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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 BENJAMIN**
) **BOLEN IN SUPPORT OF SPECIAL**
) **MOTION TO STRIKE**

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I, Benjamin Bolen, declare as follows:

1. I am over the age of 18 and competent to testify to the following.
2. I base this affidavit on my own personal observations, information, knowledge and belief.
3. I am a Portland resident and a student at Portland State University working toward my Ph.D. in mechanical engineering.
4. Since my youth, I have been politically engaged, which includes attendance at many protests and rallies. I consider myself a leftist on the political spectrum.

1 5. I am deeply concerned with the current presidential administration’s policies,
2 including the activities of Immigration and Customs Enforcement (ICE). The current
3 administration developed or broadened a policy of separating families of either refugees or
4 undocumented immigrants trying to enter our country. The administration separates children
5 from their parents and houses them in deplorable conditions. I find this practice inhumane and
6 unacceptable.

7 6. I oppose many of the policies this administration has either developed or
8 broadened. As such, I attend rallies and protests to raise awareness of these policies, and to voice
9 my dissent. I consider many of the policies to have fascist tendencies that need to be opposed by
10 any politically engaged citizenry.

11 7. Notwithstanding my anti-fascist beliefs, I am not now, nor was I at any time in
12 2019 a member of Rose City Antifa, as plaintiff alleges.

13 8. There are many on the right or conservative side of the political spectrum who
14 endorse the administration’s policies and who oppose leftists. These people frequently show up
15 at leftist protests or rallies to oppose leftists and others who share common beliefs. Portland,
16 Oregon is a hotspot for these confrontations.

17 9. Andy Ngo is a right wing provocateur, right wing media pundit, and a social
18 media personality. He appears at these rallies in an effort to dox leftists, which means to uncover
19 their identity and then publicly post personal identifying information online so white nationalist
20 or other right wing groups can access the information and use it to target leftists and their
21 families with harassment, threats, and sometimes even violence. I have personally witnessed him
22 engaging in this behavior. It has also been well documented in both local and national media. See
23 the Willamette Week article linked in Paragraph 12 below.

24 10. It is well known to people who attend rallies in Portland, Oregon that this is what
25 Andy Ngo does. Because of this, Andy Ngo is nearly universally reviled by many who attend

1 these rallies and who oppose the administration's policies, fascism or white nationalism. His
2 appearance at the rallies nearly always draws boos, jeers and contempt from the crowd. He is
3 sometimes pushed, punched, or has things thrown at him from many people in the crowd. I have
4 personally witnessed this on more than one occasion.

5 11. Mr. Ngo feeds on this attention, even if it is negative. While he is booed or jeered,
6 he continues his attempts to unmask or identify members in the crowd, and he then posts this
7 personal identifying information online for white nationalist groups to consume. Right wing
8 local and national political figures and pundits then shine a spotlight on Mr. Ngo, which he uses
9 to sell his books or to drive viewers to his online content. He raises money online by getting as
10 much attention as he can, so he attends the rallies and provokes confrontations with people in the
11 crowd to provide him material to post online to get more views and more donations.

12 12. Mr. Ngo is a strident opponent of the Black Lives Matter movement and leftist
13 politics, and has a quixotic fixation with Antifa. He believes that racially motivated crimes are
14 hoaxes. He posts dozens of tweets on Twitter nearly every day, and nearly every one of those
15 tweets relates to Antifa or Black Lives Matter, and in particular, his posts reveal identifying
16 information about people with whom Mr. Ngo disagrees. The information in his tweets is
17 presented in a manner designed to build hatred or resentment of leftists, Black Lives Matter
18 supporters and Antifa. It is my opinion, as well as many others, including actual journalists who
19 have been targeted as a result of Mr. Ngo's online posts, that Mr. Ngo engages in stochastic
20 terrorism by both demonizing leftists and posting their personal identifying information online.
21 He knows that this information is used to target his opponents, but he calls his work journalism
22 and argues he cannot be held responsible for what people do with the information he posts. Here
23 is a recent article, dated from September 16, 2020, discussing Mr. Ngo's practice and how it has

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1 affected some local people who are politically engaged but with whom Mr. Ngo disagrees.

2 [https://www.wweek.com/news/2020/09/16/portland-protesters-say-their-lives-were-upended-by-](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/)
3 [the-posting-of-their-mug-shots-on-a-conservative-twitter-account/](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/)

4 13. Here are a couple additional online articles relating to Andy Ngo’s doxing
5 practices, which many characterize as a “kill list” for violent white nationalist groups like
6 Atomwaffen.

