

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
2384CV02779 F

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

NATIONALIST SOCIAL CLUB (a/k/a NSC-131),
CHRISTOPHER HOOD, and LIAM MCNEIL,

Defendants.

**DEFENDANTS CHRISTOPHER HOOD, LIAM MCNEIL, AND NSC-131
OPPOSITION TO MOTION TO COMPEL**

NOW COME the Defendants in the above captioned matter and OPPOSE the Attorney General's Motion to Compel. As grounds for this Opposition, Defendants say that the discovery sought in this matter seeks testimony and other evidence that could incriminate the defendants within the meaning of the Fifth Amendment of the U.S. Constitution and Article 12 of the Declaration of Rights. As will be shown below, the Complaint itself is infused with allegations of criminal conduct and the discovery sought expressly seeks evidence of culpability for conduct within the criminal statutes. Furthermore, defendants have already been subject to criminal prosecution (albeit a failed one) for conduct alleged in the Complaint. Finally, the Defendants have an additional privilege under the First Amendment and Article 16 of the Declaration of Rights.

I. THE LAW OF SELF INCRIMINATION IN CIVIL CASES

The privilege against self-incrimination in civil cases is derived from the Fifth Amendment to the United States Constitution and Article 12 of the Massachusetts Declaration of Rights. See, Wansong v. Wansong, 395 Mass. 154, 157–158 (1985). See also Lefkowitz v.

Turley, 414 U.S. 70, 77 (1973) (“The [Fifth] Amendment not only protects the individual against being involuntarily called as a witness against himself in a criminal prosecution but also privileges him not to answer official questions put to him in any other proceeding, civil or criminal, formal or informal, where the answers might incriminate him in future criminal proceedings.”).

Accordingly, the Massachusetts Supreme Judicial Court’s recommended “Massachusetts Guide to Evidence” provides in § 511(b):

“Every witness has a right, in any proceeding, civil or criminal, to refuse to answer a question unless it is perfectly clear, from a careful consideration of all the circumstances, that the testimony cannot possibly have a tendency to incriminate the witness.”

As will be demonstrated below, a careful consideration of the complaint and the discovery in this matter shows a strong tendency, if not a design, to incriminate the defendants.

II. THE PLEADINGS IN THIS MATTER ALLEGE CRIMINAL CONDUCT

The complaint in this action repeatedly alleges conduct subject to criminal prosecution. There are many examples throughout the complaint, and a sampling with emphasis supplied appears below:

- i.** Complaint ¶3: “Defendants have recently and repeatedly engaged in **violent**, threatening, intimidating, and coercive **conduct** ...”
- ii.** Complaint ¶4: “The Commonwealth brings claims for public nuisance, **trespass** ...”
- iii.** Complaint ¶24: “As detailed below, **Defendants have recently carried out a series of violent** and otherwise unlawful Club **actions** ...”
- iv.** Complaint ¶27 : “During these patrols, NSC members – some **carrying dangerous weapons** – have hunted for ‘anti-White’ activity ... and **trespassed** upon and **“tagged” public and private property** ...
- v.** Complaint ¶33: “NSC members regularly **seek out and attempt to instigate fights** and other physical confrontation.”

- vi. Complaint ¶35: “NSC members **engage in aggressive and violent conduct...**
- vii. Complaint ¶39: “Defendants have given these videos and images titles such as “Join the Club” and “The Life” and labeled Club members who **engage in physical violence** as the “Bully Squad.”
- viii. Complaint ¶42: “During this campaign, uniformed NSC members **engaged in street fighting ...**”
- ix. Complaint ¶74: “Several of the NSC members **began shoving Victim 2; they then grabbed him, threw him to the ground, and began kicking and/or stomping on him.**”

III. THE DISCOVERY BY THE ATTORNEY GENERAL SEEKS MATERIALS THAT IMPLICATE THE FIFTH AMENDMENT RIGHT AGAINST SELF INCRIMINATION

The discovery sought in this matter inevitably seeks information that would clearly tend to incriminate the Defendants. There are abundant requests within these materials regarding conduct that plainly could subject the Defendants to criminal prosecution. Some examples appear below:

Plaintiff’s Interrogatories

- i. Identify each Person who Participated in the NSC Activity described in the Complaint.
- ii. Describe any incident in which an NSC Member was stopped, questioned, detained, or arrested by any law enforcement agency while participating in NSC Activity.
- iii. Describe any incident in which an NSC Member engaged in Trespass and Vandalism while Participating in NSC Activity.
- iv. Describe any incident in which an NSC Member engaged in a Physical Altercation while Participating in NSC Activity.
- v. Describe any incident in which an NSC Member possessed a Dangerous Weapon while Participating in NSC Activity.

First Request for Documents:

- i. All Documents concerning your participation in NSC activity

- ii. All documents concerning your location on the dates NSC activity occurred, including any geolocation data.
- iii. Communications, Recordings, and other Documents Concerning:
 - a. the conduct described at paragraphs 3, 10-11, 17-18, 21, 23-27, 29-31, 33-35, 38-42, 46-77, 79-95, 97-122, 124-133, and 134-153 of the Complaint;
 - b. NSC Membership and Leadership Practices;
 - c. NSC Tactics;
 - d. NSC Trainings;
 - e. Trespass and Vandalism in connection with NSC Activity;
 - f. Physical Altercations in connection with NSC Activity; and
 - g. Dangerous Weapons in connection with NSC Activity.

IV. THE DEFENDANTS HAVE ALREADY BEEN SUBJECT TO CRIMINAL PROSECUTION FOR ALMOST IDENTICAL CONDUCT

The Complaint in this matter contains numerous allegations regarding protest activities, including protests of “drag queen story hour” events. At least one of these protests, which is described in paragraphs 52-60 of the complaint, has already been the subject of a criminal prosecution: Commonwealth v. Christopher Hood, Docket #2206CR000577 at the West Roxbury District Court. In that matter, the entirety of the incident is on video which clearly shows a group of protesters peacefully leaving after the protest ends, and a group of LGBTQ counter protesters pursuing and attacking the protesters.

