



DEFENDJ20 RESISTANCE PRESS KIT

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BACKGROUND

Washington, DC -- On January 20, 2017, (J20), 230 people were mass arrested during an anticapitalist and antifascist march against Donald Trump's Inauguration. Despite never giving a dispersal order, DC police surrounded the protest at the intersection of 12th and L streets, using a technique known as "kettling" to indiscriminately arrest protestors, legal observers, medics, journalists, and others. 214 of these arrestees were charged under the Federal Riot Statute, and on April 27, 2017, a superseding indictment was issued, charging each of these arrestees with multiple additional felonies, such as conspiracy to riot.

The 214 defendants were separated into "trial blocks" consisting of 4-8 defendants each, and the first trial block commenced on November 15, 2017. On December 21, the six defendants of the first trial block were acquitted on all 42 charges. On January 18, 2018, the US Attorney's Office dismissed charges "without prejudice" against an additional 129 defendants. After one of the remaining defendants took a plea deal to one count of misdemeanor riot in early May of 2018, 58 people are still being prosecuted with multiple felonies and face up to 60 years in prison each.

The repression of dissent against Trump has been rife in this case, from the "kettling" and use of stinger grenades and batons against protesters, legal observers, medics, journalists and others in the streets on J20, to clear prosecutorial overreach with subpoenas and search warrants for electronic data. This case could have many implications for political resistance in the future, as the prosecution is attempting to establish a case for sweeping conspiracy allegations based on clothing, chanting, and participation in the same type of organizing infrastructure that goes into any march or protest.

More than 130 of the original defendants signed on to "Points of Unity" to affirm commitment to fighting back against these politically motivated charges. The remaining defendants are investing in collective legal strategies when possible and are being supported by social movements around the world.

PENDING LAWSUITS AGAINST DC POLICE:

Partnership for Civil Justice Fund FOIA Lawsuit Seeking Police Records and Communications with Law Enforcement Agencies Related to Inauguration Day Arrests
http://www.justiceonline.org/wtop_lawsuit_dc_police_withholding_reports_on_protest_response

Class action lawsuit alleging false arrest, violation of the First Amendment Assemblies Act, and other violations
<https://www.unicornriot.ninja/wp-content/uploads/2018/01/Complaint-PACER.pdf>

The ACLU adds 10-year old boy who was pepper sprayed at the Inauguration day protests to its lawsuit against the MPD
<https://www.acludc.org/en/news/aclu-dc-names-27-dc-police-officers-and-adds-10-year-old-boy-plaintiff-inauguration-day-0>

LEGAL DOCUMENTS

Original Charging Document: Jan 21, 2017
<http://defendj20resistance.org/img/blog/338080575-engel-evan-gerstein-jan-2017-pdf>

Superseding Indictment: April 27, 2017
http://defendj20resistance.org/img/blog/J20_Superseding_Indictment.pdf

Protective Order for Cell Phone Data: August 2, 2017
<http://defendj20resistance.org/img/blog/08022017-Protective-Order-re-Cell-Phone-Data.pdf>

Denial of Motion to Dismiss: September 14, 2017
http://defendj20resistance.org/img/blog/Order_Denying_J20_Motion_to_Dismiss.pdf

Order Compelling DreamHost to Supply Govt with Communications from DisruptJ20.org: October 10, 2017
<http://defendj20resistance.org/img/blog/finalorderregardingsearchofdreamhostfiles.pdf>

Ruling Downgrading 2 of the Felony Charges to Misdemeanors: November 1, 2017
http://defendj20resistance.org/img/blog/Order_Reduction_Charges_11-1-17.pdf

Updated Protective Order for Discovery Materials: November 13, 2017
http://defendj20resistance.org/img/blog/11-13-17-Updated_Protective_Order.pdf

Charges Reduced for December 11 Defendants to 3 Misdemeanors: November 13, 2017
<http://defendj20resistance.org/2017/11/14/charges-reduced-for-7-defendants.html>

Govt's Notice of Intent to Proceed: January 19, 2018
<https://www.unicornriot.ninja/wp-content/uploads/2018/01/Notice-of-Intent-FINAL-riot.pdf>

Notice of Intent to Admit Expert Testimony: April 27 2018
https://dl.airtable.com/ETQOarTQgiX4vclJ-dWk9_20180427%20June11ExpertNotice.pdf

2017

1 January 20 - 230 people mass arrested at an anti-capitalist and anti-fascist march against Donald Trump's inauguration.

