

UNITED STATES DISTRICT
COURT DISTRICT OF
MASSACHUSETTS

BRANDON W NAVOM,
680 State rd apt 3
North Adams MA 01247
navom1@yahoo.com
413.652.2908

Plaintiff,

v.

CITY OF BOSTON and MARTY WALSH, his official and individual capacities,
Boston legal office
1 CITY HALL SQUARE
ROOM 615
BOSTON, MA 02201
617-635-4034
LAW@BOSTON.GOV

Defendants

**COMPLAINT (DEMAND FOR
JURY TRIAL ON DAMAGES)**

FILED
IN CLERKS OFFICE
2020 AUG 11 PM 4:27
U.S. DISTRICT COURT
DISTRICT OF MASS.

**PRELIMINARY
STATEMENT**

1. This is an action brought under 42 U.S.C. § 1983 and the First Amendment to the United States Constitution for damages and declaratory relief against the City of Boston, and its mayor Martin “Marty” Walsh, who acted in his official capacity under the color of law. Plaintiff, BRANDON NAVOM, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

BACKGROUND

2. The “Unite the Right Rally” was a rally that took place in Charlottesville, Virginia, on August 12, 2017. The rally's primary purpose was to oppose the proposed removal of the statue of General Robert E. Lee from Charlottesville's former Lee Park. The rally was primarily organized by Jason Kessler and his organization American Vanguard

3. The “Boston Free Speech Rally” was a free-speech rally that had been scheduled at the Boston Common on August 19, 2017, one week after the “Unite the Right Rally”. The rally was organized by the Boston Free Speech Coalition, a group of young people dedicated to freedom of expression (most of the individuals who were core organizers were under 21, and the founding member of the organization was 17 at the time) The rally was part of an ongoing series of rallies to allow for rational discourse in our society. The event was permitted and the rally organizers were known to the city of Boston. The rally was intended to feature Kyle Chapman, Joe Biggs, Shiva Ayyadurai, and Samson Racioppi as speakers, although the

rally ended before all of the speeches were made. While Gavin McInnes, Brandon Navom and Cassandra Fairbanks withdrew as speakers.

4. The Boston Free Speech Coalition had no affiliation with The Unite the Right Rally, Jason Kessler, or American Vanguard. No member of the Boston Free Speech Coalition had ever spoken with or coordinated with Jason Kessler in any manner. These were completely separate events that had the misfortune of being scheduled a week apart.

THE PARTIES

PLAINTIFF:

5. Plaintiff, Brandon W. Navom (“NAVOM”) is a software consultant who was working in Boston and was 37 years old at the time of the rally. NAVOM was gainfully employed at a market-rate salary, with bonuses, and had a good reputation within the software community prior to being defamed.

DEFENDANTS:

6. Defendant City of Boston (“CITY”) is a municipal entity with the capacity to sue and be sued. It is a Charter City under the laws of the State of Massachusetts. The departments of the City of Boston include the Boston Police Department and the Boston Department of Public Works and its departments and agencies. Employees of the CITY have engaged in the acts complained of herein pursuant to the policies, practices and customs of the CITY. At all times relevant to this lawsuit, Defendant CITY was and is a “person” as that term is used by 42 U.S.C. § 1983.

7. Defendant, Martin “Marty” Walsh (“WALSH”) is the mayor of Boston who acted in his official capacity under the color of law while making defamatory statements about the Boston free-speech rally, it's organizers, and its participants. At all times relevant to this lawsuit, Defendant Brandreth was and is a “person” as that term is used by 42 U.S.C. § 1983.

8. Each of the Defendants, their employees and agents, participated personally in the unlawful conduct challenged herein and, to the extent that they did not personally participate, authorized, acquiesced, set in motion, or otherwise failed to take necessary steps to prevent the acts that resulted in the unlawful conduct and the harm suffered by Plaintiffs. Each acted in concert with each other. The challenged acts caused the violation of Plaintiffs’ rights.

THE FACTS

9. Mayor Marty Walsh had Boston engage in a massive expenditure of resources, engaging in self-serving scare tactics to cause the general public to believe that following libelous or slanderous statements were true:

- a. White supremacist and/or members of hate groups were coming to Boston to be speakers at the Boston Free Speech Rally at the invitation of the organizers of the Boston Free Speech Rally.
- b. White supremacist and/or members of hate groups were invited by the event organizers to come and participate in the Boston Free Speech Rally as attendees.