7 <https://www.jacobinmag.com/2019/08/andy-ngo-right-wing-antifa-protest-portland-bigotry>
8 <https://emilygorcenski.com/post/andy-ngo-and-the-atomwaffen-kill-list/>

9 14. Mr. Ngo has a working relationship with right wing or white nationalist groups
10 like the Proud Boys, Patriot Prayer, The Three Percenters and potentially Atomwaffen. He has a
11 practice of embedding with a group of people from one of these groups, and reaches agreements
12 with them whereby they provide him protection while they instigate a skirmish or physical
13 confrontation that Mr. Ngo films and deceptively edits in a manner to further his agenda. This
14 too has been well documented. See, for instance, this local media story:

15 [https://www.portlandmercury.com/blogtown/2019/08/26/27039560/undercover-in-patriot-](https://www.portlandmercury.com/blogtown/2019/08/26/27039560/undercover-in-patriot-prayer-insights-from-a-vancouver-democrat-whos-been-working-against-the-far-right-group-from-the-inside)
16 [prayer-insights-from-a-vancouver-democrat-whos-been-working-against-the-far-right-group-](https://www.portlandmercury.com/blogtown/2019/08/26/27039560/undercover-in-patriot-prayer-insights-from-a-vancouver-democrat-whos-been-working-against-the-far-right-group-from-the-inside)
17 [from-the-inside](https://www.portlandmercury.com/blogtown/2019/08/26/27039560/undercover-in-patriot-prayer-insights-from-a-vancouver-democrat-whos-been-working-against-the-far-right-group-from-the-inside)

18 And also this national media story: [https://www.rollingstone.com/culture/culture-features/andy-](https://www.rollingstone.com/culture/culture-features/andy-ngo-right-wing-troll-antifa-877914/)
19 [ngo-right-wing-troll-antifa-877914/](https://www.rollingstone.com/culture/culture-features/andy-ngo-right-wing-troll-antifa-877914/)

20 15. Because it is so well known that Mr. Ngo facilitates harassment and threats from
21 white nationalist groups targeting leftists, Mr. Ngo is despised by most leftist protestors.

22 16. On the day Mr. Ngo was allegedly punched downtown, he embedded with Joey
23 Gibson and the group of Proud Boys as they prepared their assault on leftists at Cider Riot, a
24 local hard cider tavern in inner Southeast Portland. In the Portland Mercury article linked in
25 paragraph 13 above is a true and accurate copy of a video widely circulated online that shows

1 Mr. Ngo with the group of Proud Boys while they planned their attack. I understand this video is
2 being used as evidence in the criminal case against Joey Gibson stemming from the attack at
3 Cider Riot.

4 17. Mr. Ngo is known for deceptively editing his video footage in a manner to make
5 leftists look as bad or violent as possible to further his agenda. The video in the Mercury story
6 above is evidence of Mr. Ngo's practices. While the Proud Boys plan their attack, Mr. Ngo does
7 not film them or try to stop them. He waits to begin filming once a physical confrontation has
8 started, and he then films in a manner designed to make it look like leftists are violent or
9 provoked the fight, and that the white nationalist group he has embedded with are hapless
10 victims. Mr. Ngo does not care about the truth or about being accurate. This is why you will
11 never find him posting about violent white supremacists or white nationalists the way he posts
12 about leftists. He sells rage bait to conservative media, which drives people to his social media
13 pages, where he asks for money donations. He has raised hundreds of thousands of dollars using
14 this method. On one single GoFundMe fundraiser, he made close to \$200,000. And he has many
15 of these fundraisers, potentially dozens. Indeed, he is using this lawsuit as a means to raise
16 money.

17 18. Mr. Ngo and his conservative media outlet, The Post Millennial, were associated
18 with the distribution and publishing of stories by false or fictitious people online. These stories
19 generally related to anti-Muslim or anti-Islamic subjects, or were critical of Iran and supportive
20 of the president. So long as it fits Mr. Ngo's narrative, he publishes information without regard
21 to whether it is true. Deception and misinformation are Mr. Ngo's specialty. Here is an article
22 discussing Mr. Ngo's propensity to publish false information by fictitious authors:

23 <https://www.dailydot.com/debug/andy-ngo-fake-articles/>

24 19. Mr. Ngo was discharged from his position at the student newspaper at Portland
25 State University while I attended the college because he disseminated false or misleading

1 information regarding speakers who had presented at the college. The college found that Mr.
2 Ngo had placed the speakers in danger with his misleading tweets. It found that Mr. Ngo had
3 breached his ethical obligations in several respects. But this remains Mr. Ngo's modus operandi.

