

FILED  
IN CLERKS OFFICE

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

2022 AUG 30 PM 2: 17

RODERICK WEBBER,  
Pro Se Plaintiff

v.

BOSTON POLICE DEPARTMENT  
THE CITY OF BOSTON  
MAYOR MARTY WALSH  
OFFICER MICHAEL C. HARRINGTON  
OFFICER KENNETH FONG  
OFFICER RYAN DANIEL O'LEARY  
OFFICER JAMES WALSH  
OFFICER JOHN DANILECKI  
JOHN DOE 1 (BPD OFFICER)  
JOHN DOE 2 (BAILIFF)  
JOHN DOE 3 (BAILIFF)  
JOHN DOE 4 (BAILIFF)  
JANE DOE 1 (BAILIFF)  
JUDGE RICHARD SINNOTT  
BOSTON MUNICIPAL COURT

COMMONWEALTH OF MASSACHUSETTS Defendants.

U.S. DISTRICT COURT  
DISTRICT OF MASS.



## INTRODUCTION

1. Plaintiff is a video and print journalist and a documentary filmmaker. Formerly he was known to Boston area residents as the co-host of The Swasey Show on the popular radio station WFNX. He has contributed to stories by The New York Times, PBS, and TYT, among others. Plaintiff's latest feature film "2020: The Dumpster Fire" was released theatrically in New York, Los Angeles and the Boston area through Buffalo 8 Distribution, and was digitally put out soon after on Apple TV, and other streaming services.

In his role as documentarian, Plaintiff frequently stands apart from the crowds which he is documenting. Plaintiff often finds himself in confrontations with pro-Trump Neo-nazis and violent anti-LGBTQIA hate groups like Super Happy Fun America which are central to the events surrounding this case. Super Happy Fun America's founding members Samson Racioppi and Mark Sahady attended the January 6th Insurrection at the US Capitol Building in 2021. Prior to that, Racioppi infamously held a rally to distribute manuals on how to commit violent and terrorist acts with 3-D printed fire arms including a pamphlet called, "Instructions for an Insurrection." Racioppi's rally to promote insurrection came on the heels of Super Happy Fun America member Tusitala 'Tiny' Toese declaring he was starting the "anti-faggot movement." At Plaintiff's film screening for "The Oppressed Majority," a film about Super Happy Fun America, members of the group showed up to intimidate Plaintiff, including Michael Moura who is now serving time in a Massachusetts correctional facility related to possession of

firearms and counterfeiting. Mark Sahady along with Super Happy Fun America member Sue Ianni have been charged for their roles in the January 6th Insurrection. Moreover, there have been a slew of presenters at events organized by Super Happy Fun America's (or their prior incarnations "Boston Free Speech" and "Resist Marxism.") Joe Biggs (who spoke at "Boston Free Speech" in 2017) was an organizer (and currently in lock-up) for the January 6th Insurrection, while Augustus Invictus (who also spoke at "Boston Free Speech" called for violent revolution against the US Government at that very rally, and is openly a Holocaust denier.

Sadly, certain members of the Boston Police Department have shown sympathy toward Super Happy Fun America as well as affiliate groups like Patriot Front and NSC-131 (Nationalist Socialist Club /Nazi Club 131). Worse still, The Boston Police Department have unjustly targeted Plaintiff for this reason. We must ask ourselves for how long can The Boston Police, (whose motto is "to protect and serve"), be used to propagate violence, intimidation, racial hatred, sexual-orientation-based hatred and the restriction of our civil and constitutional rights? Can we as a people simply sit back and allow pro-Trump militants and their allies in the Police and the Courts to violently run roughshod over the Rights of the People, and in the process dismantle all of the advancements for Civil Rights for Racial Minorities and LGBTQIA individuals?

We must ask ourselves if Judges should be like Emperors, like Judge Richard Sinnott, who decided that he would proverbially “jump over the bench” to serve as the prosecutor as well as judge in the case of the 2019 Protesters protesting against Super Happy Fun America’s “Straight Pride Parade/ Rally. Furthermore, we should ask ourselves if we want to live in a society where Sinnott could force Plaintiff to remove his religious covering, and have him arrested in the Court room. Surely this signals unlimited First Amendment Rights for hate groups and the shredding of the First Amendment for those protesting hate groups. Sinnott’s unconstitutional conduct went up to the Supreme Judicial Court, but was his supposed “slap on the wrist” for going against his judicial oath enough? And for *what* did he betray his oath? So that he could show his support of the hate-group Super Happy Fun America over the US Constitution? Such a judge remaining on the bench is akin to the Massachusetts Courts collectively deciding to promote an army of Circus Clowns dressed in KKK robes to decide the fate of the Massachusetts criminal justice system. It is absurd at best— despicable at worst.

