

**FILED**

Jun 07 2024

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY sf STN DEPUTY

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4

5 Pro se

6 **IN THE UNITED STATES DISTRICT COURT FOR**  
7 **THE SOUTHERN DISTRICT OF CALIFORNIA**  
8

9 OLIVER D. SMITH

10 Plaintiff(s),

11 vs.

13 STEVE SAILER

14 Defendant(s).  
15  
16  
17

) Case No. '24CV1012 AGS AHG

) **COMPLAINT**

) **Jury Trial: No**

18 **PLAINTIFF, DEFENDANT, VENUE and JURISDICTION**

19 1. Plaintiff Oliver D. Smith (Oliver Dean Smith) ("ODS") is pro se and resides in England.

20  
21 Address: 7 Aldenham Road, Radlett, Hertfordshire, WD7 8AU, England.

22 Email: oliveratlantis@gmail.com. Phone: + 44 07769176821  
23

24  
25 2. Defendant Steve Sailer resides in California, US.

26  
27 Address: 12515 Landale Street, North Hollywood, CA 91604.

28 Email: steveslr@aol.com. Phone: ?

1 3. Venue is appropriate in the Southern District of California.

2  
3 4. Jurisdiction pursuant to 28 U.S.C. § 1332.

4  
5 **FACTS**

6 5. On 7 July 2023, Manhattan Institute for Policy Research (“MIPR”) in *City Journal* published  
7 an article about ODS.<sup>1</sup> On 17 July 2023, ODS filed a libel lawsuit against MIPR for publishing  
8 the article: *Smith v. Manhattan Institute for Policy Research*, 1:23-cv-06143-LGS (S.D.N.Y).

9  
10 6. MIPR entirely retracted and deleted the article on 19 July 2023.<sup>2</sup> ODS reached an out of court  
11 settlement with MIPR (which remains confidential) and thus voluntarily dismissed his lawsuit.

12  
13 7. On the same day the article was removed by MIPR, Steve Sailer (on 19 July 2023), copied a  
14 sizable segment of text from the article to two separate websites: VDARE.com and Unz.com.<sup>3</sup>

15 <sup>4</sup> He also linked to the original article (albeit with a broken URL) and repeated the article title.

16  
17 8. After Sailer realized on the same day (19 July 2023) the article had been deleted by MIPR for  
18 legal reasons he posted a webpage capture URL of the deleted page on his Twitter (X) account.<sup>5</sup>

19  
20 9. ODS took legal action against the website hosting the webpage capture and they deleted it. The  
21 current URL therefore states: “This URL has been excluded from the Wayback Machine.”<sup>6</sup>

22  
23 <sup>1</sup> <https://www.city-journal.org/article/an-online-campaign-against-intelligence-research/>

24 <sup>2</sup> A webpage capture shows the article was deleted on 19 July 2023 (Exhibit #1).

25 <sup>3</sup> <https://vdare.com/posts/steve-sailer-oliver-d-smith-of-crackpotwiki/> (Exhibit #2).

26 <sup>4</sup> <https://www.unz.com/isteve/oliver-d-smith-of-crackpotwiki/> (Exhibit #3).

27 <sup>5</sup> [https://x.com/Steve\\_Sailer/status/1681794760925941761](https://x.com/Steve_Sailer/status/1681794760925941761) (Exhibit #4)

28 <sup>6</sup> <https://web.archive.org/web/20230708005720/https://www.city-journal.org/article/an-online-campaign-against-intelligence-research>

1 10. After releasing the webpage capture was deleted, Sailer a few months later (4 September 2024)  
2 reposted a link to a very similar article that rephrased the same text on his Twitter (X) account.<sup>7</sup>  
3

4 11. The website Sailer linked to was NewsBreak.com. ODS took legal action against this site; the  
5 article was retracted and deleted on 9 September 2023.<sup>8</sup> However, a webpage capture remains.  
6

7 12. On 9 September 2023, Sailer, and a pseudonymous follower of his (named “higoomara2758”)  
8 on Twitter (X) posted a URL to a webpage capture of the second retracted and deleted article.<sup>9</sup>  
9

10 13. Sailer and his followers stopped posting links to these webpage capture(s) on social media after  
11 users on Twitter told him on 9 September 2023 he could be sued for defamation, for example,  
12 one user (named “LookyL002”) remarked: “Looks like Steve Sailer wants to be sued too.”<sup>10</sup>  
13

14 **STATEMENT OF CLAIM**

15  
16 14. ODS’ claim against Steve Sailer is for defamation. The defamatory per se statements in the  
17 article(s) he published on VDARE.com and Unz.com (which were copied from the retracted  
18 and deleted *City Journal* article) include: “The Cancel-Culture Troll with a Neo-Nazi Past”,  
19 and “Smith completed his journey from one end of the ideological continuum to the other”.