- c. That white Supremacist and/or members of hate groups would attend the Boston Free Speech Rally.
- d. The organizers of the Boston Free Speech Rally themselves where white supremacist, members of a hate group, or were haters or bigots.

10. In fact, the truth was:

- e. No white supremacist and/or members of hate groups were came to Boston to be speakers at the Boston Free Speech Rally at the invitation of the organizers of the Boston Free Speech Rally.
- f. No white Supremacist and/or members of hate groups were invited by the event organizers to come and participate in the Boston Free Speech Rally as attendees.
- g. No openly white supremacist and/or member of hate groups attended the Boston Free Speech Rally. Certainly, no white supremacist group or hate group attended as a group.
- h. The organizers of the Boston Free Speech Rally themselves where not white supremacist, nor were they members of a hate group, nor were they haters or bigots.

11. Despite fully knowing that no hate groups were invited to attend, despite knowing that the organizers were not white supremacist or haters, purely out of malice and political gain, Boston Mayor Marty Walsh made the following libelous with full knowledge of their falsity included:

- a. * On Saturday, August 12, 2017, Boston Mayor Marty Walsh during an interview with WCVB5, also said, ""The whole premise behind what they're doing there -- the white supremacist group and the neo-Nazis, I don't quite understand what their message is. From my understanding they want to come to Boston next week. There's no place for that type of hate."

- b. * On Saturday, August 12, 2017, Boston Mayor Marty Walsh stated at an event, "There's no place for the hate that they're spewing," Mayor Walsh also said at that Saturday, August 12, 2017 event, "It's my understanding that they're scheduled to come to Boston. I know we probably can't stop it because of free speech, but they're spewing hate. We don't need that right now in our country." The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as members of hate groups.

- c. * On August 12, 2017, Boston Mayor Marty Walsh tweeted, "Boston is an inclusive place for all. Hate will not be tolerated in our City." Beneath the tweet Mayor Marty Walsh put a link to the CBS Boston news piece, "We Don't Want You,' Walsh Warns Ahead Of Planned Boston Free Speech Rally" so it is clear that the comments were directed to organizers, speakers and participants of the Boston Free Speech Rally.

- d. * On August 13, 2017, Boston Mayor Marty Walsh said on Twitter at 3:54 PM, "Boston is an inclusive place for all. Hate will not be tolerated in our

City.” Attached is an article local Boston.localcbs.com, which is titled, “We don’t want you: Walsh warns of planned Boston Free Speech Rally.” The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as haters.

- e. * Mayor Marty Walsh said on August 13, 2017, the day after the Charlottesville tragedy, “We don’t need this type of hate,” “So my message is clear to this group. We don’t want you in Boston. We don’t want you on Boston Common. We don’t want you spewing the hate that we saw yesterday, and the loss of life.” The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as haters.
- f. * On Monday, August 14, 2017, the AP reported, “Boston Mayor Martin Walsh said Monday that the city stands with Virginia and will not welcome what he described as ‘hate groups’ who might be thinking of holding a rally in Boston.” The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as members of hate groups.
- g. * On Monday, August 14, 2017, Mayor Marty Walsh said at a press conference on Boston City Hall Plaza, “We also have a message for the hate groups, especially any who are planning to come to our city this weekend: Boston does not welcome you here. Boston does not want you

here. Boston rejects your message.” The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as members of hate groups.

- h. * On August 14, 2017, at a 1:00 PM conference, Boston Mayor Marty Walsh was quoted as saying, in an article “Mayor Walsh urges ‘free speech’ ralliers to stay away after Virginia violence” published by Saugus.wikedlocal.com, which read, “‘Don’t hand hatred a megaphone and pretend you can’t hear it,’ Walsh said at a press conference on City Hall plaza surrounded by a diverse group of civic leaders. ‘Leaders call out hate and reject it before it becomes violence. That’s why we’re here today. That’s why this weekend myself and the governor spent nearly about 10 or 15 different phone calls talking about how do we reject hate in the commonwealth and the city of Boston.’” The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them not only as haters, but haters on the brink of violence.
- i. * On August 14, 2017, at 5:00 PM, Boston Mayor Marty Walsh tweeted, “Today & every day Boston stands up against hate. I’m saddened to see such a despicable action in this great city. (1/2)” The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as haters.

