

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

SUPERIOR COURT

*****Expedited Processing Required*****

JOHN M. FORMELLA, ATTORNEY GENERAL

v.

NATIONALIST SOCIAL CLUB-131, an unincorporated association

**ATTORNEY GENERAL JOHN M. FORMELLA'S COMPLAINT
UNDER THE NEW HAMPSHIRE CIVIL RIGHTS ACT**

NOW COMES John M. Formella, Attorney General, ("State") with a complaint against the defendant, Nationalist Social Club-131 ("NSC-131"), an unincorporated association, for a violation of the New Hampshire Civil Rights Act, RSA 354-B:1. The State asks that this Court find that the defendant violated the New Hampshire Civil Rights Act when its members trespassed upon an overpass in Portsmouth by hanging banners without a permit that read "Keep New England White."

Attorney General Formella initiates this action to uphold the civil rights of members of the public, including visitors to New Hampshire and Portsmouth, NH residents, whose rights were violated by the defendant when it trespassed on the Stark Street overpass by displaying race-motivated banners. Attorney General Formella also initiates this action to uphold the civil rights of the taxpayers that support the City of Portsmouth whose taxes have been expended to respond to and ensure the end of the race-motivated trespass.

As detailed in this complaint, the State asks that this Court permanently enjoin the defendant from committing future Civil Rights Act violations, and other remedies. **As required by RSA 354-B:4, IV, this Court must prioritize this matter in its schedule.**

In support of this complaint, the State submits the following:

INTRODUCTION

1. The New Hampshire Civil Rights Act, RSA 354-B:1, provides that all persons have the right to engage in lawful activities and to exercise and enjoy the rights secured by the United States and New Hampshire Constitutions and the laws of the United States and New Hampshire without being subject to actual or threatened physical force or violence against them or any other person or by actual or threatened damage to or trespass on property when such actual or threatened conduct is motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability.

2. Here, the defendant violated the Civil Rights Act when its members developed and executed a plan to travel to Portsmouth and, without permission, hang two banners reading “Keep New England White”¹ from an overpass over United States Route 1 (“Route 1”).

3. In displaying these banners, the defendant trespassed upon property belonging to the City of Portsmouth, the State of New Hampshire, and the taxpayers of those communities. The trespass violated city ordinance(s) and state law(s) governing posting materials on public property without permits and displaying signs and other materials on or over roadways.

4. This trespass violated the Civil Rights Act because it was motivated by race and interfered with the lawful activities of others. The slogan on the banners, “Keep New England White,” was plainly motivated by race. The only reasonable interpretation is that the slogan and group’s intention was to discourage people of color from residing in or visiting and making them feel unwelcome and unsafe in the New England region, New Hampshire, and Portsmouth. Thus,

¹ As detailed later, the initial calls to police described the banner as reading “Keep America White.” Photos of the banner created by NSC-131 show that the banner read “Keep New England White.” See Attachment B.

the defendant, through this trespass, intended to interfere with the lawful activities of those traveling along Route 1 by discouraging them from exercising their right to travel freely through the Granite State.

5. The defendant's conduct also disrupted the lawful activities of motorists on Route 1 in Portsmouth because the defendant's banner disrupted the safe operation upon the highways and subjected motorists to trespass motivated by race. *See* RSA 236:27 (addressing the display of signs and other materials on public roadways). This trespass interfered with the rights of motorists to travel safely, free from race-motivated trespasses.

6. In response to this violation, the Attorney General asks this Court to find that the defendant violated the Civil Rights Act and enjoin it from, among other things, further violating the Civil Rights Act and committing unlawful acts motivated by protected characteristics.

PARTIES

7. John M. Formella is the Attorney General of New Hampshire. The Attorney General's Office is located at 33 Capitol Street, Concord, NH.

8. Pursuant to RSA 354-B:2, whenever the Attorney General has probable cause to believe that any person has violated any provision of RSA chapter 354-B, the Attorney General may bring a civil action for injunctive or other appropriate equitable relief in the Superior Court in the county where the alleged violator resides or where the alleged conduct occurred.

9. The defendant, NSC-131, is an unincorporated association with members located in New Hampshire, Massachusetts, and other New England states. "[A]n unincorporated association is not an entity, and has no status distinct from the persons composing it." 6 Am. Jur. 2d *Associations and Clubs* § 1. An unincorporated association functions like a class of individuals with the common thread among them being membership and/or participation in the

association's activities. Unincorporated associations can, on behalf of the collective membership, sue and be sued. *Textile Workers Union v. Textron, Inc.*, 99 N.H. 385, 386-87 (1955).

10. RSA 510:13 permits lawsuits against unincorporated associations by providing a mechanism through which such associations can be served with process. It states that, “[s]ervice of writs or other process against unincorporated associations . . . within this state may, except when otherwise provided, be made upon any officer thereof, of, if it has no officer, then upon any 2 members thereof.”² RSA 510:13.

11. “[A]n unincorporated association is generally created and formed by the voluntary action of a number of individuals in associating themselves together under a common name for the accomplishment of some lawful purpose.” *Exeter Hosp. Medical Staff v. Board of Trustees of Exeter Hosp.*, 148 N.H. 492, 495-96 (2002) (quotation omitted).