20  
21 15. ODS has never been a neo-Nazi nor does he support “cancel culture”. It is further incorrect to  
22 claim that ODS shifted his politics from far-right to far-left (or “from one end... to the other”)  
23 when he has criticised far-right and far-left politics; he has nothing to do with either extremes.

24  
25 <sup>7</sup> [https://x.com/Steve\\_Sailer/status/1698819417520673023](https://x.com/Steve_Sailer/status/1698819417520673023) (Exhibit #5)

26 <sup>8</sup> <https://original.newsbreak.com/@deny-smith-1710961/3144560761184-a-former-neo-nazi-wages-an-online-war>

27 <sup>9</sup> <https://x.com/higoomara2758/status/1700489547895701903>

28 <sup>10</sup> <https://x.com/LookyL002/status/1698834566775980367>

1 16. There are additionally defamatory per quod statements. These include the false claim ODS has  
2 led a “campaign” against academics resulting in “devastating professional consequences” and  
3 is “targeting” an entire “academic field”. These claims are absurd and completely unfounded.  
4

5 17. ODS with reason, maintains that Sailer acted with malice when he reposted a webpage capture  
6 of the deleted article. Despite knowing the *City Journal* article was retracted and deleted for  
7 legal reasons (libel), he posted a link to a webpage capture to further defame and harass ODS.  
8

9 18. The second article published by NewsBreak.com is chock-full of defamatory pe se statements  
10 about ODS including baseless claims ODS was a “former neo-Nazi” and “active member of  
11 neo-Nazi online communities.” In reality, ODS has never been a “member” of Nazi websites.  
12

13 19. ODS argues Sailer’s linking of a webpage capture of the NewsBreak article on social media  
14 was done with malice; Sailer knew the article was deleted and ODS got the article deleted by  
15 sending a legal complaint. Despite the second article was deleted - Sailer and his followers on  
16 19 September 2023, posted URLs on Twitter of the article to further torment and defame ODS.  
17

18 20. Sailer appears hell-bent on harming ODS’ reputation; he has also incited his followers on social  
19 media (namely Twitter a.k.a. X) and in blog comments on Unz.com to attack and vilify ODS.  
20

21 21. Plaintiff is aware of the single-publication rule (California Civil Code §3425.3) but points out  
22 that this does not apply if republication was directed to a new, different audience. The articles  
23 which copied the title and a sizable amount of text from the retracted *City Journal* article Sailer  
24 published on the separate websites VDARE.com and Unz.com – were to a different audience.  
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26 22. Sailer has continued to harass the Plaintiff and has not deleted any of his articles or tweets. In  
27 November and October 2023, ODS sent letters of complaint to VDARE but both were ignored.  
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**REMEDY OR RELIEF SOUGHT**

23. \$250,000 compensatory damages for harm to reputation and emotional distress.

24. \$1,000,000 punitive damages since Sailer acted with malice.


**PLAINIFF'S CERTIFICATION AND WARNINGS**

25. By signing below, plaintiff certifies to the best of his knowledge, information, and belief: the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); the claims are supported by existing law or by a nonfrivolous argument to change existing law; the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11. Finally, the Plaintiff, declares under penalty of perjury – that the aforementioned is true and correct – to the best of his knowledge.

26. ODS understands failure to keep a current address on file with the Clerk's Office may result in dismissal of this case. The address he has provided is correct and it is where he currently lives.

27. Plaintiff is non-prisoner and consents to receiving documents electronically.

Dated: 01.06.2024 (June 1, 2024)

  
\_\_\_\_\_  
Oliver D. Smith  
Pro se.