- j. * On August 14, 2017, at 5:00 PM, Boston Mayor Marty Walsh tweeted at 12:27 PM, a photo of himself at a microphone captioned with his statement, “Don’t hand hatred a microphone and pretend you don’t here it,” which were uttered the same day. The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as haters.
- k. * At this press conference on Boston City Hall Plaza on August 14, 2017, Marty Walsh said, “Don’t hand hatred a megaphone and pretend you can’t hear it,” “Leaders call out hate and reject it before it becomes violence. That’s why we’re here today. That’s why this weekend myself and the governor spent nearly about 10 or 15 different phone calls talking about how do we reject hate in the commonwealth and the city of Boston.” The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them haters.
- l. * On August 17, 2017, Mayor Marty Walsh tweeted, “Hatred and intimidation are not welcome in Boston or the Commonwealth.” The comments were obviously directed at the Boston Speech Rally organizers and expected speakers. This tweet was picked up by media outlets.
- m. * On Friday, August 18, 2017, the day before the Boston Free Speech Rally, Mayor Marty Walsh WBZ news reported “The mayor said he has spoken with the Southern Poverty Law Center for guidance on how to handle events involving white supremacists.” While this is not a direct

quote, it is hereby averred that this was an accurate assertion of what the mayor said at a press conference on Friday, August 18, 2017. The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as members of hate groups.

- n. * Mayor Marty Walsh (as reported by WBZ), stated in a press conference on Friday, August 18, 2017, “They [the Southern Poverty Law Center] say that interacting with these groups just gives them a platform to spread their message of hate.” The comments regarding “these groups” were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as members of hate groups with a “message of hate.”
- o. * On Friday, August 18, 2017, Boston Mayor Marty Walsh tweeted, “We’ll return hate with love. And we will stand together for peace and unity -- always. #OutOfMany1.” “Hate” was a reference to the event organizers and expected speakers.
- p. * On Friday, August 18, 2017, Boston Mayor Marty Walsh tweeted, “We have to support those that are targeted, and stand together in unity.” The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as “targeting” other individuals.

- q. * On Friday, August 18, 2017, Boston Mayor Marty Walsh tweeted, at 9:48 AM, “Hatred and intimidation are not welcome in Boston or the Commonwealth.”
- r. * Mayor Marty Walsh, just hours before the Boston Free Speech Rally on August 19, 2017, said “This is a potentially very important moment in time for our country here in Boston, Massachusetts to push back on some of the rhetoric and the hate, the anti-Semitism and the racism that’s being talked about and going on in our country. I think Boston can start to turn that tide” This was reported by local Boston CBS. The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as members of hate groups.
- s. * In a Tweet, hours before the Boston Free Speech Rally on August 19, 2017, at 8:17 AM, Marty Walsh tweeted, “I ask everyone to be peaceful today and respect our City. Love, not hate. We stand together against intolerance.” This tweet was picked up by media outlets. The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as members of hate groups.
- t. * In a Tweet, after the Boston Free Speech Rally on August 19, 2017, at 2:00 PM, Marty Walsh tweeted, “Today Boston showed there's no place for hate in our City.” The comments were obviously directed at the Boston

Speech Rally organizers and expected speakers and the mayor was characterizing them as members of hate groups.

- u. * In an interview reported by New York Magazine, titled, the mayor, Marty Walsh, shrugged: “Why give attention to people spewing hate?” Mayor Marty Walsh did say, “Why give attention to people spewing hate?” and this quote was accurately quoted. The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as “spewing hate.”
- v. * On August 19, 2017, the day of the Boston Free Speech Rally, Mayor Marty Walsh tweeted at 2:27 PM, “Today, Boston stood for peace and love, not bigotry and hate. We should work to bring people together, not apart.” (He was replying to President Trump’s Tweet.) This tweet was picked up by media outlets. The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as members of hate groups.
- w. * On August 19, 2017, at 8:17 AM the day of the Boston Free Speech Rally, Boston Marty Walsh stated, “I ask everyone to be peaceful today and respect our City. Love, not hate. We stand together against intolerance.” The comments were obviously directed at the Boston Speech Rally organizers and expected speakers and the mayor was characterizing them as members of hate groups and intolerant.