12. The defendant describes itself as:

A pro-white, street-oriented fraternity dedicated to raising authentic resistance to the enemies of our people in the New England area. This takes the form of networking, training, activism, outreach, and above all action.

...

We are a social club of nationalists from New England focused on building a network of likeminded men & women dedicated to defending their lands and their people. We oppose the criminal anti-American & anti-white street gangs such as MS13, Black Lives Matter, and ANTIFA. We are for us, by us, and against those against us.

See Attachment A (an NSC-131 flyer that was distributed in numerous communities across New Hampshire in the summer of 2022). The defendant has engaged in, among other activities, protests at school board meetings and public and private events. The defendant has a public

² The State intends to serve the defendant with this complaint by serving at least two members on behalf of the unincorporated association, including its leader and founder, Christopher Hood.

facing social media site³ where it regularly posts about its protests, demonstrations, and other activities. The defendant, although it may engage in unlawful conduct, does engage in lawful conduct and its purported purpose is not patently unlawful.⁴ See *People ex rel. Reisig v. Broderick Boys*, 149 Cal. Rptr. 3d 64, 73-74 (Ct. App. Cal. 2007) (recognizing that an unincorporated association could have both lawful and unlawful purposes or lawful purposes and engage in unlawful acts). Accordingly, the defendant is an unincorporated association for the purposes of state law.

13. The alleged conduct occurred on July 30, 2022, on the Stark Street overpass in Portsmouth, NH.

JURISDICTION AND VENUE

14. This Court has jurisdiction over this action pursuant to RSA 354-B:2, II.

15. Rockingham County is the proper venue for this action because the unlawful conduct occurred in Portsmouth, New Hampshire, a city located within Rockingham County.

FACTS

16. On July 30, 2022, the Portsmouth Police Department received 911 calls informing police that men were hanging signs that stated “Keep America White” from the Stark Street overpass, which overlooks Route 1 in Portsmouth.

17. Four officers from the Portsmouth Police Department responded: Sgt. Brian Houde, Officer Matthew Loureiro, Officer James Caldwell, and Officer Michael Nicoli. Upon arriving they observed approximately 10 men gathered on the overpass wearing hats, sunglasses,

³ <https://gab.com/newengland131>. See also Attachment A (containing contact information for the association)

⁴ The characterization of the defendant’s purpose as “not patently unlawful” should not be construed as the State’s endorsement of or condonement of the defendant’s purpose or activities in the state.

and face coverings emblazoned with “NSC-131” or “131.” One man was not wearing a face covering and he was later identified as, Christopher Hood, the founder and leader of NSC-131.

18. None of the men wearing masks identified themselves or would speak with the police officers. Hood, however, stepped forward and spoke with the officers.

19. The officers observed Hood lead the group of individuals by stepping forward to interact with the officers on behalf of the group, giving instructions to the group following the interaction with the police officers, and witnessing the group follow his instructions whether those instructions were spoken or given through gestures.

20. Based upon these observations and Hood’s decision to speak to officers on behalf of the group, the officers concluded that Hood was the group’s leader.

21. Officer Loureiro and Officer Caldwell informed Hood that he and the other participants cannot hang banners from the overpass without a permit because it violates a city ordinance, City of Portsmouth, NH Ordinances §§ 9.503, *et seq.*

22. Following this discussion, Hood gave instructions to the group members who removed the zip ties and removed the banners from the overpass fence.

23. Some of the group’s members stood on the overpass and continued to display the banners by hand before returning to their vehicles and departing with the banners.

24. Officers were present on the overpass and interacted with Hood for approximately 20-25 minutes before the group departed.

25. While Officer Loureiro and others were addressing Hood, Leo Anthony Cullinan approached Sgt. Houde in a silver pickup truck and angrily told Sgt. Houde, “You’re not interfering with my friends and interfering with our rights.”

26. While officers were addressing Hood and interacting with bystanders, Officer Caldwell left the scene to see where the participants had parked. He saw two vehicles parked along Woodbury Avenue. As the group dispersed, they walked toward the two vehicles and most entered one of the two vehicles parked there. The remaining members of the group, including Hood, entered the silver pickup truck driven by Leo Anthony Cullinan. The group then departed the scene.

27. The defendant, through its social media profiles, took credit for the display of the banners that occurred on July 30, 2022. *See* Attachment B (social media post to association's webpage taking credit for the demonstration, including photos of banners).

COUNT I

Violation of New Hampshire Civil Rights Act (Trespass)

28. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

29. The defendant trespassed upon the property of the State of New Hampshire and the City of Portsmouth when its members displayed banners reading "Keep New England White" from the overpass without a permit.

30. Race motivated the defendant's trespass. The plain language of the banner references race and is designed to send the message that people of color are unwelcome and causing those targeted to feel unsafe in New Hampshire.

31. The defendant's conduct disrupted the lawful activities of motorists on Route 1 in Portsmouth because the defendant's banner disrupted the safe operation upon the highways and subjected motorists to trespass motivated by race.