Boston’s Mayor, Michelle Wu recently spoke at a press conference about Boston’s white supremacist problem, saying, “Boston must be the leading light.” By this, she seemed to mean that Boston must lead the way in putting a stop to this

white supremacist animus. On this point, it would appear that she and the Plaintiff are in agreement. Sadly, because of the continuing torts and outright crimes by the Boston Police Department, we must ask ourselves if this was just lip-service. We must also ask ourselves whether the City of Boston has actually created a safe environment for the conduct of our Commonwealth's affairs or whether it has permitted bad actors in uniform and on the bench to run cover for, and team up with hate-groups to violently assault, batter, and deprive Plaintiff (and others) of their civil rights with impunity.

The Commonwealth of Massachusetts and The Congress of the United States have enacted The "Massachusetts Tort Claims Act" and the "The Federal Tort Claims Act, and the "The Klu Klux Klan Act of 1871," 42 U.S.C. §1983, respectively, to provide relief for these exact situations. Accordingly, the Plaintiff brings this action seeking compensatory, nominal, punitive damages, and injunctive relief against these Defendants to correct those wrongs and to make Plaintiff whole again.

### **PARTIES**

2. Plaintiff, RODERICK WEBBER, ("WEBBER"), Box 365., Holbrook MA, 02343.

3. Defendant, BOSTON POLICE DEPARTMENT, ("BPD"), One

Schroeder Plaza. Roxbury Crossing, MA 02120

4. Defendant, THE CITY OF BOSTON, Massachusetts, 1 City Hall Square #500, Boston, MA 02201

5. Defendant, MAYOR MARTY WALSH, (individually, and officially as Mayor of Boston/ employee of The City of Boston).

6. Defendant, MICHAEL C. HARRINGTON, (“HARRINGTON”), (individually, and officially as an officer of Boston Police Department/ employee of The City of Boston).

7. OFFICER KENNETH FONG, (individually, and officially as an officer of Boston Police Department/ employee of The City of Boston).

8. OFFICER RYAN DANIEL O’LEARY, (individually, and officially as an officer of Boston Police Department/ employee of The City of Boston).

9. OFFICER JAMES WALSH, (individually, and officially as an officer of Boston Police Department/ employee of The City of Boston).

10. OFFICER JOHN DANILECKI, (individually, and officially as an officer of Boston Police Department/ employee of The City of Boston).

11. JOHN DOE 1, (individually, and officially as an officer of Boston Police Department/ employee of The City of Boston. This person’s name is unknown at this time).

12. JOHN DOE 2, (individually, and officially as a bailiff at the Boston Municipal Court/ employee of The City of Boston. This person’s name is unknown

at this time).

13. JOHN DOE 3, (individually, and officially as a bailiff at the Boston Municipal Court/ employee of The City of Boston. This person's name is unknown at this time).

14. JOHN DOE 4, (individually, and officially as a bailiff at the Boston Municipal Court/ employee of The City of Boston. This person's name is unknown at this time).

15. JANE DOE 1, (individually, and officially as a bailiff at the Boston Municipal Court/ employee of The City of Boston. This person's name is unknown at this time).

16. JUDGE RICHARD SINNOTT, (individually, and officially as a Judge in the Boston Municipal Court/ employee of The City of Boston).

17. BOSTON MUNICIPAL COURT, 24 New Chardon St, Boston, MA  
02114

17.5 COMMONWEALTH OF MASSACHUSETTS

**FEDERAL JURISDICTION AND VENUE**

18. These incidents took place in Boston Massachusetts, which falls under the jurisdiction of The United States District Court, District of Massachusetts. Matters of Constitutional Law are at stake. Accordingly, this court has the authority to pursue these claims.

**FACTS**

19. On August 31, 2019, Plaintiff Roderick Webber, (professionally known as Rod Webber), attended Super Happy Fun America's "Straight Pride" March/ Rally to document it for his documentary, "The Oppressed Majority," which follows the fascist activities of the group and its members going back to 2017.

20. In the weeks leading up to the commencement of the Rally/ Parade, Plaintiff contacted the offices of DEFENDANT MAYOR MARTY WALSH on numerous occasions to alert the Mayor to the dangerous and terroristic activities that Super Happy Fun America had been engaging in. Plaintiff hoped that in doing so that Walsh would deny or rescind Super Happy Fun America's permit to march/ rally on this basis.

21. As Super Happy Fun America's rally was winding down on August 31, members of BOSTON POLICE DEPARTMENT, started indiscriminately pepper-spraying and macing those who were protesting Super Happy Fun America. This set in motion what many have described as a "police riot."

22. The Plaintiff moved up Congress Street, and along with his friend, creative partner, and camera operator Vermin Supreme, the both of them told jokes to the crowd to lighten the mood. ("Vermin Supreme" is his full legal name, not a pseudonym.)

23. Regarding these events, DEFENDANT OFFICER MICHAEL C. HARRINGTON submitted a Police Report which claims that DEFENDANT



CAPTAIN KENNETH FONG was giving orders to the BPD Bicycle Unit around this time, and that HARRINGTON was concerned about “people with megaphones” who were “agitating the crowd with speech.” The report continued that Plaintiff, “had a megaphone and had been inciting the crowd.” Plaintiff did have a megaphone, but HARRINGTON’s claim that Plaintiff was “inciting the crowd” will be shown to be demonstrably false through video evidence.