Despite this evidence the Suffolk County District Attorney’s Office, whose political animus towards the defendant’s political beliefs is perhaps only exceeded by that of the Attorney General, dropped all charges at arraignment against the LGBTQ defendants and prosecuted Defendant Hood all the way to trial and a Not Guilty verdict. Court Documents evidencing this prosecution are attached hereto as Exhibits 1 – 3. The point to note, for the purposes of the

invocation of the 5th Amendment, is that as a practical matter the prosecutorial offices have and will pursue even the flimsiest of cases against these defendants and the threshold for incriminating material appears to be quite low. The Court should uphold the Constitutional protections for these defendants and not allow the discovery in this civil matter to be deployed as a cat's paw for criminal investigations or prosecutions.

V. FIRST AMENDMENT PRIVILEGE

The Defendants furthermore assert a First Amendment privilege from the compelled disclosure of group membership and identification of its members due to the reality that such disclosure will result in harassment and withdrawal from group membership.

While there is no mention in the complaint that the Defendants were engaged in protest activity during any of the events described within, a fair reading of the complaint makes clear that the conduct alleged against the Defendants can be construed as protected speech activities. Underlying those speech activities are what some may consider unpopular views – but such views are protected from government action:

Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech . . . is . . . protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest.

Edwards v. South Carolina, 372 U.S. 229, 237 (1963).

Regardless of its content, the “effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association.” NAACP v. Alabama ex rel. Patterson, 357 U.S. 449, 460 (1958). “It is immaterial whether the beliefs sought to be advanced by association pertain to political, economic, religious or cultural matters, and

state action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny.” Id. at 460-461.

The SJC has held that the “compelled disclosure of membership in [] organizations only violates the right of freedom of association if it brings adverse consequences on the members.” Attorney Gen. v. Bailey, 386 Mass. 367. Information that may be privileged on the basis of associational rights includes: identities of rank and file members and similarly situated individuals, *see* NAACP, 357 U.S. at 462; mailing lists and lists of conferences attendees, *see* Perry, 591 F.3d at 1153, 1155; and, contributor lists and past political activities of plaintiffs and of those persons with whom they have been affiliated. Int'l Action Ctr. v. United States, 207 F.R.D. 1, 2 (D.D.C. 2002). The associational privilege also protects internal policy or campaign communications concerning contested political issues. *See* Perry, 591 F.3d at 1162. *See also* discussion of first amendment privilege at Sexual Minorities of Uganda v. Lively, No. 3:12-30051-MAP, 2015 U.S. Dist. LEXIS 104636, at *10 (D. Mass. Aug. 10, 2015).

Asserting an associational privilege requires the party to show that enforcing a discovery request would result in harassment, membership withdrawal, discouragement of new members, or other consequences which objectively suggest an impact on, or chilling of, the members’ associational rights. *See* Id. *See also* Black Panther Party v. Smith, 213 U.S. App. D.C. 67 (1981) (“It need only show that there is some probability that disclosure will lead to reprisal or harassment.”)

A simple internet search of “Christopher Hood NSC” yields many caustic results that, should member identities or other organizational materials be made public, would certainly result in medial articles written about those individuals like the Southern Poverty Law Center’s “Nationalist Social Club (NSC-131)” page attached as Exhibit 4. Such media coverage,

mentioning both of the individual Defendants by name – would certainly be repeated and disseminated widely should the disclosure of additional group members’ identity be made public. Considering the conduct alleged and the media reporting associated with the Defendants, the compelled disclosure of group associations, organizational structure, and the identification of group members presents a very real likelihood of harassment, discouraging of new members, and the chilling of the Defendants’ speech.

WHEREFORE, for the foregoing reasons, Defendants request that this Court:

- 1) DENY the Plaintiff’s Motion to Compel; and,
- 2) Order such further relief that is fair and just.

Respectfully Submitted,
Defendants Christopher Hood and NSC,

DATED: March 2, 2025

/s/ William E. Gens
William E. Gens, BBO #556595
Gens & Stanton, P.C.
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Defendant Liam McNeil.

/s/ Patrick K. Daubert
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CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of
the above document was served upon the
Office of the Attorney General by EMAIL on:

DATE: 03/02/2025

SPR

EXHIBIT

1

2206CR000677 Commonwealth vs. Hood, Christopher Raymond

- Case Type:
 - Criminal
- Case Status:
 - Closed
- File Date:
 - 07/25/2022
- DCM Track:
 -
- Initiating Action:
 - AFFRAY (Common Law)
- Status Date:
 - 10/04/2023
- Case Judge:
 -
- Next Event:
 -

- All Information
- Party
- Charge
- Event
- Docket
- Disposition

Party Information

Hood, Christopher Raymond
- Defendant

Alias

Party Attorney

- Attorney
 - Gens, Esq., William E
 - Bar Code
 - 556595
 - Address
 - Phone Number
- Attorney
 - Glik, Esq., Simon
 - Bar Code
 - 667803
 - Address
 - Phone Number

[More Party Information](#)

Party Charge Information

- Hood, Christopher Raymond
- - Defendant

Charge # 1:
COMLAW1-0 - Misdemeanor - more than 100 days incarceration AFFRAY (Common Law)

- Original Charge
 - COMLAW1-0 AFFRAY (Common Law) (Misdemeanor - more than 100 days incarceration)
 - Amended Charge

Charge Disposition

Disposition Date
06/13/2023
Not Guilty Verdict
06/13/2023
Not Guilty - Directed Court Finding

