

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION - FELONY BRANCH

UNITED STATES OF AMERICA	:	Criminal Case Nos.	2017 CF2 7212
	:		2017 CF2 1235
v.	:		2017 CF2 1176
	:		2017 CF2 7216
MATTHEW HESSLER,	:		2017 CF2 1378
CHRISTOPHER LITCHFIELD,	:		2017 CF2 1355
DANIEL MELTZER,	:		
DYLAN PETROHILOS,	:	Chief Judge Morin	
CALY RETHERFORD, and	:		
CAROLINE UNGER	:	Trial: 06/04/2018	

NOTICE OF INTENT TO ADMIT EXPERT TESTIMONY

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and pursuant to Rule 16(a)(1)(E), hereby provides the following expert notice regarding an expert who the government intends to call to testify at trial in the above-captioned cases.

The government intends to call Christina Williams as an expert witness to testify regarding the black bloc tactic and certain terminology. Specifically, it is Ms. Williams’s opinion that the term black bloc refers to a tactic, not a particular group or organization. The black bloc tactic involves coordinated street-level militancy, in which the participants strive for anonymity. The tactic is predominantly used by anarchists and other anti-establishment individuals and groups. To obtain anonymity, participants in the black bloc dress in all black clothing and conceal their faces with masks, bandanas, and other clothing items. Logos or other distinctive features of clothing are often obscured with black tape or other material to aid in achieving greater anonymity among the participants. The black bloc tactic makes it difficult for law enforcement to identify individual perpetrators of violence or destruction within the larger group. Further, the black bloc tactic can be extremely effective in large groups of more than one hundred participants. Masks, bandanas, goggles, or other items are used both to conceal the participant’s identity and also to protect against

chemical or other dispersal agents used by law enforcement. Participants in the black bloc often wear other clothing underneath their black clothing, or carry other clothing to change into to avoid detection by law enforcement. In addition, participants in the black bloc may carry pipes, wooden sticks, spray paint, projectiles, or other weapons, and wear protective padding and helmets to aid in planned or anticipated destruction, violence and/or confrontation with law enforcement. Participants in the black bloc often bring items that can serve a dual purpose (i.e., a sign that can double as a shield, a large banner that can be used to project a message and block the passage of police trying to carry out an arrest, a heavy v-shaped sign that can be used to drive a wedge through police lines, or an umbrella that can also be used to deflect pepper spray).

When the black bloc tactic is used to engage in destruction and violence, participants in the black bloc often have different roles, with some individuals engaging in violent “direct action” to include property destruction and/or assaultive behavior; some individuals serving as “marshals”, responsible for directing the larger group along the route; other individuals serving as “scouts”, responsible for scouting in front of and/or behind the group to alert the group to the presence of law enforcement and identify possible targets for destruction or violence; other individuals serving as medics, responsible for providing aid in the event of pepper spray or confrontations with law enforcement or others; and other individuals moving with the group to maintain a larger group size. Particularly when used by anarchists, participants in the black bloc generally operate within an “affinity group”, which is a group of individuals working together to achieve a shared goal. It is common for multiple “affinity groups” to work together in the black bloc. Individuals participating in the black bloc tactic often work to reabsorb those engaging in acts of violence or destruction to protect them from arrest, and often engage in a practice called “unarrest” or “de-arrest”. An “unarrest” or “de-arrest” can involve physically pulling a member of the “black bloc”

away from law enforcement to protect the member from arrest, or it can involve other less physical acts of interfering with law enforcement such as positioning one's body or an object in front of law enforcement to try to prevent arrest, or even just yelling to distract law enforcement.

The term "direct action" can refer to nonviolent direct action (also known as civil resistance or non-violent resistance) to include sit-ins, strikes, blockades, protests or other forms of civil disobedience. "Direct action" can also refer to violent direct action to include political violence, assaults, and property destruction. In the context of the black bloc tactic, "direct action" often refers to violent direct action because the purpose of the black bloc is to achieve anonymity within the group, thereby creating an environment in which it is difficult for law enforcement to stop and/or to arrest individual perpetrators of violence and destruction.

Ms. Williams's opinions will be based on her training and experience. This experience includes her work in the Counterterrorism Analysis Section of the Federal Bureau of Investigation, her review of open source (i.e., publicly available) material to include books, articles, news reports, and other media about the black bloc tactic and historical accounts involving the use of the black bloc tactic. Among the open source materials Ms. Williams may rely upon in forming her opinions at trial are the following: (1) *The Guide: A Handbook on Direct Action and Activist Security*, written by Anonymous; (2) Kevin Danaher and Jason Mark, *Insurrection: Citizen Challenges to Corporate Power*; (3) Mark Bray, *Antifa: The Antifascist Handbook*; and (4) *The Black Bloc Papers*, edited and compiled by David van Deusen and Xavier Massot of The Green Mountain Anarchist Collective.

A copy of Ms. Williams's *curriculum vitae*, which describes her training and experience, is being provided to defense counsel.

Respectfully submitted,

JESSIE K. LIU
United States Attorney

/s/ Jennifer A. Kerkhoff
JENNIFER A. KERKHOFF
RIZWAN QURESHI
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served by electronic mail on the defendants' attorneys on this 27th day of April, 2018.

/s/ Jennifer A. Kerkhoff
JENNIFER A. KERKHOFF
Assistant United States Attorney