

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Case No.

Plaintiff,
Oliver D. Smith

Against

Defendant,
Manhattan Institute for Policy Research

COMPLAINT

Jury Trial: No

Pro se Plaintiff, Defendant, Venue and Jurisdiction

1.

Plaintiff Oliver D. Smith (“ODS”) resides in Hertfordshire, England. He was born April 22, 1990. ODS is unemployed but has work experience in museums and archives; he makes a small amount of money as a freelance writer. He holds undergraduate and postgraduate qualifications in classics.

Plaintiff’s address: 7 Aldenham Road, Radlett, Hertfordshire, WD7 8AU, England.

Email: oliveratlantis@gmail.com Phone: +44 07769-176821

2.

Defendant Manhattan Institute for Policy Research (“MIPR”) is the publisher of *City Journal*. Its headquarters are in New York, US. MIPR is a non-profit public policy think-tank founded in 1978.

Defendant’s address: 52 Vanderbilt Ave, New York, NY 10017, USA

Email: communications@manhattan.institute Phone: +1 212-599-700

3.

Venue is appropriate in the Southern District of New York.

4.

Jurisdiction pursuant to 28 U.S.C. § 1332.

Statement of Claim

5.

On July 7, 2023, David Zimmerman in *City Journal* published a defamatory article about ODS. The article is titled: “The Cancel-Culture Troll with a Neo-Nazi Past” (city-journal.org/article/an-online-campaign-against-intelligence-research). ODS emailed the publisher, MIPR, about a right to reply on July 8, 2023, but was repeatedly ignored and to date he has not received any response. Zimmerman is a suspected fake name (pseudonym) whose only article contribution to *City Journal* is the defamatory article about ODS. Zimmerman’s profile on the *City Journal* website links to an MIPR email communications@manhattan.institute see city-journal.org/person/david-zimmerman.

6.

City Journal have denied ODS a right to reply to correct dozens of untrue claims and statements in the article, many written with malice. They have also been unresponsive to emails sent by ODS.

7.

The article was posted on the main *City Journal* website and linked on their Twitter and Facebook accounts. This has maximised the harm to ODS’ reputation since the article has been clicked on and shared thousands of times on social media. For example, one Twitter user (@monitoringbias)

who retweeted the article had gained more than 460,000 views in 24 hours. *City Journal* continued to link to the same defamatory article about ODS on their Twitter a week after the publication date.

Facts

8.

ODS began to receive unsolicited threatening messages on Twitter a few months prior to the article publication. These included (April 22, 2023): “We are coming for you. You will be exposed very soon. And your life will never be the same” by Twitter account @npc_account1289 and abuse on an account trolling ODS using his first name @oliver_schizo (the latter was suspended by Twitter).

9.

The threats by May-June escalated into blackmail. ODS received sinister communication from the account @watch_cancel on Twitter (June 17, 2023) telling him if he did not delete certain article entries on RationalWiki (rationalwiki.org) his life would be ruined by a “massively embarrassing article with millions of readers”. The individuals with entries @watch_cancel mentioned by name were Emil Kirkegaard, Noah Carl, Emily Willoughby, and Bo Winegard. ODS has further received an abusive email from the owner of @watch_cancel’s account (cancel.watch.account@proton.me) who wrote ODS has no “meaningful life”, a “pathetic existence”, and has “chosen a darker path”.

10.

ODS was formerly an administrator (sysop) on RationalWiki but lost his admin rights in 2019; he is not now an admin and has no ability to delete articles/content on RationalWiki. ODS made this clear to @watch_cancel (before blocking and reporting their account). The fact ODS is no longer an admin (sysop) is verifiable by statements moderators on RationalWiki have made. ODS advised

@watch_cancel if they wanted content on RationalWiki removed, they should sign up an account and leave a comment on a talk page, or alternatively send an email to legal@rationalwiki.org. The account @watch_cancel had disregarded ODS's reply; and continues to make threats against him.

11.

ODS on June 27, 2023, reported the threats he received online as malicious communications to the Hertfordshire Constabulary. On July 7, 2023, ODS's report was provided a crime reference number and also assigned to a police officer for criminal investigation (Victim Service Team, Hertfordshire Constabulary [HQ], Stanborough Road, Welwyn Garden City, Hertfordshire, AL8 6XF, England).

12.

