
**NEGLIGENCE**  
**(Against Defendant James Alex Fields, Jr.)**

326. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

327. On August 12, 2017, Plaintiff Tadrin Washington was properly and lawfully operating a motor vehicle on 4<sup>th</sup> Street in Charlottesville, Virginia.

328. At all material times, Defendant Fields breached his duty of reasonable care owed to Plaintiffs by operating a motor vehicle in a negligent and reckless manner causing same to collide with the vehicle being operated by plaintiff as she was properly stopped in traffic.

Further, Defendant Fields was negligent in the following particulars:



- a. Failing to maintain a proper lookout
- b. Failing to maintain proper control of his vehicle
- c. Operating his vehicle in a careless and reckless manner
- d. Other particulars of negligence to be shared at trial

329. As a proximate result of defendant's negligence and recklessness, Plaintiffs were seriously and permanently injured.

WHEREFORE, Plaintiffs each demand judgment against Defendants, jointly and severally, in the amount of THREE MILLION DOLLARS (\$3,000,000.00) for compensatory damage and punitive damages in the amount of \$350,000, together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**COUNT VIII**  
**NEGLIGENCE**

**(Against Defendants Kessler, Spencer, NPI, Regnery, AltRight Corporation, Identity Evropa, Damigo and Mosely )**

330. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

331. At all material times, Defendants Kessler, Spencer, NPI, Regnery, AltRight Corporation, Identity Evropa, Damigo and Mosley were responsible for organizing and planning the UTR Rally.

332. As organizers of the UTR Rally Defendants Kessler, Spencer, NPI, Regnery, AltRight Corporation, Identity Evropa, Damigo, and Mosley owed a duty to take direct actions and measures to assure that the UTR Rally would be safe for attendees and residents in the immediate area of the public gathering.

333. Defendants Kessler, Spencer, NPI, Regnery, AltRight Corporation, Identity Evropa, Damigo, and Mosley were on direct notice of the violence to be expected at the Rally and the possible harm to bystanders and residents of Charlottesville.

334. Prior to the Rally, officials of the city of Charlottesville informed Defendants that the event, as planned and organized by Defendants Kessler, Spencer, NPI, Regnery, AltRight Corporation, Identity Evropa, Damigo, and Mosley would not be safe due to the number of expected attendees and the location of the demonstration.

335. Defendants incited, witnessed, encouraged and participated in violence against counter-protesters in smaller demonstrations in Charlottesville months before the August 12, 2017 event, including the night of August 11, 2017.

336. Defendants Kessler, Spencer, NPI, Regnery, AltRight Corporation, Identity Evropa, Damigo, and Mosley breached their duty of care and are, therefore negligent by failing to take appropriate measures to assure that there would not be an escalation of violence, including but not limited to, changing the venue of the demonstration, canceling the UTR Rally when it became known that the Alt-Right would be assembling for the purpose and intent of committing violence, canceling the rally following the violence on the evening of August 11, 2017, and implementing measures to assure that rallygoers would not carry weapons.

337. At all material times, Defendants Kessler, Spencer, NPI, Regnery, AltRight Corporation, Identity Evropa, Damigo, and Mosley negligently and recklessly incited, encouraged and participated in violent attacks at the UTR Rally.

338. As a direct and proximate result of Defendants' negligence, as described above, Plaintiffs suffered severe physical and emotional injuries, mental anguish, anxiety, depression, humiliation, embarrassment, inconvenience, and a loss of enjoyment of life.

WHEREFORE, Plaintiffs each demand judgment against Defendants, jointly and severally, in the amount of THREE MILLION DOLLARS (\$3,000,000.00) for compensatory damage and punitive damages in the amount of \$350,000, together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**PLAINTIFF DEMANDS TRIAL BY JURY**

Plaintiffs Tadrin Washington and Micah Washington hereby demand trial by jury.

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