32. The defendant's action constituted a violation of the Civil Rights Act, RSA 354-B:1.

REQUEST FOR RELIEF

WHEREFORE, the Attorney General respectfully requests that this Honorable Court:

A. Prioritize—as required by RSA 354-B:4, IV, consolidate, and advance the hearing on the merits with the request for preliminary injunction consistent with Superior Court Rule 48(b)(2) and RSA 354-B:4, IV, which provides that all actions brought under this statute shall have priority in the court scheduling;

B. Find that the defendant violated the New Hampshire Civil Rights Act, RSA 354-B:1;

C. Enter a temporary restraining order and a preliminary/permanent injunction to remain in place for three years, which prohibits the defendant and its members from:

1. engaging in or threatening physical force or violence, damage to property, or trespass on property against any person motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability;

2. participating in *any* unlawful⁵ activities motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability; and

3. encouraging or causing any other persons to engage in conduct prohibited in paragraphs C.1-C.2 above, conspiring with any other persons to engage in such conduct, or assisting any person in engaging in such conduct;

D. Order that any violations of the Court’s order could result in criminal and/or civil sanctions and additional fines as provided for in RSA chapter 354-B;

E. Grant such other and further relief as it deems just and equitable.

Respectfully submitted,

JOHN M. FORMELLA,

⁵ Unlawful in this context means: any act that could subject a person or legal entity to civil or criminal liability.

ATTORNEY GENERAL

January 17, 2023

/s/ Sean R. Locke

Sean R. Locke, Bar #265290

Assistant Attorney General

Director, Civil Rights Unit

New Hampshire Department of Justice

Office of the Attorney General

33 Capitol Street, Concord, NH 03301-6397

(603) 271-3650

Attachment A

**NEW
ENGLANDERS!**



**T
H
E** **NATIONALIST
SOCIAL CLUB**

IS A PRO-WHITE, STREET-ORIENTED FRATERNITY DEDICATED TO RAISING AUTHENTIC RESISTANCE TO THE ENEMIES OF OUR PEOPLE IN THE NEW ENGLAND AREA. THIS TAKES THE FORM OF NETWORKING, TRAINING, ACTIVISM, OUTREACH, AND ABOVE ALL, ACTION.

NO MATTER HOW YOU FIND THIS, IF YOU ARE A MAN OF EUROPEAN DESCENT IN THE NEW ENGLAND AREA THAT WISHES TO SEE A BETTER FUTURE FOR YOUR PEOPLE, CONTACT US TO GET TO WORK. FOR ANY AND ALL INQUIRIES, QUESTIONS, OR CONCERNS:

EMAIL: NEWENGLANDKITS@PROTONMAIL.COM

DIRECT CONTACT: @CREW1310UY ON TELEGRAM SECURE MESSENGER

SOCIAL MEDIA: DOYSEE.COM/@NSC131 & GAB.COM/NEWENGLAND131



**WE ARE A SOCIAL CLUB OF NATIONALISTS FROM
NEW ENGLAND FOCUSED ON BUILDING A NETWORK
OF LIKEMINDED MEN & WOMEN DEDICATED TO
DEFENDING THEIR LANDS AND THEIR PEOPLE. WE
OPPOSE THE CRIMINAL ANTI-AMERICAN & ANTI-
WHITE STREET GANGS SUCH AS MS13, BLACK
LIVES MATTER, AND ANTIFA. WE ARE FOR US, BY
US, AND AGAINST THOSE AGAINST US.**

**ABOVE ALL, WE STAND FOR THE SECURITY AND
PROSPERITY OF WHITE NEW ENGLANDERS. OUR
MOTIVATIONS TO CARRY OUT THIS MISSION DO NOT
COME FROM A PLACE OF HATRED, BUT A LOVE FOR
OUR OWN PEOPLE. NO ONE ELSE WILL PROTECT US!**

NEWENGLANDNATS@PROTONMAIL.COM

Attachment B

←
N
e
n
u
1
C
i
E
←
E
E
E
x
p
l
c
r
e
←
C
!



NSC 131 New England @NewEngland131

Aug 1, 2022 · 🌐

Granite State 131 banner drops in Portsmouth, New Hampshire.

Portsmouth PD fails to deter activists from hanging and remaining with banners for over an hour.

@NewEngland131



46

2 replies 10 reposts 1 quote

👍 Like 💬 Comment ↻ Repost 🗉 Quote 📤 Share

Post as comment Add context ▾

Write a comment...



Sort by Most Liked ▾



@plaintruth ●●● 8 8 🇺🇸 🇺🇸 🇺🇸 @SeanRoland48 · Aug 1, 2022

@NewEngland131 you my brothers are an inspiration to us all! Thank you for your example of courage and bravery. ⚡88⚡
SIEGE HEIL!

2

Like Reply Repost



Veteran Sneedposter @SneedFeedSeedBased · Parody · Aug 2, 2022

@NewEngland131 The feds are back in town!

KEEP NEW ENGLAND
A WHITE FLAG

Maplewood Ave
NEXT EXIT

