

Verdict looms in first round of trials for 194 charged in anti-Trump inauguration day protests

E.P. Milligan
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The first of a round of trials of defendants involved in the January 20 protests against the inauguration of President Donald Trump came to a close on Friday. The jury has been in deliberation over the weekend, with a verdict expected at some point this week. The mainstream press has held the case under an effective media blackout, with the exception of a few cursory articles that largely gloss over details.

The six defendants are Jennifer Armento, 38, of Philadelphia; Michelle Macho, 26, of Asheville, North Carolina; Oliver Harris, 28, of Philadelphia; Brittne Lawson, 27, of Aspinwall, Pennsylvania; Christina Simmons, 20, of Cockeysville, Maryland; and Alexei Wood, 27, of San Antonio, Texas. They each face decades in prison for participating in the protests, during which five windows belonging to banks and corporate stores were reportedly smashed and a limousine was set on fire. Like the vast majority of the other 188 individuals due to face trial next year, none of the defendants were involved in any manner with the damage that occurred that day.

On Wednesday, D.C. Superior Court Judge Lynn Leibovitz dismissed the charge of “inciting a riot,” a felony that carries a maximum 10-year sentence. She cited a lack of evidence by the prosecution to prove that the defendants had urged individuals to engage in violent or otherwise destructive behavior. Leibovitz has refused to acquit the defendants on seven other charges, however, including five counts of felony property destruction, misdemeanor rioting, and misdemeanor conspiracy to riot. These charges altogether could land the defendants in prison for up to 50 years.

The prosecution, headed by Assistant US Attorney Jennifer Kerkhoff, has stumbled over the course of the trials. From the first days of the proceedings, the prosecution’s approach has been unabashedly vindictive while lacking tangible evidence against the defendants. What little evidence has been presented has ranged from the dubious to the utterly absurd.

The prosecution’s case relies on video captured by police body cameras, reporters, undercover policemen, and cell phones confiscated from protesters. Notably, they also have extensively used video material from far-right groups such as Project Veritas and the Oath Keepers militia. Leibovitz ruled as admissible Project Veritas’s video of a Disrupt J20 planning session, taken weeks before the inauguration, despite the propaganda group’s history of falsifying and misrepresenting the targets of its sting operations.

The crux of the argument by the prosecution so far has been to somehow prove that the vandalism that occurred on January 20 was not a spontaneous event, but rather, a premeditated riot. Prosecutors attempt to justify this claim by citing the heavily suspect video material of the planning session taken by Project Veritas.

Prosecutors also point to Brittne Lawson, a Pittsburgh nurse who had shown up to the protests in the capacity of a medic. “What do you need a medic with gauze for?” Assistant US Attorney Rizwan Qureshi asked Lawson. “I thought this was a protest.” He later stated to the jury, “She wasn’t prepared for a march or a protest. She was prepared for war. She was going to be there to help members who are in black, who get pepper-sprayed, who get hurt because they’re provoking the police, to mend them and then get them up on their way so they can continue their destruction.”

The warped logic of the prosecution was that if the damage that occurred was planned, then the decision by many protesters to wear black, chant slogans and march can now be considered as “evidence” of culpability. In his closing arguments given last Thursday, Qureshi went as far as to compare protesters affiliated with the black bloc to a getaway driver in the middle of a bank robbery. “That’s exactly what this sea of black was,” he announced. “It was the getaway car.”

These arguments by the prosecution reveal the more far-reaching legal precedent that the state hopes to establish: collective punishment. According to the prosecution, anyone

present at the January 20 inauguration protests—even those who were simply in the wrong place at the wrong time—is potentially criminally liable for the property damage that occurred. “A person can be convicted of rioting without breaking a window,” Kerkhoff claimed at a hearing in July. “It is the group who is the danger, the group who is providing the elements, the group that’s criminal.”

The decision that Leibovitz should preside over the case further underscores the political character of the trials. Leibovitz has a reputation for adopting a hard-line attitude, particularly with regard to protesters. She has been routinely hailed in the mainstream press as “DC’s toughest judge,” having been described by one defense attorney as “smart and relentless.”

Leibovitz notoriously sentenced a 78-year-old antiwar activist to 25 days in prison in 2010 after the woman had disrupted a Senate Foreign Relations subcommittee hearing in protest over the criminal imperialist wars in Iraq and Afghanistan. Adding insult to cruelty, she said the woman’s activities “demeaned the action of protest.”

Judge Leibovitz is in fundamental agreement with the prosecution on the question of collective punishment. Her dismissal of one of the eight charges was only due to the fact that the evidence the prosecution had produced was so paltry that even she had admitted “no reasonable juror” would convict the defendants. Meanwhile, she has consistently refused to take up any of the constitutional challenges put forward by the defense.

Last Wednesday, when defense attorney Jamie Heine reminded her that activities such as wearing black and marching were both protected under the First Amendment, Leibovitz snapped, “I’m really asking you to focus in on the facts, not just to state constitutional principles. What [the jury] must decide is whether the defendants have committed the offenses charged.”

This statement underscores the increasingly authoritarian and even overtly fascist attitudes festering within the ruling class as a whole. The logic of the prosecution, likewise, bears a certain resemblance to the policies of group reprisal carried out by the Nazis during the Second World War against partisans, resistance groups and ethnic minorities in occupied territories. It is no coincidence that the concept of “collective punishment” is characterized as a war crime under the 1949 Geneva Convention.

It is within this context that one must view the trials. For the court, the outcome of sentencing is a matter of secondary importance. The primary objective of the state over the course of these trials is to put in place legal precedents that effectively criminalize dissent. The first right in the crosshairs of the state is the Freedom of Assembly granted by the First Amendment of the US Constitution.

It is improbable that all 194 defendants who will stand trial through the end of this year and the next will all be sentenced. This does not mean, however, that the court does not wish to make an example of them. Even with an acquittal, the defendants will have gone through what is likely one of the worst moments of their lives. Some defendants have already been fired from their jobs as a result of their arrests, while many others face the danger of harassment or even reprisal from far-right groups.

Elizabeth Lagesse, a defendant in a parallel anti-protester trial and former graduate student from Baltimore, announced at a press conference last month that “punishment has already been delivered” in the form of “the stress, the disruption in their lives.” The chaos inflicted on defendants’ lives has been “doing a lot of the job of suppressing speech, of suppressing dissent, of contaminating these people.”

The Democratic Party has remained silent on the issue over the course of the year. Not one leading Democratic official has spoken up on behalf of the protesters since their arrests on January 20. Such is the true character of the Democratic-led “resistance.” The Democratic Party is opposed to any pretense of mounting a defense of democratic rights. The opposition by Democrats to the Trump administration is of a purely superficial character, representing a rival faction of the ruling class currently embroiled in a conflict over which policies to pursue within the framework of US imperialism.

The Democrats’ lukewarm opposition to the Trump administration, currently centered on the bogus anti-Russia and sexual harassment campaigns, does not speak to any of the issues facing the broader layers of society. They fear that opposition to Trump could break out of the political straitjacket of “official” establishment politics and assume an independent character. What they dread most of all is the eruption of a mass movement of the working class.



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