Events					
<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
07/25/2022 09:00 AM	1st (Arraignment) Session		Arraignment		Held - Bail or Conditions of Release ordered
09/19/2022 09:00 AM	3rd Session		Pretrial Hearing		Reschedule of Hearing
10/17/2022 09:00 AM	3rd Session		Pretrial Hearing		Held
12/05/2022 09:00 AM	3rd Session		Pretrial Hearing		Held-PT
01/03/2023 03:30 PM	1st (Arraignment) Session		Motion Hearing (CR)		Held - Motion allowed
01/06/2023 09:00 AM	1st (Arraignment) Session		Motion to Dismiss		Reschedule of Hearing
01/13/2023 09:00 AM	1st (Arraignment) Session		Motion to Dismiss		Held - under advisement
02/16/2023 09:00 AM	3rd Session		Discovery Compliance & Jury Election		Held
04/04/2023 09:00 AM	4th Session		Jury Trial (CR)		Reschedule of Hearing
06/13/2023 09:00 AM	4th Session		Jury Trial (CR)		Not Held to Complete - Dispose by Motion
06/14/2023 09:00 AM	4th Session		Jury Trial (CR)		Not Held to Complete - Dispose by Motion
06/14/2023 02:00 PM	1st (Arraignment) Session		Motion Hearing (CR)		Held - Motion allowed
06/21/2023 09:00 AM	1st (Arraignment) Session		Cont For Pmt/Completion of Community Service Until		Defendant defaulted-FI to Appear
10/04/2023 10:00 AM	1st (Arraignment) Session		Default Removal Hearing		Held - Default Removed - CR

Docket Information				
<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/25/2022	Criminal Complaint issued from Electronic Application: Originating Court: BMC West Roxbury Case Number: 2206AC000962-AR Receiving Court: BMC West Roxbury			
07/25/2022	Complaint issued upon new arrest.			
07/25/2022	Statement of facts filed.			
07/25/2022	Event Resulted: Arraignment scheduled on: 07/25/2022 09:00 AM Has been: Held - Bail or Conditions of Release ordered For the following reason: Both Parties Request Comments: all parties in session Hon. Kathleen E Coffey, Presiding			
07/25/2022	Defendant arraigned before Court, advised of right to counsel. Judge: Coffey, Hon. Kathleen E		1	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/25/2022	Plea of Not Guilty entered on all charges. Judge: Coffey, Hon. Kathleen E			
07/25/2022	Order of pretrial conditions of release under filed. Judge: Coffey, Hon. Kathleen E			
07/25/2022	Bail revocation warning (276/58) given to the defendant Judge: Coffey, Hon. Kathleen E			
07/25/2022	Appearance filed On this date Simon Glik, Esq. added as Appointed - Indigent Defendant for Defendant Christopher Raymond Hood Appearance filed for the purpose of Bail Only by Judge Hon. Kathleen E Coffey.		2	
07/25/2022	Legal Counsel Fee Waived. Judge: Coffey, Hon. Kathleen E			
07/25/2022	Special Conditions of release in addition to bail or recognizance imposed:Stay away from victim/witness Tobias Walker and Seth Rosenau Judge: Coffey, Hon. Kathleen E			
09/19/2022	Event Resulted: Pretrial Hearing scheduled on: 09/19/2022 09:00 AM Has been: Reschedule of Hearing For the following reason: Both Parties Request Hon. Kathleen E Coffey, Presiding			
09/19/2022	Misc Entry: All parties present in court			
10/17/2022	Event Resulted: Pretrial Hearing scheduled on: 10/17/2022 09:00 AM Has been: Held For the following reason: COVID Emergency-Hearing held by video Hon. Kathleen E Coffey, Presiding			
10/17/2022	Court hearing scheduled on 10/17/2022 09:00 AM Pretrial Hearing conducted by ZOOM Conference Deft via zoom All others in court. Judge: Coffey, Hon. Kathleen E			
10/17/2022	Commonwealth's motion to restrict distribution of visual recordings filed with the following, if any, supporting documents: Judge: Coffey, Hon. Kathleen E		3	
10/17/2022	Misc Entry: Atty Glik appointed as case in chief. Deft may appear by zoom next date Judge: Coffey, Hon. Kathleen E			
12/02/2022	Defendant's motion to Dismiss filed with the following, if any, supporting documents: affidavit in support of motion, memorandum of law 01/13/23 TUA JOSEPH,J 01/20/23 DENIED JOSEPH,J ALL PARTIES NOTIFIED Judge: Joseph, Hon. Shelley M		4	
12/05/2022	Event Resulted: Pretrial Hearing scheduled on: 12/05/2022 09:00 AM Has been: Held-PT For the following reason: COVID Emergency-Hearing held by video Hon. Michael C Bolden, Presiding			
12/05/2022	Court hearing scheduled on 12/05/2022 09:00 AM Pretrial Hearing conducted by ZOOM Conference Deft via zoom All others in court. Judge: Bolden, Hon. Michael C			
01/03/2023	Defendant's motion to reschedule or continue scheduled court hearing filed with the following, if any, supporting documents: 1/3/23 ALLOWED - Coffey, J.		5	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
01/03/2023	Event Resulted: Motion Hearing (CR) scheduled on: 01/03/2023 03:30 PM Has been: Held - Motion allowed Hon. Kathleen E Coffey, Presiding			
01/03/2023	Event Resulted: Motion to Dismiss scheduled on: 01/06/2023 09:00 AM Has been: Reschedule of Hearing For the following reason: Defendant's request without objection Hon. Kathleen E Coffey, Presiding			
01/13/2023	Event Resulted: Motion to Dismiss scheduled on: 01/13/2023 09:00 AM Has been: Held - under advisement For the following reason: Virtual hearing held Hon. Shelley M Joseph, Presiding			
01/13/2023	Taken under advisement Judge: Joseph, Hon. Shelley M			
01/13/2023	Commonwealth's opposition to defendant's motion to dismiss filed.			
02/16/2023	Event Resulted: Discovery Compliance & Jury Election scheduled on: 02/16/2023 09:00 AM Has been: Held For the following reason: COVID Emergency-Hearing held by video Hon. Hon. Erika Reis, Presiding			
02/16/2023	Event Scheduled Event: Jury Trial (CR) Date: 04/04/2023 Time: 09:00 AM Result: Reschedule of Hearing			
02/16/2023	Court hearing scheduled on 02/16/2023 09:00 AM Discovery Compliance & Jury Election conducted by ZOOM Conference Deft via zoom All others in court. Deft to appear in person next date. Judge: Reis, Hon. Hon. Erika			
04/03/2023	Event Resulted: Jury Trial (CR) scheduled on: 04/04/2023 09:00 AM Has been: Reschedule of Hearing For the following reason: Defendant's request without objection Hon. Margaret F Albertson, Presiding			
04/03/2023	Event Scheduled Event: Jury Trial (CR) Date: 06/13/2023 Time: 09:00 AM Result: Held - Jury Verdict			
04/03/2023	Appearance filed On this date William E Gens, Esq. added as Private Counsel for Defendant Christopher Raymond Hood		6	
06/13/2023	Event Resulted: Jury Trial (CR) scheduled on: 06/13/2023 09:00 AM 06/14/2023 09:00 AM Has been: Held - Jury Verdict Hon. Maureen S Flaherty, Presiding			
06/13/2023	Commonwealth reports ready for trial. Judge: Flaherty, Hon. Maureen S			
06/13/2023	Misc Entry: All parties present in court. 5 jurors seated. Continued to impanel			
06/14/2023	Commonwealth's list of witnesses filed Judge: Flaherty, Hon. Maureen S		7	
06/14/2023	Defendant's list of witnesses filed. Judge: Flaherty, Hon. Maureen S		8	
06/14/2023	Trial exhibit list filed. Judge: Flaherty, Hon. Maureen S		9	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/14/2023	Commonwealth's request for jury instructions filed. Judge: Flaherty, Hon. Maureen S			
06/14/2023	Defendant's request for jury instructions filed. Judge: Flaherty, Hon. Maureen S			
06/14/2023	Jurors impaneled and sworn. Juror list filed Judge: Flaherty, Hon. Maureen S			
06/14/2023	List of Jurors rendering verdict filed Judge: Flaherty, Hon. Maureen S			
06/14/2023	Jury verdict slip filed. Judge: Flaherty, Hon. Maureen S		10	
06/14/2023	Event Resulted: Motion Hearing (CR) scheduled on: 06/14/2023 02:00 PM Has been: Held - Motion allowed Hon. Maureen S Flaherty, Presiding			
06/14/2023	Motion ALLOWED. Judge: Flaherty, Hon. Maureen S			
06/14/2023	Exhibits retained by Court. - List filed 1. Officer Walsh body worn camera 2. and 3 Body worn camera video 4. still photos A thru T published to jury 5. Video taken by deft group of protesters Judge: Flaherty, Hon. Maureen S			
06/14/2023	Defendant's motion for direct verdict of not guilty filed with the following, if any, supporting documents: 06/14/23 ALLOWED FLAHERTY,J Judge: Flaherty, Hon. Maureen S		11	
06/14/2023	Commonwealth's motion to reconsider prior ruling direct verdict filed with the following, if any, supporting documents: 06/14/23 DENIED FLAHERTY,J Judge: Flaherty, Hon. Maureen S		12	
06/14/2023	Charges Disposed:: Charge # 1 AFFRAY (Common Law) On: 06/13/2023 Judge: Hon. Maureen S Flaherty Not Guilty - Directed Court Finding			
06/21/2023	Event Resulted: Cont For Pmt/Completion of Community Service Until scheduled on: 06/21/2023 09:00 AM Has been: Defendant defaulted-FI to Appear Hon. Erika Reis, Presiding			
06/21/2023	Default Warrant ordered to issue. Judge: Reis, Hon. Erika		13	
10/04/2023	Warrant recalled: Default Warrant cancelled on 10/04/2023 for Hood, Christopher Raymond			
10/04/2023	Event Resulted: Default Removal Hearing scheduled on: 10/04/2023 10:00 AM Has been: Held - Default Removed - CR Hon. Shelley M Joseph, Presiding			
10/04/2023	Defendant before Court on Warrant, Warrant recalled as served. Judge: Joseph, Hon. Shelley M			
10/04/2023	Warrant recalled: Judge: Joseph, Hon. Shelley M			
10/04/2023	All fees waived. Judge: Joseph, Hon. Shelley M			

Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Disposed by Jury Verdict	10/04/2023	

EXHIBIT

2

2206CR000678 Commonwealth vs. Rosenau, Miriam Haskin

- Case Type:
 - Criminal
- Case Status:
 - Closed
- File Date:
 - 07/25/2022
- DCM Track:
 -
- Initiating Action:
 - AFFRAY (Common Law)
- Status Date:
 - 07/25/2022
- Case Judge:
 -
- Next Event:
 -

All Information Party Charge Event Docket Disposition

Party Information

Rosenau, Miriam Haskin
- Defendant

Alias Party Attorney

[More Party Information](#)

Party Charge Information

- Rosenau, Miriam Haskin
- - Defendant

Charge # 1:
COMLAW1-0 - Misdemeanor - more than 100 days incarceration AFFRAY (Common Law)

- Original Charge
 - COMLAW1-0 AFFRAY (Common Law) (Misdemeanor - more than 100 days incarceration)
 - Amended Charge
 -

Charge Disposition

Disposition Date
Disposition
07/25/2022
Nolle Prosequi

Events

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
07/25/2022 09:00 AM	1st (Arrestment) Session		Arrestment		Not Held - ARR not held as scheduled
07/25/2022 10:00 AM	1st (Arrestment) Session		Motion Hearing (CR)		Held - Motion denied

Docket Information			
<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>File Ref Nbr.</u> <u>Image Avail.</u>
07/25/2022	Criminal Complaint issued from Electronic Application: Originating Court: BMC West Roxbury Case Number: 2206AC000965-AR Receiving Court: BMC West Roxbury		
07/25/2022	Complaint issued upon new arrest.		
07/25/2022	Statement of facts filed.		
07/25/2022	Event Resulted: Arraignment scheduled on: 07/25/2022 09:00 AM Has been: Not Held - ARR not held as scheduled For the following reason: Commonwealth's request - no objection Hon. Kathleen E Coffey, Presiding		
07/25/2022	Charges Disposed:: Charge # 1 AFFRAY (Common Law) On: 07/25/2022 Judge: Hon. Kathleen E Coffey Nolle Prosequi		
07/25/2022	Event Resulted: Motion Hearing (CR) scheduled on: 07/25/2022 10:00 AM Has been: Held - Motion allowed Hon. Kathleen E Coffey, Presiding		
07/25/2022	Defendant's motion to redact any personal information in public court file filed with the following, if any, supporting documents: 07/25/22 ALLOWED COFFEY,J NO REDACTED POLICE REPORT FILED		1
07/25/2022	Misc Entry: All parties present in court Judge: Coffey, Hon. Kathleen E		
07/25/2022	Nolle Prosequi received, filed and accepted. Judge: Coffey, Hon. Kathleen E		2

Case Disposition		
<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Disposed by Nolle Prosequi	07/25/2022	

For Land Court only: Name search is currently unavailable. Case type and case number searches are available. For a Land Court name search, contact the Land Court Recorder's Office at 617-788-7470. We apologize for the inconvenience. ✖

EXHIBIT

3

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

BOSTON MUNICIPAL COURT
West Roxbury Division
DOCKET NO. 2200CR00678

COMMONWEALTH OF MASSACHUSETTS

v.

