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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

ANDY NGO,)
)
Plaintiff,)
)
v.)
ROSE CITY ANTIFA, an unincorporated)
association; BENJAMIN BOLEN, an)
individual; JOHN HACKER, an individual;)
CORBYN (KATHERINE) BELYEA, an)
individual; JOSEPH CHRISTIAN EVANS, an)
individual; MADISON LEE ALLEN, an)
individual; DOES 1-50,)
)
Defendants.)
_____)

Case No. 20CV19618

**DECLARATION OF SHANE
BURLEY IN SUPPORT OF
DEFENDANT BEN BOLEN'S
MOTION TO STRIKE**

I, Shane Burley, declare as follows:

1. I am over the age of 18 and competent to testify to the following.
2. I base this declaration on my own personal observation, information and beliefs.
3. I submit this declaration in support of Ben Bolen's special motion to strike, or anti-SLAPP motion.
4. I am a journalist and author of the book *Fascism Today: What It Is and How to End It*, which builds on my research and reporting both on the far-right and antifascist social movements. My work has appeared in places such as *NBC News*, *The Daily Beast*, *Al Jazeera*, *The Independent*, *The Baffler*, and *In These Times*. I provide expert commentary and analysis to

1 publications working on the far-right, including places such as *The Guardian* and have appeared
2 on television stations such as PBS to discuss the far-right. All this is to say that I have a long
3 history covering these issues, and know many of the activists and the controversial figures in the
4 area because of my work as a journalist. I have attended many of the political rallies in Portland
5 in the last few years as a journalist, including at least one described in Mr. Ngo's Complaint. I
6 am familiar with Mr. Ngo and his work using these protests and the carefully and deceptively
7 edited videos he often shares to push his narrative, which harms people he disagrees with.

8 5. I am concerned about writing this testimony, and I almost declined. Anytime I
9 speak out about a critical, or controversial, issue, I am taking a risk. A risk of angering members
10 of the public, of split opinions, or of denunciations. That is not what I'm talking about here. I am
11 concerned to write this because of the very real fear for the safety of my family.

12 6. Andy Ngo has become known over the past two years not only for controversial
13 right-wing and conspiracy views, but also for singling people out. Many of these people are
14 journalists, activists, political leaders, and public advocates, and few things appear to connect
15 them other than they do not share Mr. Ngo's ideological positions. He has built a career on
16 stoking the fears of a largely conservative base with hyperbolic accusations of the malfeasance of
17 left-wing activists, and I believe he has used innuendo, bigoted characterizations, and outright
18 mischaracterizations to do so. This would simply be journalist malpractice if it did not have such
19 far reaching effects, but the way that Andy Ngo uses his clout and funding to identify people
20 leads to a sequence of threats, slanders, and attacks.

21 7. From my personal observations, there appears to be a pattern that works like this.
22 He takes an incident, usually something fairly innocuous like a fiery speech at a political rally or
23 a disagreement on social media, and then traces far reaching allegations often mixed with his
24 opponent's personal information. His audience has been well cultivated by his stream of outrage-
25 provoking click-bait, and so when he singles out an individual it can lead to a public wave of

1 action. This results in everything from threatening and cruel messages on social media to alleged
2 incidents of violent threats.¹

3 8. Mr. Ngo was fired from the Portland State University's *Vanguard* for an
4 mischaracterizing a Muslim student's statements², he has been widely denounced for articles that
5 use bigoted depictions, and he has singled out journalists and activists with wild accusations of
6 malfeasance.³ This has led to many of these people fearing for their lives or having their careers
7 harmed, all so that he can continue to rack up Twitter followers and denounce people he opposes.
8 This is all well documented online, and I have observed it because I follow Mr. Ngo, the far right
9 and the antifascist movement.

10 9. Reporter Kim Kelly was called a supporter of "violent antifa militantism" after
11 she published a story in the *Washington Post*.⁴ Activist Emily Gorcenski, survivor of the attacks
12 in Charlottesville in 2017, was the victim of repeated antagonism from Mr. Ngo.⁵ The Oregon
13 Council of American-Islamic Relations had to speak up against repeated attacks on their
14 character by Ngo, who often used Islamophobic rhetoric to suggest they are aiding terrorism.⁶
15 Portland reporter Arun Gupta

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19 ¹ <https://www.wweek.com/news/2020/09/16/portland-protesters-say-their-lives-were-upended-by-the-posting-of-their-mug-shots-on-a-conservative-twitter-account/>

20 ² <https://www.wweek.com/news/schools/2017/05/23/a-dispute-over-a-muslim-students-remarks-costs-a-college-journalist-his-job-and-brings-national-controversy-to-portland-state-university/>

21 ³ <https://www.businessinsider.com/wall-street-journals-andy-ngo-writes-cowardly-islamic-england-2018-8>,

22 <https://www.jacobinmag.com/2019/08/andy-ngo-right-wing-antifa-protest-portland-bigotry>