- x. On August 21, 2017, two days after the Boston Free Speech Rally and with full knowledge the speakers were not white supremacist and even chanted “love, love, love” and “black lives matter,” Mayor Marty Walsh still said, as reported by the Boston Herald, that white supremacists did take part in the rally that drew 40,000 counterprotesters to drown out their voices. The comments were obviously directed at the Boston Speech Rally organizers and the speakers that appeared, and the mayor was characterizing them as white supremacist.

CLAIMS FOR RELIEF

Count I

42 U.S.C. §1983 - Violation of the First Amendment **(Against All Defendants)**

12. Plaintiff realleges and incorporates by reference the allegations contained in the preceding paragraphs that WALSH did knowingly and maliciously violate the first amendment rights of NAVOM and the organizers & attendees of the Boston free-speech rally. WALSH did so by making knowingly false, defamatory and malicious statements about NAVOM and the organizers & attendees of the Boston free-speech rally. WALSH made these statements in his official capacity as the mayor of Boston under the color of law.

13. WALSH’s motivation for this defamatory speech were twofold: first, the Unite the Right Rally had just taken place in Charlottesville Virginia and the chaos in the aftermath of that event was getting national attention. WALSH was in an election year and wanted to

grab headlines and media attention, by falsely claiming that the unrelated Boston rally was organized by the same group in Charlottesville. However in order to accomplish such a falsehood, WALSH needed to stop the event from actually occurring.

14. The Boston free-speech rally occurred on August 19, 2017 and had over 45,000 protesters, and was the most protested event in Boston's history. This was largely due to the repeated defamation from WALSH. There was a double circle barricade system with a 50 yard "no-go zone" between the protesters and the Parkman bandstand. Many deswired to attend were unable to get into the event because of the heavy security. The event did begin, however shortly after speeches began, the CITY police began an evacuation because of safety concerns from the crowd. Many of the speakers were not able to give their speeches.

15. CITY too, shares in the liability for WALSH's defamation. CITY lacked the proper policies and procedures to ensure that it's employees did not abuse their political position for their own personal gain. CITY lacked any mechanism to force WALSH to refrain from commenting publicly about issues that had no connection to the city and then falsely link them to the city to generate publicity in election year.

16. NAVOM, an organizer and scheduled speaker at the Boston free-speech rally and was terminated from his job as a software consultant the day after WALSH began making false and defamatory statements. NAVOM's employer stated that they were firing him because of the statements made by WALSH and the backlash that they had received online and

over the phone from a hate mob that had been harassing them. Because of this, NAVOM was unable to speak at the event and was unable to counter the false narrative that he is a white supremacist, a myth that still haunts him to this very day.

Count II
42 U.S.C. §1983 — State-Created Danger
(Against All Defendants)

17. WALSH's defamation also was the inciting incident that created a dangerous situation for the organizers and attendees of the Boston free-speech rallye as well as the Boston population at large. WALSH would have you believe that he was merely responding to a public concern, however this is not the case. Before WALSH made his statements, there were no major news media talking about the Boston free-speech rally, it was not until after WALSH falsely connected the two events that the Boston rally became national news. WALSH was the creator of the dangerous situation, not merely a responder to it. This false connection between the Boston rally and the Charlottesville rally created an extremely dangerous situation in Boston, requiring unprecedented security, including the closure of an MBTA station for security reasons and resulted in several arrests

18. CITY too, shares in the liability for WALSH's state-created danger. CITY lacked the proper policies and procedures to ensure that its employees did not abuse their political position to create a state-created danger.

REQUEST FOR
RELIEF

19. WHEREFORE, Plaintiff sues for relief as set forth below:

a) For a declaratory judgment that Defendants' policies, practices and conduct as alleged herein violate Plaintiffs' rights under the United States and constitutions and the laws of Massachusetts;

b) For general damages in the amount of \$100,000,000.00;

c) For special damages in amount to be determined at trial;

d) For punitive damages against each of the individual Defendants in their individual capacities, to be determined according to proof.

e) Award Plaintiff costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988; and

f) Grant or award other such relief as this Court deems just and proper.

Respectfully submitted,

BRANDON W NAVOM,

A handwritten signature in black ink, appearing to read 'Brandon W Navom', with a stylized flourish at the end.

/s/ Brandon W Navom

680 State rd apt 3

North Adams MA 01247

navom1@yahoo.com

413.652.2908

Dated: August 11, 2020