

by law enforcement amounts to approval of their actions; they feel as though they can escalate the violence at the next rally. German also says that police under-reporting of violent crimes by these far-right protesters feeds the perception that they are less dangerous than their counterparts—a notion that has been consistently disproved by the Southern Poverty Law Center, which tracks hate crimes across the U.S.

German suggests that like terrorism, counter-terrorism is often politicized. Comparing the aggressive police response during the Inauguration-Day protests to their relative inaction in Charlottesville raises a series of important questions: Who is a terrorist? Whose speech are police protecting and whose are they trying to silence and even criminalize? While not all individual officers are bigots, are there policing practices that protect white supremacists?

The actions of the MPD on Inauguration Day were problematic at best and unconstitutional at worst. The charges brought that day, without individualized suspicion of wrongdoing, could land people in prison, or strapped with outrageous court fees. Meanwhile, violent hate speech is being protected just 100 miles south of the White House. We need to be vigilant about calling out these contradictions and identifying law enforcement practices and biases that create dangerous double standards.

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BOOK AT TRUMP  
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CHARLOTTESVILLE**

Last week, the Department of Justice altered a sweeping warrant, which sought to collect personal information on every visitor to an anti-Trump website that organized protests on Inauguration Day. The warrant against DisruptJ20.org was broadly criticized as a violation of our First and Fourth Amendment rights. While the DOJ's decision to marginally narrow the scope of the order was welcomed by many civil liberties advocates, the request remains alarming.

The demand seems to be in line with a broader trend within the Trump Administration—a harsh crackdown against any group that disagrees with President Trump. For his part, Trump has categorized these protesters as the “Alt-Left,” a term that doesn't seem to apply to any easily-defined entity beyond the paranoid imaginings of Trump and his allies. But that doesn't seem to matter. The administration and law enforcement are using a range of tactics — from electronic surveillance to a growing number of anti-protest laws — to criminalize anyone that organizes in the streets to protest the president and his policies.

But how are law enforcement and the administration responding to the very real threats coming from white supremacists like those who marched earlier this month on Charlottesville?

## **WASHINGTON, DC**

While the organizers of DisruptJ20 are celebrating this small court victory, they are laser focused on defending the nearly 200 protesters facing very severe sentences as a result of charges brought by local police after an Inauguration-Day march.

That morning, the streets of Washington were flooded with people protesting Trump. The media largely ignored the permitted marches and focused instead on a small group of protesters who had organized a “black bloc” to protest the election of a white supremacist as president.

About a half hour into the march local law enforcement began blocking off streets and surrounding the group. National Lawyers Guild lawyer Ria Thompson-Washington described the move by law enforcement as as dark turn away from restraint, she reported,

“The police here always give three warnings to protesters before they give any action. In this case, there was nothing. There was no order of dispersal, no warnings. They just immediately brought out their batons and pepper spray without any warning.”

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Washington's Metropolitan Police Department (MPD) used batons, pepper spray and “sting ball” grenades to kettle everyone in the vicinity of the march, including passers-by, journalists, legal observers and medics. They arrested more than 200 people and charged them all with felony riot charges—which can result in up to 10 years in prison and heavy fines.

While some members of the group had damaged property and even started small fires, a felony riot charge is an extreme reaction by an administration that has proven itself to be intolerant of dissent. It also sends a chilling warning to others who might take to the streets to confront Trump and his administration's agenda.

## **CHARLOTTESVILLE, VA**

Fast forward six months to Charlottesville. In what was widely expected to be their largest rally in a decade, white supremacists marched through the University of Virginia campus, carrying guns and torches while shouting racist chants. There were beatings of counter protesters. Later one of the white supremacists drove a car into a crowd, resulting in multiple injuries and the death of Heather Heyer. The driver was arrested, but police let the rest go home; there was no kettling or mass arrests as was seen on Inauguration Day. After the rally, Trump infamously criticized violence on “many sides” and desperately tried to assign blame to the “Alt-Left” for, in his view, inciting violence in Charlottesville.

Why the drastically different approach? Do the police believe that breaking a window at Starbucks poses a more serious threat to the public than gun-wielding neo-nazis?

Former FBI Agent Mike German who worked undercover with white nationalists groups argues that inaction by the police has emboldened their movement. Many believe that the light touch