Miri/Seth Rosonau

COMMONWEALTH'S NOLLE PROSEQUI

Following a careful review of the facts and circumstances of this case, and in an effort to proceed in the interests of justice, the Commonwealth respectfully enters this *nolle prosequi* as to the following charge(s):

Attney

The Commonwealth notes its authority to enter a *nolle prosequi* begins when a complaint and summons are issued. *Commonwealth v. Carroll*, 453 Mass. 1006, 1006 & n.1 (2009), cited with approval in *Commonwealth v. Orbin O.*, 478 Mass. 759, 765 (2018); see Mass. R. Crim. P. 16 (a), 378 Mass. 885 (1979); see, e.g., *Commonwealth v. Tuck*, 37 Mass. 356, 365 (1838) (“[I]t is perfectly clear that a *nolle prosequi* may be entered at the pleasure of the prosecuting officer. Such is the constant practice. . . . There may be innumerable causes for discontinuing the prosecution; of all of which [s]he must judge, upon [her] official responsibility.”)

Respectfully submitted
For The Commonwealth,
KEVIN HAYDEN
DISTRICT ATTORNEY

By:

Assistant District Attorney

BBO# Cole 3072

Dana Pierce

Date:

7/25/22

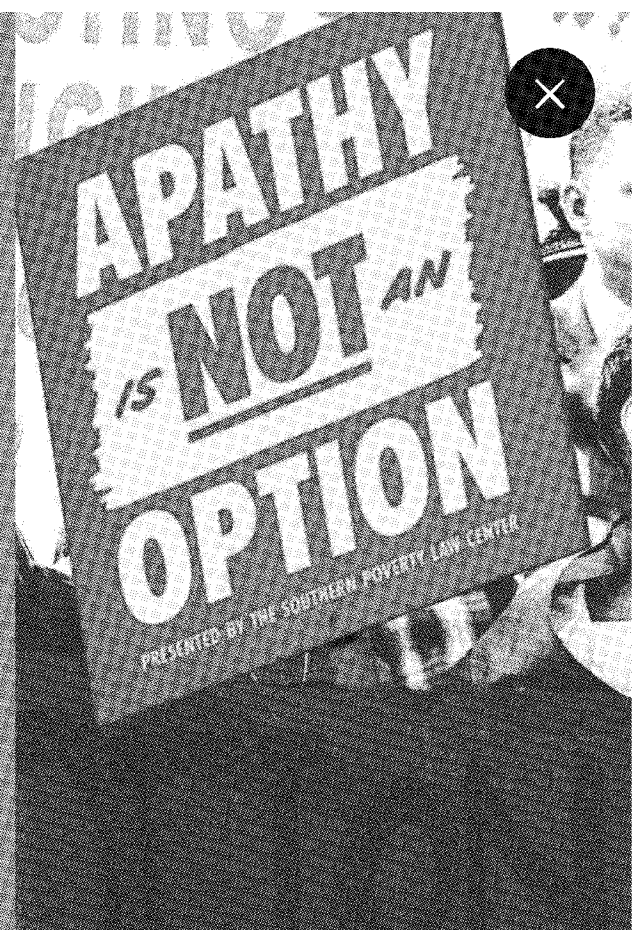
EXHIBIT

4

Real Talk. Real Issues. No Apathy

Silence won't stop injustice. *Apathy is Not an Option* is a powerful podcast exposing the fight for racial and economic justice in the South. We tackle issues like confronting hate and extremism, protecting voting rights, and advancing economic equity. Through real stories and bold conversations, we shine a light on the urgent battles shaping our communities. **New episodes drop monthly.**

Listen to the Trailer [→](#)



NATIONALIST SOCIAL CLUB (NSC-131)

FOUNDED: 2019

LOCATION: Massachusetts

[Share](#)



The Nationalist Social Club, or NSC-131, is a neo-Nazi group based in New England

whose activities consist of staging protests and distributing hate literature.

The group has targeted New England's immigrant, LGBTQ+, and Jewish communities, as well as antifascist and other left-leaning activists. Its leader, Christopher Hood, and many of its members have faced criminal charges, in some cases related to their racist activism.

The group rose to prominence on a national level after some of its members bragged about attending the Jan. 6, 2021, insurrection at the U.S. Capitol.

In their own words

“Obviously our government isn’t going to do anything about these invaders, or the drag queens, or antifa, or [Black Lives Matter]. This is in our hands. And the only thing that’s stopping us from eliminating these factions is us and our own inability to get with the program.”

— Chris Hood, in a voice message shared on NSC-131’s Telegram channel, Sept. 28, 2023

“Our primary goal is a peaceful separation from the United States of America. It was here on our soil where the shot heard around the world was fired, sparking the beginning of the American Revolution. We were all once Patriots, but it becomes clearer by the day that our once great nation has been hijacked by a hostile ruling class with no regard or remorse for the American people.”

— The People’s Initiative of New England, an NSC-131 affiliate, in a manifesto shared on Substack, July 27, 2023

“You wanna punch a f***** Nazi? C’mon motherf*****! What? Yeah, back up b*****!”

— NSC-131 member to a passerby, during a demonstration in Cambridge, Massachusetts, Nov. 13, 2022

“If you’re in college, you should be getting together with all the other guys on campus that think like you and start circling the frat parties and bullying the kids that race mix and just start dominating the parties. Take over the campus.”

— NSC-131 leader Chris Hood, in a livestream with neo-Nazi Chris “The Hammer” Pohlhaus, June 2021

“Hate is the purest form of passion — especially for those that want us and ours dead.”