23 ⁴ <https://twitter.com/MrAndyNgo/status/1289254440193503232>

24 ⁵ <https://emilygorcenski.com/post/andy-ngo-and-the-atomwaffen-kill-list/>,

<https://twitter.com/mrandyngo/status/1295641607383863296?lang=en>,

<https://twitter.com/MrAndyNgo/status/1295853353222598657>,

<https://twitter.com/MrAndyNgo/status/1292837217597968384>

25 ⁶ <https://www.jacobinmag.com/2019/08/andy-ngo-right-wing-antifa-protest-portland-bigotry>

1 spoke with half a dozen survivors of Ngo’s claims⁷, and similar stories have appeared in the
2 *Willamette Week*, *Rolling Stone*, and *Jewish Currents*, among others.⁸ People have allegedly had
3 armed men show up at their door, had family members harassed, have gone into hiding, and have
4 been traumatized by the process.⁹

5 10. Ngo even went as far as to post the private information of a minor, including their
6 location.¹⁰ Each time, Ngo continues to use a pattern that makes these people appear as threats to
7 basic decency simply for speaking a position he disagrees with, and the ensuing mob of acolytes
8 does the dirty work. Left-wing journalists (or simply ones Ngo decides are left-wing) are treated
9 with incredible double standards, and far-right journalists and activists are managed with kid
10 gloves. What appears as a well-choreographed mission is clear anytime he releases selectively
11 edited videos, anytime he reframes far-right vigilante attacks on the left as justified, and when he
12 posts the personal information of left-wing activists who were victims of violence. Politics
13 should not matter in this, people should be treated like human beings and activists shouldn’t fear
14 for their lives because Andy Ngo wants to make a name for himself.

15 11. Andy Ngo has publicly called me a “antifa ideologue” and accused me, and sent
16 correspondence to my editors, that I am a “member” of an antifa organization based on the fact
17 that I did a book talk where activists were in attendance.¹¹ As Kim Kelly reported in *The New*

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19 ⁷ <https://www.jacobinmag.com/2019/08/andy-ngo-right-wing-antifa-protest-portland-bigotry>

20 ⁸ <https://jewishcurrents.org/the-making-of-andy-ngo/>,

21 <https://www.rollingstone.com/culture/culture-features/andy-ngo-right-wing-troll-antifa-877914/>

22 <https://www.wweek.com/news/2020/09/16/portland-protesters-say-their-lives-were-upended-by-the-posting-of-their-mug-shots-on-a-conservative-twitter-account/>

23 ⁹ <https://www.wweek.com/news/2020/09/16/portland-protesters-say-their-lives-were-upended-by-the-posting-of-their-mug-shots-on-a-conservative-twitter-account/>

24 ¹⁰ <https://www.dailydot.com/debug/andy-ngo-doxing-minor/>

25 ¹¹ <https://twitter.com/MrAndyNgo/status/128980128504722275>

1 *Republic*, these kinds of accusations, which have led to “kill lists” by terror organizations like the
2 Atomwaffen Division, can lead to people being killed.¹² Accusing reporters of being “antifa,” of
3 supporting nefarious movements, particularly without evidence, creates a frightening space for
4 their lives.¹³ These posts can see strings of threatening comments, and have created a climate
5 where I am afraid to do my work as a journalist. When Andy Ngo’s accusations create a concrete
6 form of harm, he takes no accountability for it. This only escalated after his June, 2019 injuries,
7 as everyone began getting the brunt of his bullying: activists, journalists, politicians, government
8 officials, all entering into the callout-to-threat pipeline.¹⁴

9 12. As a journalist, I work tirelessly to figure out when it is correct to release the
10 personal information on subjects in a story. I research every last piece of an issue to give a fair
11 and accurate depiction. I do not traffic in gossip, and I take seriously that journalism can have an
12 effect on the world. I take responsibility for my work. I know when I suddenly start seeing
13 threatening words online directed at me, my ethnic background, my sexual orientation, or my
14 lifestyle, there is often one source for it: Andy Ngo decided to Tweet about me again.

15 13. I have a security system at my home. I use identity protection services, a P.O. box
16 to hide my address, and a number of other safety provisions. I do this because I am often targeted
17 online, singled out with erroneous accusations because I often write for left-wing publications
18 and have written a book about antifascism. The reality is that I am a relatively mainstream
19 journalist who writes for places like *NBC News* and *Al Jazeera*, I speak regularly at universities,
20 and I publish in peer-reviewed journals. I shouldn’t have to fear for my family’s safety. But
21 when Mr. Ngo singles me or others out for abuse, when he erroneously accuses us of being in
22 organizations he considers violent, it means that we are going to be targeted by the mob. Maybe

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24 ¹² <https://newrepublic.com/article/154205/quillettes-antifa-journalists-list-couldve-gotten-killed>

25 ¹³ <https://www.independent.co.uk/voices/alt-right-antifa-death-threats-doxxing-quillette-a8966176.html>

¹⁴ <https://communemag.com/were-being-played/>

1 someone will come to our home, maybe my wife's information will be released, and maybe we
2 will have our family threatened. Who knows if a baseless lawsuit will come our way, or if
3 journalists will be accused of collaborating with "Antifa," whatever he means that to be, in the
4 course of reporting our stories.