24. Near the site of The Boston Massacre, Plaintiff noticed that BPD had formed a line, or what’s commonly known as a “kettle.” Plaintiff calmly walked to the line of Boston Police Officers, and using his megaphone asked BPD if they had given a “dispersal order,” and if so, Plaintiff could share that information with the crowd so things would go peacefully. As Plaintiff was doing so, BPD broke formation and charged at the crowd without warning. Plaintiff went calmly up on the sidewalk, making sure not to run.

25. As can be seen in video evidence, Plaintiff was singled out, and grabbed from behind by Defendant, HARRINGTON. HARRINGTON forced Plaintiff to the ground with the help of OFFICER RYAN DANIEL O’LEARY, OFFICER JAMES WALSH and JOHN DOE 1, (also a police officer). At this point, Plaintiff suffered a severe injury to his right leg.

26. Plaintiff screamed out several times that he was in pain and he couldn’t use his leg. Plaintiff called out to Vermin Supreme. Vermin can be heard on video using his megaphone saying, “Rod, Rod Webber.” Switching his attention

to BPD, Vermin says, “ let him go— please let that man go. Not cool. Gentle. Be gentle with this man. No pain compliance is necessary.” Plaintiff shouts, “my leg! My leg!” Vermin now shouting says, “He is not resisting! The man is not resisting!” Plaintiff shouts, “My leg! My fucking leg!” Vermin shouts, “You hurt his leg! Hold on!” Plaintiff shouts, “Goddamit! Fucking Goddamit! Fuck! Goddamit!” All throughout this interaction, Defendant Police Officers can be seen manhandling Plaintiff, indifferent to his screams of pain, and worse still, contributing to them.

27. DEFENDANT OFFICER JOHN DANILECKI of the Police Bicycle Unit then began working to give cover for the crimes of HARRINGTON, O’LEARY, WALSH, and JOHN DOE 1 as they abused Plaintiff. DANILECKI shouted repeatedly to Vermin Supreme and other journalists such as Ford Fischer of News2Share, “Move back or we will deploy mace.”

28. Plaintiff was lead to the Police Transport Vehicle hobbling in agony and taken on a “rough ride” with the other attendees in the back of the vehicle. The Police Transport Vehicle at one point slammed on the brakes and one protester, Josh Abrams was sent flying and falling to the floor of the van. His hands were in handcuffs and he began screaming that he fell on his wrists and he thought they were broken.

29. Plaintiff was charged with “disorderly person” and resisting arrest, and yet, Plaintiff was neither disorderly, nor did he resist.

30. When Plaintiff arrived in the hallway of the Court Tuesday, (September 3, 2019), Chris Basso of Erkan Law offered to represent Plaintiff, and Plaintiff agreed to let Basso represent him in this matter.

31. When it was time to go into the Court, Plaintiff asserted his first-amendment right to wear a religious covering. The bailiff (JANE DOE 1) asked him to take it off. Plaintiff told her it was his first amendment right to wear a religious covering on his. She refused to let Plaintiff enter, and Plaintiff was told to wait until he was called in.

32. After waiting in the hallway for hours, Plaintiff went to use the bathroom, and DEFENDANT JUDGE RICHARD SINNOTT decided to call Plaintiff at that time.

33. Plaintiff entered the Court with the religious covering and was again told to take it off. Plaintiff again asserted his First Amendment right to wear the covering, and Plaintiff was again told to wait in the hall.

34. Plaintiff sat for about 5 minutes, when a total of four bailiffs (JOHN DOE 1, JOHN DOE 2, JOHN DOE 3 AND JANE DOE1) came out and arrested Plaintiff and removed Plaintiff's religious covering. Plaintiff was taken into lock-up in the basement where he was falsely imprisoned without his First Amendment protected religious covering and made to wait for an egregiously long period of time.

35. Finally, Plaintiff was dragged into the courtroom and photographed

without his First Amendment protected religious covering by numerous media outlets which distributed these images around the web.

36. The District Attorney, Rachael Rollins asked SINNOTT to Nolle Pros the case, but SINNOTT refused, and bail was set at \$750, which was five times what it should've been.

37. An emergency appeal was made to the Supreme Judicial Court.

38. All of Plaintiff's charges were dropped, and SINNOTT was supposedly ordered to be "investigated."

39. Plaintiff lost his employment because of the arrests, court dates and media coverage.

### RELIEF

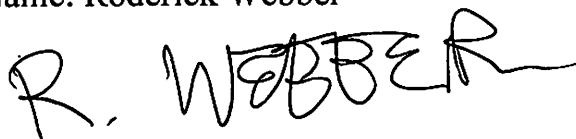
Prayer for Relief.

On all claims Plaintiff seeks, compensatory, nominal, punitive and enhanced compensatory damages of \$900,000 and any other relief court may deem proper and just.

Jury is Requested

Name: Roderick Webber

Date: August 30, 2022

A handwritten signature in black ink that reads "R. WEBBER". The signature is written in a cursive style with a large, stylized "R" and "W".

Signed:

Address: Box 365 Holbrook, MA 02343