4 20. So quixotic is Mr. Ngo's fixation with leftists and Antifa, that he repeatedly uses
5 his online platform to publish misinformation in his attempt to malign Antifa. Following the
6 mass shooting attack at a Walmart in El Paso, Texas, Mr. Ngo was responsible for a
7 misinformation campaign that attributed the attack to Antifa. His tweets were picked up by right
8 wing media outlets, who then ran the story. The story was false, and appears to have been created
9 by Mr. Ngo. Here is an online article discussing the misinformation campaign in which Mr. Ngo
10 participated in an effort to malign Antifa:

11 [https://www.rollingstone.com/culture/culture-features/el-paso-dayton-shooting-fake-news-antifa-](https://www.rollingstone.com/culture/culture-features/el-paso-dayton-shooting-fake-news-antifa-charlottesville-867499/)
12 [charlottesville-867499/](https://www.rollingstone.com/culture/culture-features/el-paso-dayton-shooting-fake-news-antifa-charlottesville-867499/)

13 21. Many people who attend the political rallies or protests in Portland and elsewhere
14 in the country wear similar clothing: black shirts and sweatshirts or hoodies, black hats, black
15 gloves, face covering, and sunglasses. I wear similar clothing to the protests. The reason is to
16 keep my identity safe from people like Mr. Ngo and white nationalist groups who would target
17 me or my family with harassment and threats based on my political beliefs. As a result of this
18 practice, dozens, if not hundreds of people who attend these rallies look nearly identical. That is
19 the point of the practice. The tactic is called black bloc, and originated in West Germany in the
20 1980's, where politically engaged citizens were also protesting police violence, fascism and neo-
21 Nazism, just like the protests in the United States in the last few years. This practice is now used
22 all over the world by protestors who oppose violent or oppressive governments. If the target of
23 your protest is oppressive state actors or violent white nationalists, it is critical for the protestors
24 to remain anonymous and unified.

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1 22. I attended the protest outside the ICE detention center in downtown Portland on
2 May 1, 2019. Mr. Ngo was there in attendance, and was met by protestors with derision and
3 jeers. I did not punch Mr. Ngo on May 1, 2019, or on any other date. While Mr. Ngo could have
4 been punched by someone wearing clothing similar to the black clothing I wear to these protests,
5 and which I wore downtown on May 1, 2019, it could have been any one of many unidentified
6 people.

7 23. I read Mr. Ngo’s tweets on the social media platform, Twitter. This is his primary
8 method of doxing people he disagrees with. By reviewing his Twitter account, I was able to
9 determine how he concluded, erroneously, that I was the one who allegedly punched him.

10 24. Mr. Ngo posted many tweets on Twitter on May 1, 2019, but most were related to
11 the attack by Joey Gibson and the Proud Boys that occurred at Cider Riot. Regarding the alleged
12 punch that he wrongly attributes to me, he tweeted that he had been punched by a masked
13 person. Here is a screen shot of that tweet:



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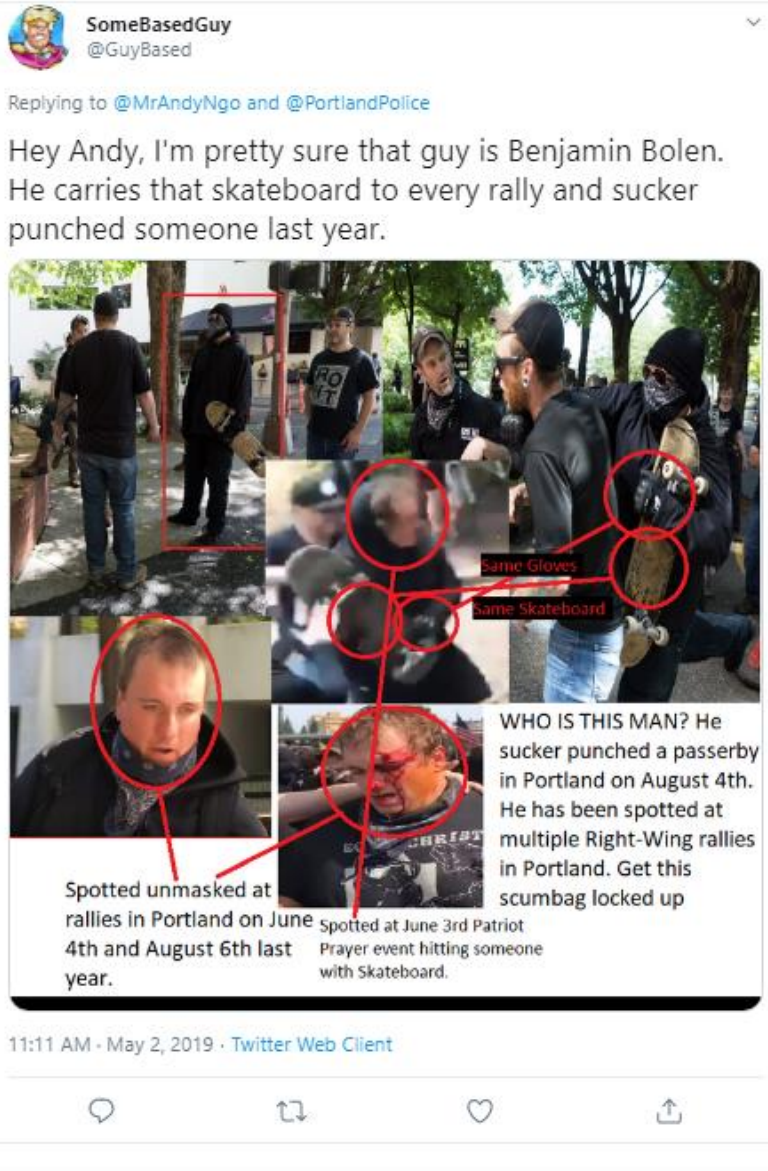
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1 25. The following day, May 2, 2019, Mr. Ngo posted on Twitter seeking help
2 identifying the person who allegedly punched him. Here is a screenshot of that tweet:



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13 26. In response to this tweet from Mr. Ngo, a Twitter user named “SomeBasedGuy”
14 tweeted at Andy Ngo stating that he was “pretty sure” that I was the person who punched Mr.
15 Ngo. This person said I was responsible for sucker punching someone at a rally in 2018, and
16 posted pictures of a man that he said was me. This is a screenshot of that tweet:

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27. I do not know the person who calls himself “SomeBasedGuy.” Moreover, the person in the pictures above on the Twitter post from SomeBasedGuy is not me. He is dressed in a manner similar to how I and many others dress when attending these protests or rallies, but it is not me. The person who posted this misinformation states that the pictures were taken on June 3 or 4, 2018 and in early August 2018. Here is a true and accurate picture of me from September 11, 2018, approximately one month to two months after the photos above were allegedly taken. Even a cursory examination reveals that I am not the person in the photos Mr. Ngo used to identify me.



10 28. Here is a side by side comparison:



18 29. According to the information from SomeBasedGuy, these photos are separated by
19 approximately five weeks. It is obvious that the man in the photo on the right is not me.

20 30. While it does not surprise me that Mr. Ngo has rushed to judgment with faulty
21 information in an effort to demonize someone with political views that differ from his own, I did
22 not punch Mr. Ngo at the protest on May 1, 2019.

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1 31. I do not know who punched Mr. Ngo on May 1, 2019, but if he was punched by
2 someone wearing black clothing, a mask, a black hat, sunglasses and black gloves, it could have
3 been any number of people at that protest because many people at the protest fit that description.
4 I was there and personally saw dozens of people dressed like this.

5 32. I believe Mr. Ngo has named me as a defendant in this lawsuit because I am a
6 leftist. Mr. Ngo does not care about being accurate with his allegations, so long as it is a leftist,
7 or someone he thinks holds antifascist views that he names as a defendant. Mr. Ngo has a record
8 of being reckless with information, and even intentionally spreading misinformation designed to
9 malign or harm people with political views that differ from his own. Naming me as a defendant
10 in this lawsuit is simply one more instance of this conduct.

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

14 Dated this 18 day of September, 2020

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Benjamin Bolen

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing **DECLARATION OF BENJAMIN**
3 **BOLEN** on the following attorney(s) of record:

4 James L Buchal (OSB #921618)
5 counsel@buchal.com
6 Murphy & Buchal LLP
7 3425 S.E. Yamhill, Suite 100
8 Portland OR 97214

Harmeet K. Dhillon, *Pro Hac Vice*
harmeet@dhillonlaw.com
Dhillon Law Group Inc.
177 Post Street, Suite 700
San Francisco, California 94108

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

13 DATED this 21st day of September, 2020.

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

16 /s/ Jonathan Henderson
17 Hilary A. Boyd, OSB No. 152095
18 hboyd@davisrothwell.com
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21 Of Attorneys for Defendant Bolen