5 14. I'm testifying today knowing full well that Mr. Ngo may use this to single me out,
6 to call me "Antifa," and to leave me open for threats or worse. And I'm doing it for the same
7 reason I am a journalist: Because the truth matters. People should not face slanderous lawsuits
8 without evidence simply for exercising their 1st Amendment Rights, just like I shouldn't face a
9 mob threat for doing my job. The same principles are at play in this lawsuit that play out in the
10 threats that journalists have been facing: there has to be evidence, not innuendo, to prove the
11 claims. Without that there are literally hundreds of people that could be involved in Mr. Ngo's
12 alleged attack, and the numbers of associated "Does" will only increase to encompass everyone
13 who attends a protest. I personally have seen no evidence that would suggest that Rose City
14 Antifa, named in this lawsuit, had anything to do with what happened to Mr. Ngo, and without
15 that it appears like this is an extension of the same public attack campaign that has come for me
16 and countless other journalists, or simply people trying to find their voice. He may be doing it for
17 the fame, he may be doing it for the money, or he may be doing it for ideological reasons, but no
18 matter the motivation, people are getting hurt. And the hurt is only expanding.

19 15. There seems to be a conflation of terms, the assumption that all activists are, in
20 fact, "Antifa," and that all antifascists are de facto members of Rose City Antifa. The reality is
21 that social movements are more complicated than that, and at large demonstrations no individual
22 person or organization is in control of all the people in attendance. Unless there is hidden
23 evidence, it seems like the same innuendo Mr. Ngo often relies on to label people as "Antifa" is
24 being done to positively correlate these individuals and this organization with what happened to
25 him. Plainly put: some people got into the altercation with Mr. Ngo, and just because those

1 people may have identified as antifascists that doesn't mean that other people identifying as
2 antifascist are responsible.

3 16. The message of this lawsuit appears clear: do not participate in a movement that
4 Mr. Ngo finds dangerous and oppositional or you might be found liable in a lawsuit you will
5 never be able to afford. Without clear evidence, individuals are said to be in organizations,
6 organizations are alleged to be responsible for attacks, and an almost random assortment of rally
7 attendees have been added to a Complaint claiming to be part of a malicious conspiracy. This
8 petition was filed at the same time as fundraising platforms were sent around, raising money for
9 Ngo's cause, just as he has done while promoting outrage after outrage. The people named in this
10 lawsuit do not have that kind of money, all they have is their ability to tell the truth and rely on
11 the facts. They know that they cannot fight a lawsuit that could cost thousands, and so does Mr.
12 Ngo. This has a "chilling effect" on political speech, and it seems to me that this is intended to
13 send a message. The bottom line is that baseless accusations of malicious behavior have a clear
14 effect: to silence the accused.

15 17. Mr. Ngo regularly tries to discredit my work by accusing me of being a member
16 of antifascist organizations or being an "extremist," but the reality is that I am a credentialed
17 journalist and a member of this community. I want to ensure safety for everyone, and that
18 includes safety from erroneous accusations and personal attacks. This case has far reaching

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1 implications, and if Mr. Ngo is allowed to name people he simply finds ideologically
2 objectionable as defendants for an assault they did not commit, then that is going to send the
3 message that it is open season on civic engagement.

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8 18. For my part, I intend to continue speaking up and doing my work, as I always
9 have. If Mr. Ngo uses this testimony as another opportunity to single me out, which could lead to
10 public threat and attacks, then that is up to him. But I believe that speaking the truth, particularly
11 when it is unpopular, is what the 1st Amendment is here to protect. I hope that the results of this
12 case prove that true as well.

13 I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE
14 BEST OF MY KNOWLEDGE AND BELIEF, AND I UNDERSTAND THAT IT IS MADE
15 FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

16 DATED this 21st day of September, 2020.

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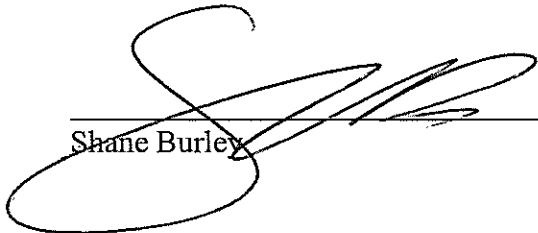
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Shane Burley

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing **DECLARATION OF SHANE BURLEY IN**
3 **SUPPORT OF DEFENDANT BEN BOLEN’S MOTION TO STRIKE** on the following
4 attorney(s) of record:

5 James L Buchal (OSB #921618)
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8 by mailing to the foregoing a true copy thereof, placed in a sealed envelope, with postage
9 prepaid, addressed as listed above, and depositing the same in the United States mail through a
10 post office at Portland, Oregon, on this day, and by e-filing and service through the Oregon e-
11 court file and serve system if registered as a service contact..

12 DATED this 21st day of September, 2020.

13 DAVIS ROTHWELL
14 EARLE & XÓCHIHUA, P.C.

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18 Of Attorneys for Defendant Bolen