— From on post on NSC-131’s Telegram, March 10, 2021

“The Nationalist (Social) Club of New England – Nova Anglia is a fraternal group of friends and like-minded individuals in the New England and North Eastern Region of the United States who have a strong opposition to Marxist, Communist and far-left groups trying to subvert our folk into self-hate and guilt. ... There is no ‘political’ solution, however we can fight the good fight from an underground social level amongst our peers. Spread the truth. Spread awareness. Life may be temporary but our blood is forever! NEW ENGLAND IS OURS! THE REST MUST GO! #131”
– From a post on NSC-131’s Telegram, Feb. 13, 2020

Background

The Nationalist Social Club (NSC-131) is a New England-based neo-Nazi group founded by former Patriot Front member Christopher Hood.

Hood’s involvement in the white power movement dates to at least 2017, beginning with the neo-fascist street fighting club the Proud Boys. Hood later left the Proud Boys for Patriot Front, a white nationalist group known for its garish and theatrical activism. He rose through the ranks in Patriot Front to become the group’s northeast regional director.

Hood’s time with Patriot Front was not without its hurdles. In February 2019, police arrested Hood, along with Matthew Wolf, 26, and Tylar Larson, 18, in East Boston while carrying fliers promoting Patriot Front. The incident was covered in several local media outlets. While frisking Hood, authorities found a spring-loaded knife that is illegal to possess in Massachusetts on his person. He was arrested on weapons charges.

By late 2019, Hood expressed disenchantment with Patriot Front’s tactics. He turned to the Base, a white power group that espouses terrorism and that was founded by the Russia-based Rinaldo Nazzaro. In a late 2019 vetting call for prospective Base members, which the Southern Poverty Law Center obtained in 2020 as part of a trove of data on the group, Hood expressed frustrations with Patriot Front and hinted at the need for more revolutionary violence. He also promised Nazzaro a pool of possible recruits from the New England area.

“We definitely got disillusioned with, you know, the standard schedule of P.F.,” Hood told Nazzaro, referencing Patriot Front.

“There’s not a peaceable solution to, you know, our race’s problems. Then, you know, there’s a numerous amount of actions that you can take,” he added. Hood’s claim that “there’s not a peaceable solution” appears to be a nod to the belief among some white supremacists, like the members of the Base, that only acts of revolutionary violence can usher their fantasy of a white ethnostate.

Then, in December 2019, Hood launched his own group, dubbed the “New England Nationalists Club.” The group’s earliest activities focused largely on graffiti and distributing propaganda in central and eastern Massachusetts, where Hood and other members resided.

The name didn’t stick, and in early 2020, Hood changed his new group’s name to the Nationalist Social Club, or NSC-131 for short. The “131” in the group’s name is an alphanumeric code for ACA, or “Anti-Communist Action.” For NSC-131, the phrase signaled “a strong opposition to Marxist, Communist and far-left groups,” who its members claimed were “trying to subvert our folk into self-hate and guilt,” as an administrator of the group’s Telegram channel wrote on Feb 13, 2020.

In the immediate aftermath of its founding, the group briefly sought to build a national presence. In 2020, the Southern Poverty Law Center identified 13 active NSC-131 chapters, ranging from various New England states to Oregon. Belltower.News, a German-based publication focused on far-right extremism, identified a small cell of NSC-131 affiliates in Germany. The group appeared to have dissolved after a Sept. 16, 2020, raid targeting several homes in the Hesse region.

A few months after the raid in Germany, NSC-131 announced in a Dec. 29, 2020, post on Telegram that they had cut off contact with NSC-131-affiliated groups in other parts of the United States and abroad to “realign our focus on New England.”

While the group has kept their activism focused on New England since 2020, NSC-131 launched a sister group, the People’s Initiative of New England (PINE), in spring 2023. The group uses a logo and branding like one occasionally used by NSC-131 (i.e., a white pine tree on a dark background with the group’s name under the trunk), and NSC-131 channels have promoted PINE’s content on various social media platforms. Unlike NSC-131, PINE appears to welcome women into its ranks, according to a manifesto that PINE shared on Substack and photos that the organization has shared on Telegram.

'A frat, just racist'

NSC-131 embraces theatrical activism. Its primary public-facing activities include flash demonstrations targeting minority communities or left-wing groups, passing out fliers, or dropping banners off buildings and/or overpasses. Members of the group record and document these efforts to produce propaganda that can easily be distributed across social networks. NSC-131 uses these tactics to overcome its limited geographic focus to appeal to a larger network of white power activists in the United States and beyond.

Though NSC-131 is divided into state-based chapters, its members often travel throughout New England to participate in demonstrations. In a 2023 report, Task Force Butler, a veteran-run anti-extremism research group, identified the vast majority of the group's members as of December 2022 as being in Massachusetts, New Hampshire and Rhode Island. While some of these members were associated with other wings of the white power movement prior to their involvement in NSC-131, others boast ties to various branches of the military. The Task Force Butler report identified several members and affiliates of NSC-131, including the group's Rhode Island chapter leader Austin Conti, who served with various branches of the military, ranging from the Vermont National Guard to the Marine Corps. A subsequent report published this August in *The Boston Globe* identified a total of 10 veterans associated and affiliated with the group.

Rather than cloak their white supremacist views, NSC-131 members have made their goals and views explicit.

"We're pretty much a frat, just racist. ... If you're going to start a frat, we suggest the name, Kappa, Kappa, Kappa," NSC-131 member Liam MacNeil said in a June 2021 livestream obtained by Waltham's Night Watch, an antifascist research collective, and shared with the Southern Poverty Law Center.

NSC-131's propaganda and actions routinely target religious and ethnic minorities, particularly Jews and undocumented immigrants, LGBTQ+ communities, and left-wing activists. Some notable examples include:

- Several members of NSC-131, including a long-time National Socialist Movement affiliate Anthony Petrucci, joined a June 27, 2020, pro-police demonstration in downtown Boston. The event was organized by Super Happy Fun America, a far-right, antigovernment group whose founder has organized several poorly attended rallies in Massachusetts. Members of the group brandished a flag bearing a swastika, a type of

Massachusetts, members of the group brandished a flag bearing a Sonnenrad, a type of sun wheel commonly used by white power groups, in front of the Massachusetts State House. John Hugo, Super Happy Fun America's president, sought to distance himself from NSC-131, claiming later that the neo-Nazi group was only there to "derail our efforts."

