

4/2/90

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON
2 FOR THE COUNTY OF MULTNOMAH

3 ENGEDAW BERHANU, Personal)
4 Representative of the estate)
of Mulugeta Seraw, deceased.)
5 Plaintiff,)
6 v.)
7 TOM METZGER, individually and as)
8 president of the White Aryan)
9 Resistance; WHITE ARYAN)
10 RESISTANCE, an unincorporated)
association; JOHN METZGER;)
11 KENNETH MIESKE; and KYLE BREWSTER,)
Defendants.)

Case No. A8911-07007

AMENDED COMPLAINT
FOR WRONGFUL DEATH

12 Plaintiff alleges:

13 COUNT I

14 Wrongful Death - Intentional Acts

15 1.

16 Engedaw Berhanu has been duly appointed by the Multnomah
17 County Circuit Court to be personal representative of the Estate of
18 Mulugeta Seraw, deceased. Mulugeta Seraw was a resident of
19 Multnomah County, State of Oregon. Berhanu is a resident of the
20 State of California.

21 2.

22 Defendants Tom Metzger and John Metzger are white residents
23 and citizens of the State of California. Defendant White Aryan
24 Resistance (hereinafter WAR) is an unincorporated association with
25 its principal place of business in San Diego County, California.
26 Defendants Tom and John Metzger, and WAR, are hereinafter referred

1 to as the California defendants.

2 3.

3 WAR is an organization dedicated to the supremacy of the
4 white race. Membership in WAR is limited to white persons of
5 non-Jewish ancestry. WAR seeks to achieve the goal of a white
6 supremacist revolution through the use of violence and intimidation
7 against black citizens and others who disagree with WAR's racist
8 aims. Defendant Tom Metzger is the founder and president of WAR.

9 4.

10 The White Student Union, also known at various times
11 material to this complaint as the Aryan Youth Movement, War Youth,
12 and the WAR Skins, is the youth recruitment arm of WAR. Defendants
13 John Metzger, under the direction of his father, Tom Metzger, serves
14 as its president.

15 5.

16 Defendants Mieske and Brewster were at all times pertinent
17 citizens and residents of Multnomah County, State of Oregon, and are
18 hereinafter referred to as the Oregon defendants.

19 6.

20 In 1988, the California defendants established
21 communications with members of East Side White Pride, a skinhead
22 group in Portland, Oregon. The California defendants' purpose was
23 to recruit East Side White Pride into the WAR movement, and to
24 establish the East Side White Pride group as a violent action agency
25 of WAR. At all times pertinent, the membership of East Side White
26 Pride included defendants Mieske and Brewster.

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7.

Commencing in approximately October, 1988, John Metzger, acting on behalf of the California defendants, contacted Mieske and East Side White Pride for the purpose of recruiting East Side White Pride into the WAR organization. Consistent with the California defendants' goal of organizing and guiding skinhead groups in cities across the United States, the California defendants sent their agents, Dave Mazella, Mike Gagnon and Michael Barrett to Portland for the purpose of encouraging and rendering substantial assistance to East Side White Pride so that East Side White Pride would pursue white supremacist goals through violent means.

8.

In the course of organizing and guiding East Side White Pride, the California defendants, individually and through their aforementioned agents, provided members of East Side White Pride, including the Oregon defendants, with racist materials to indoctrinate them with racist white supremacist goals. The materials incited violence against blacks and Jews, specifically encouraging skinheads, and the Oregon defendants in particular, to use baseball bats and steel-toed boots as weapons against blacks and Jews.

9.

On November 12, 1988, Mazella and Barrett, agents of the California defendants, and the members of East Side White Pride, including the Oregon defendants, held a regularly scheduled organizational meeting in Portland. At that meeting, said agents of

1 the California defendants, in accordance with the directions of the
2 California defendants, encouraged members of East Side White Pride
3 to commit violent acts against blacks in order to promote white
4 supremacy.

5 10.

6 During the early morning of November 13, 1988, the Oregon
7 defendants spotted a black man, Mulugeta Seraw, standing outside an
8 automobile talking to two black companions in southeast Portland,
9 Multnomah County, State of Oregon. Encouraged and incited by the
10 California defendants, acting on their own behalf and on behalf of
11 the California defendants, the Oregon defendants conspired to
12 inflict serious bodily harm upon Seraw and his companions because of
13 their race.

14 11.

15 In furtherance of their conspiracy, defendant Brewster
16 struck Seraw repeatedly with his fists. Simultaneously, defendant
17 Mieske, wielding a baseball bat broke a tail light and a window in
18 the vehicle in which one of Seraw's companions was still seated,
19 placing Seraw and his companions in fear of immediate serious bodily
20 harm.

21 12.

22 The Oregon defendants intentionally and savagely struck and
23 kicked Seraw and his companions, using their fists, a baseball bat,
24 steel-toed boots, and other weapons.

25 13.

26 The actions of the Oregon defendants were taken against

1 Seraw with racial animus, and with the encouragement and substantial
2 assistance of the California defendants.

3 14.

4 As a direct result of the actions of the defendants, and
5 each of them, Seraw endured great mental and physical conscious pain
6 and suffering, and died. Seraw is survived by his son, Henock Seraw
7 and his father, Seraw Tikuneh. Seraw's estate has incurred
8 reasonable and necessary medical, hospital, funeral and burial
9 expenses, and has sustained pecuniary loss in an amount to be
10 determined at trial. Seraw's statutory heirs have suffered the loss
11 of Seraw's society, companionship and services. Seraw's estate and
12 his statutory heirs are entitled to general damages in an amount to
13 be determined at the time of trial.

14 15.

15 The actions of the defendants, and each of them, were
16 wanton and were done with an utter disregard of defendants' societal
17 obligations. Plaintiff's estate and his statutory heirs are
18 entitled to recover punitive damages in the sum of \$10 million.

19 COUNT II

20 Wrongful Death - Reckless Acts

21 16.

22 Plaintiff realleges and incorporates herein as though set
23 forth in full paragraphs 1 through 15 above.

24 17.

25 The actions of the California defendants were grossly
26 negligent and reckless in one or more of the following particulars:

1 who were likely to encourage the Oregon defendant to commit crimes
2 of violence and racism.

3 COUNT IV

4 Racial Intimidation (ORS 30.190)

5 20.

6 Plaintiff reincorporates and realleges herein as though set
7 forth in full paragraphs 1 through 15 and 17 above.

8 WHEREFORE, plaintiff prays for judgment against the
9 defendants, and each of them, for general and pecuniary damages in
10 an amount to be determined at trial, for punitive damages in the sum
11 of \$10 million, for reasonable and necessary attorney fees incurred
12 herein, for costs and disbursements necessarily incurred herein, and
13 for such other and further relief as the Court may deem appropriate.

14 DATED this 2nd day of April, 1990.

15
16 ROSENTHAL & GREENE, P.C.

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