2 January 21 - Arrestees charged with one count of "felony rioting" and are released from court after being held for up to 36 hours.

3 Early February - Investigators begin hacking seized cellphones for evidence of "rioting", Facebook, and Apple iCloud accounts are subpoenaed.

4 February 8 - A Grand Jury returns an indictment blanket charging the majority of those arrested with felony rioting charges.

5 Late February - The Office of Police Complaints issues a report raising questions about police conduct on Inauguration Day, especially criticizing the mass arrest and lack of warning before the arrests happened.

6 February 13 - The Metropolitan Police Department (MPD) raids the home of an activist alleged to be involved with DisruptJ20, the name affiliated with multiple events organized for Inauguration Day.

7 April 27 - A Grand Jury returns a superseding indictment charging 254 with a minimum of 8 felonies each: rioting, conspiracy to riot, inciting a riot, and 5 counts of destruction of property. Around 100 are also charged with assault on an officer. The maximum prison sentence for conviction on all counts would be over 75 years.

8 June 20 - The ACLU of DC files a lawsuit alleging that the police wrongfully detained and used force against arrestees.

9 July 26 - Hearing held regarding many motions to dismiss the indictment. At the hearing, Judge Leibovitz throws out the assault on an officer charge, finding that the statute cited did not in fact exist as presented.

10 August 14 - The DoJ subpoenas web host Dreamhost for the IP addresses of 1.2 million visitors to DisruptJ20.org. After public outcry, the DOJ scales back its initial request. The court implements further restrictions on the request.

11 September 14 - Judge Leibovitz denies the defendants' motions to dismiss charges in the case.

12 October 1 - Beginning of new fiscal year for DC; funding becomes available for investigation into police misconduct. Mayor's Office of Police Complaints hires the Police Foundation to conduct an "independent" investigation. No report has yet been published.

13 Early October - Disclosures from FOIAs filed by Democracy in Action and the Real News Network show that MPD officers threw 74 Sting-Ball grenades and deployed weapons on at least 191 occasions on Inauguration Day.

14 November 1 - Judge Leibovitz issues a ruling reducing two of the eight felonies - "engaging in a riot" and "conspiracy to riot" - to misdemeanors. Engaging in a riot was always a misdemeanor charge in D.C. law, she clarified.

15 November 15 - Trial begins against the first 6 defendants. The government brings MPD commanders and officers who display bias and a plan to arrest from the beginning of the march. The lead detective is shown to support alt-right and racist accounts on social media.

16 December 20 - After two days of deliberations, a jury finds all 6 defendants not guilty on all counts. Jurors who spoke to the press indicate that they were not compelled by the government's conspiracy argument, and did not find similar dress or expression to be indicative of conspiracy.

17 January 19 - A class action lawsuit against the MPD is filed alleging false arrest, violation of the First Amendment Assemblies Act, and other violations.

18 January 19 - The Department of Justice dismisses cases against 129 of the remaining 188 defendants. They state that they plan to focus on a group of 59 defendants whom it claims it has a stronger case against. The indictment however, remains the same.

19 Partnership for Civil Justice Fund (PCJF) files a lawsuit after multiple FOIA requests to the MPD were not fulfilled. These requests were regarding their relationship to Project Veritas, the far-right vigilante group Oathkeepers, and other private entities providing information to police on protest organizing activities.

20 March 6 - The US Attorney's office files a notice saying that it plans to call an FBI agent who worked undercover to infiltrate the anarchist movement as an expert witness. They request that this expert's identity be concealed for her safety, even though she is no longer involved in active cases.

21 March 30 - Defense attorneys file motions to exclude the government's anonymous witness. Reasons cited included a lack of principle or method that would allow her testimony to be "expert", and the similarity of the expert's point of view and language used in the Government's indictment.

22 April 6 - Judge Morin denies the Government's witness, alias "Julie McMahon".

23 April 10 - The government requests a continuance for the two April trials, citing the denial of their previous expert witness. It is granted. In court filings, the government says that it needs an expert to help win convictions.

24 April 27 - The US Attorney's office files a notice saying that it plans to call FBI counterterrorism analyst Christina Williams as an expert witness. Williams's credentials as an expert on the black bloc tactic rely entirely on open source research, including a recent book by Dartmouth professor Mark Bray.

25 May 14 - Start date of the next trial, which is a group of six defendants. The prosecution claims it does not require an expert witness for this group.

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ARTICLES

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