- In May 2021, someone defaced a mural in Nashua, New Hampshire, with graffiti reading "Keep New England White," "Death to Israel," and "Defend New England," alongside NSC-131's logo. Manny Espitia, a New Hampshire state representative, condemned the graffiti on Twitter. Thereafter, an NSC-131-affiliated Telegram account called Espitia "an occupier" and added that, "the days of these types trampling on New England are coming to an end." The state attorney general's office announced in late July of 2021 that the posts didn't rise to the level of criminal conduct.
- Around two dozen NSC-131 members demonstrated outside Boston's Brigham and Women's Hospital on Jan. 22, 2022, after the institution announced its intention to find ways to deliver better and more equitable care to minority populations. In a flier obtained by WGBH, NSC-131 targeted two doctors at Brigham and Women's Hospital who published an article detailing how to improve medical care for these underserved communities. NSC-131, echoing similar claims made in more mainstream right-wing media about the hospital's racial justice efforts, wrongly accused the doctors of "put[ting] non-white patients ahead of the line for life saving treatments." Elsewhere in the same flier, the group referred to the hospital's efforts to introduce racial equity in health care as "Anti-White" and "genocidal."
- On Feb. 21, 2022, NSC-131 members banged on windows, displayed a Nazi flag, and yelled at left-wing activists during a reading of Karl Marx and Friedrich Engels' "The Communist Manifesto" at the Red Ink Community Library. *The Providence Journal* reported that the group of neo-Nazi protesters consisted of 15-20 people. The fascists shouted "NSC-131" and "white power" outside, according to news reports and a video NSC-131 posted on Telegram.
- On July 20, 2022, about 10 NSC-131 members hung a banner reading "Keep New England White" from an overpass in Portsmouth, New Hampshire. In January 2023, Hood and Leo Anthony Cullinan, whom Task Force Butler identified as the group's New Hampshire chapter leader, were each charged with violating the New Hampshire Civil Rights Act for the banner hanging. A superior court in New Hampshire dismissed the charges in June, ruling that the demonstration was protected under the First Amendment.
- In October 2022, roughly two dozen people, many wearing paraphernalia brandished

• In October 2022, roughly two dozen people, many wearing paraphernalia emblazoned with NSC-131's logo, unfurled a banner reading "Refugees Not Welcome" outside of a Kingston, Massachusetts hotel where over 100 undocumented immigrants and homeless people were staying. According to a news report from *The Boston Globe*, the hotel's residents were mostly children.

In another particularly noteworthy incident, the American Celtic punk band the Dropkick Murphys challenged NSC-131 to a brawl in South Boston.

The incident stemmed from a March 2022 video that NSC-131 uploaded to the extremist-friendly streaming platform Odysee. The clip showed the group's members at the St. Patrick's Day Parade in South Boston and incorporated excerpts from Dropkick Murphys' 2013 song, "The Boys Are Back." After local antifascist Rod Webber, who has extensively documented the group's activities along with his wife, Lauren Pespisa, shared a link to the video on Twitter on March 22, 2022, Dropkick Murphys responded in a post directed at NSC-131, threatening to "SMASH" them.

The same day, a law firm representing the Dropkick Murphys filed a cease and desist requesting NSC-131 remove the video.

On March 23, 2022, an account using the handle @SigmaPhoenicis responded to the band, telling them to "[l]ink up or shut up, 131 will rock your shit." Ken Casey, the group's lead singer and a boxer, responded to @SigmaPhoenicis from the Murphys' Twitter account, saying he'd be at the M Street Park in South Boston on Saturday, Mar. 26, 2022, at 12:30 p.m. if "you'll [sic] are looking to discuss."

Members of NSC-131 failed to show up at the park. In a now-deleted post on Telegram shared by a local antifascist group on Twitter, NSC-131 stated that the Murphys had failed to coordinate a meetup over email.

Targeting New England's LGBTQ+ community

Throughout 2022, the group has increasingly threatened New England's LGBTQ+ community, particularly events geared toward educating children about the importance of inclusion and diversity.

NSC-131 targeted LGBTQ+ events, following a barrage of bigoted rhetoric on social media, emanating from mainstream extremists like Daily Wire’s Matt Walsh, TPUSA’s Jack Posobiec and Chaya Raichik, who uses the moniker “Libs of Tik Tok” on Twitter.

On the morning of July 23, 2022, some two dozen NSC-131 members shouted slurs, passed out homophobic and anti-trans propaganda, and threw up Hitler salutes outside of a drag queen story hour in Jamaica Plain, Massachusetts, located right outside of Boston. According to a police report obtained by MassLive, NSC-131’s presence drew in a contingent of 30-35 counterprotesters, who stood on the opposite side of the street. A dozen or so counterprotesters followed NSC-131 as they left the rally. Shortly thereafter, police claimed Hood and an antifascist protester “began assaulting each other,” prompting the involvement of “several other members of both groups.”

Two weeks later, on Aug. 7, 2022, concerns over similar possible violence prompted a Boston-area drag queen to cancel a story hour in Boston’s Seaport District.

“I can’t put myself (and the kids!) in a potentially violent situation,” Patty Bourrée, the drag queen, wrote on Twitter that day.

“But this is a reminder that yes our city is being held hostage by neo-nazis,” Bourrée added in a separate tweet.

Despite organizers canceling the event, NSC-131 members nevertheless showed up to demonstrate.

In early 2023, a group of masked NSC-131 members interrupted another story event, calling the drag queen who was there to read to children a “pedophile” and “groomer.”

“This incident will not deter the Network from our mission to help LGBTQ+ individuals celebrate their true selves and realize their full potential,” the South Coast LGBTQ+ Network, the event’s organizers, responded in a statement. “If anything, it has only made us more determined.”