On July 7, 2023, *City Journal* published an online defamatory article about ODS. The article links to an archived webpage of a blog post about ODS owned by @watch_cancel (archive.ph/HsK6u). The blog is cancelwatch.substack.com. *City Journal* linked to the article on social media accounts.

13.

The article contains dozens of false claims and statements about ODS, many written with malice. These include the statement ODS is politically now "far-left" and supports left-wing extremism or "fanaticism". Although asserted in the article, no evidence whatsoever is provided to substantiate this lie – ODS is not and has never been far-left politically and he is critical of far-left extremism.

14.

The article describes ODS as a "cancel culture troll" in the title and a supporter of cancel-culture in the opening paragraph. This is outright false. The article goes on to claim ODS has cancelled academics such as getting them "fired" from their jobs (Noah Carl, Bo Winegard) and losing them

awards (Emily Willoughby). These claims are unsubstantiated and categorically untrue. In fact, it is somewhat misleading to say Winegard was fired – his contract with employer was not renewed. ODS has never contacted Carl’s or Winegard’s employer nor had anything to do with Willoughby’s Landzendorf prize being “revoked” but despite this, the article falsely claims ODS is responsible.

15.

The article claims ODS denied the Holocaust in 2006 and was formerly a neo-Nazi in the 2000s who posted on the far-right/racist internet forum Stormfront. The sources for these claims are either spurious (i.e., quoting comments ODS has not written) or are taken out of context and half-truths. While it is true ODS posted on Stormfront when he was a teenager in 2008 and flirted with white nationalism (a viewpoint he has not held in over a decade and has renounced) – the article omits he was not a forum member but a guest poster, furthermore, he was later confined to the “opposing views” section of the forum for arguing against neo-Nazism. For example, in one forum guest post ODS wrote: “I have encountered... ignorant Nazis in nearly [sic] every thread”, “I despise Hitler” as well as “I am an anti-Nazi as I lost (British) relatives during WW2” (post dated 23-12-2008, 06:44 PM). The *City Journal* article dishonestly omits these comments and uses selective quotes.

16.

The article is a harmful fictitious biography of ODS; he has never been a neo-Nazi nor is far-left.

17.

The article contains an inaccurate digital footprint of ODS to misrepresent his internet activity. Contrary to the misinformation in the article, ODS did not create either Emily Willoughby’s or Bo Winegard’s RationalWiki articles (ODS created a draft article of the latter under a separate name,

while he wasn't involved with Willoughby's page creation). The account that created Willoughby's article has dozens of edits on vitamin and mineral supplements and dieting. ODS has never edited RationalWiki about these topics. The *City Journal* author put little, to no effort, into fact checking and instead relies on dubious and made-up claims about ODS (on the cancelwatch.substack.com).

18.

The article mentions ODS was a defendant in a libel lawsuit filed against him by Emil Kirkegaard but with malice does not point out ODS won the lawsuit in the High Court of Justice in England (Kirkegaard lost the preliminary judgment and discontinued after ODS had applied for summary judgment); readers of the article may wrongly think because of this omitted detail, that ODS lost when in reality, he successfully defended all his posts complained of as honest opinion; none were defamatory under the Defamation Act 2013. Kirkegaard was ordered to pay 84% of ODS's costs.

19.

ODS disputes accuracy of many other statements or claims about him in article but was not given a right to reply to publish refutations and corrections. Had he been granted a right to reply by *City Journal*, he would not have had to take legal action against Manhattan Institute of Policy Research. ODS considers *City Journal* to have acted inappropriately by not following a journalistic standard.

20.

On July 10, 2023, ODS reported *City Journal* to its web host Amazon Web Services for harassment including comments on the defamatory article, doxxing and threatening his family members. These comments were deleted, and the comments section closed soon after ODS's abuse report was sent. ODS (and his family) continues to be blackmailed, threatened, and harassed because of the article.

Remedy or Relief Sought

21.

\$250,000 compensatory damages for emotional distress caused as well as punitive damages.

22.

Deletion of the article from *City Journal's* website and any hyperlinks on social media.

Plaintiff's Certification and Warnings

23.

By signing below, plaintiff certifies to the best of his knowledge, information, and belief that:

- 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; (3) 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.

ODS agrees to notify the Clerk's Office of any changes to his mailing address. He understands that failure to keep a current address on file with the Clerk's Office may result in dismissal of the case.

24.

Plaintiff is pro se (non-prisoner) and consents to receiving documents electronically.

25.

Dated: 15/07/2023.

/s/Oliver D. Smith.