‘Keep New England White’

Between August and September 2023, NSC-131 conducted over half a dozen anti-immigrant demonstrations in Massachusetts and Maine. Most of these actions

specifically targeted sites offering shelter to migrants throughout New England. As part of this initiative, about two dozen NSC-131 members have stationed themselves outside hotels and other temporary housing facilities for migrants in Woburn, Quincy, Marlborough and Framingham, Massachusetts.

According to a report from WBUR, as of early October 2023, hotels and motels throughout Massachusetts are currently providing housing to over 3,000 migrants – a little less than half of the state’s total participants in its family shelter program.

At these locations, NSC-131 members have embraced many of the same tactics they have used against New England’s LGBTQ+ community. During these flash demonstrations, members of the group stand outside entrances to the building, threatening and harassing residents while shouting slogans into bullhorns, carrying flares and displaying banners with statements like “INVADERS: GO HOME” and “NEW ENGLAND IS OURS. THE REST MUST GO.”

In a Sept. 28 audio message on Telegram, Hood explained the group’s decision to target migrant shelters as part of a broader vision for uniting white nationalist groups across the country, calling state-led efforts to aid refugees, including families with children, “the most relevant issue that we can oppose.”

“We’ve got hundreds of thousands of these third-world undesirable invaders pouring across the Southern border – and now, the Northern border. New Hampshire, Vermont, Maine. These people are being granted asylum status and all this other Jewish shit. And they’re being put up in hotels, stadiums and all this stuff across the country,” Hood said in the recording.

At times, NSC-131 has worked with other white supremacist groups in the region to spread anti-immigrant hate. On Aug. 12, Chris Pohlhaus and members of his neo-Nazi group Blood Tribe demonstrated alongside members of NSC-131 at various locations in Augusta, Maine, including the state’s Capitol building and the governor’s residence.

In one short clip that Pohlhaus, who uses the name “Hammer” online, shared on Telegram, NSC-131 and Blood Tribe members conducted Nazi salutes and yelled “Sieg Heil” outside a location that appears to Blaine House, the name of the Maine governor’s residence. In another, shared by NSC-131’s official Telegram channel on Aug. 13, members of the group shouted “Sieg Heil” and harassed a Black driver in a nearby car.

'Come attack the van'

Hood and multiple NSC-131 members have faced various criminal charges, ranging from vandalism to assault.

Hood's own criminal record extends prior to his involvement in NSC-131. In February 2019, police arrested Hood, 20, then of Malden, Massachusetts, Tylar Larson, 20, of Rochester, New York, and Matthew Wolf, 26, of Lowell, Massachusetts. The group appeared to be putting up fliers for Patriot Front in East Boston.

During racial justice protests in the summer of 2020, police arrested nine men on charges of disorderly conduct during a protest in Rogersville, Tennessee, located about an hour's drive northeast of Knoxville. Police identified eight of the nine men as NSC-131 members. One of the men, Craig Spaulding, appeared to threaten racial justice protesters in his car during a June 7 protest in Knoxville. According to video footage reviewed by SPLC's publishing arm, Hatewatch, at the time, Spaulding shouted at protesters from a van, telling them, "If you want to die today, come attack the van. You want to die? Come on it. 9mm with your name on it."

In April 2021, federal authorities took NSC-131 member Michael Moura of Stoughton, Massachusetts, into custody on illegal possession of firearms charges. Moura, who has been a figure in New England's racist activist scene for many years, lost his right to possess a firearm after pleading guilty to harassment charges, brought against him by his ex-girlfriend, in spring of 2020. Moura pled guilty in April 2022. He was sentenced to 37 months' imprisonment and three years of supervised release that November.

Also in April 2021, federal authorities charged Andrew Hazelton of Portland, Maine, with possession of child pornography.

The Press Herald reported in May 2021 that prior to his arrest, Hazelton had told his coworkers at a local call center that he had been in Washington, D.C., for the Jan. 6, 2021, insurrection and showed them photos of the Capitol grounds that day.

Hazelton pled guilty to the charges on July 21, 2021, and a judge sentenced him to five years in prison, followed by another five years of supervised release, in January 2022.

On June 21, 2022, East Providence police arrested Stephen Flowers, 29, and NSC-131's

On June 21, 2022, East Providence police arrested Stephen Farrea, 32, and NSC-131's Rhode Island chapter leader Austin Conti, 26, and charged them with obstruction. Authorities claimed the pair refused to provide identification to law enforcement officers. At the time, Farrea and Conti told police they had been affixing fliers to utility poles.

Hood, the NSC-131 leader, has been arrested several times on charges related to his involvement with hate groups. Hood was arrested twice in the course of 2022. On March 20, 2022, Boston police arrested Hood for drinking an alcoholic beverage in public after the group appeared at a St. Patrick's Day parade.

Police again took Hood into custody during NSC-131's July anti-LGBTQ+ rally in Jamaica Plain, right outside of Boston. Court records from the West Roxbury District Court records show that Hood and a counter protester were both charged with public fighting. Though charges were eventually dropped against the counter protester, a prosecutor cited Hood's criminal record noting that the neo-Nazi leader's behavior is "becoming increasingly violent." Hood's case remains open, and court records indicate he owes \$200 in attorney's fees as of January 2023.

In March 2023, officials indicted Leo Cullinan, the group's former New Hampshire chapter leader until his death in June 2023, on charges of assaulting an officer at the Hillsborough County House of Corrections. At the time, Cullinan was serving jail time related to drug possession charges.

Though officials declined to announce the cause of Cullinan's death at the time, a death certificate obtained by InDepthNH.org in September indicated that Cullinan died of an accidental drug overdose while in his home in Manchester, New Hampshire. He was 35.

NSC-131 members also appear to have attended the Jan. 6, 2021, insurrection on the U.S. Capitol, although the extent of their involvement is unclear. On Jan. 6, someone with access to the group's social media accounts posted a photo of a person holding up black-and-white sticker bearing group's name amidst a sea of Trump supporters in an area that appears to be on, or just outside, the Capitol grounds. In another post, the group shared two photos of a helmet labeled "U.S. Capitol Police" with an NSC-131 sticker on the front and the back.

Hood confirmed to Boston-area radio station WBUR in February 2021 that members of his group attended the event, though he declined to say whether he was present.

No members of the group have faced charges related to their apparent involvement in the insurrection as of this writing.

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