

Fifty-nine defendants await trial for protesting against Trump's inauguration

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24 January 2018

The US government last week released a notice of intent to proceed with felony charges against 59 defendants arrested during anti-Trump protests that occurred a year ago on inauguration day, January 20, 2017. The document, issued last Thursday, came on the heels of an announcement by the US Attorney's Office the previous day that it was dismissing charges against 129 other defendants.

The mainstream US media have maintained a virtual news blackout on the trials. Not a single Democratic Party official has spoken up in support of any of the defendants since the mass arrests took place on inauguration day.

The notice of dismissal of charges for 129 of the defendants underscored the lack of evidence and overall weakness of the prosecution's case. The first trial in the government frame-up ended last month with the jury acquitting all six defendants.

The prosecution has narrowed its pool of defendants in an effort to secure convictions. "In so doing, the court, the government, and the [remaining 59] defendants can proceed more expeditiously with their trials," lead prosecutor Jennifer Kerkhoff explained in the motion to dismiss charges against the rest of those accused.

The Trump administration is determined to win at least some convictions in order to set a legal precedent for the criminalization of constitutionally protected political speech and protest.

The notice of intent to proceed against the remaining 59 defendants states: "The government is focusing its efforts on prosecuting those defendants who: (1) engaged in identifiable acts of destruction, violence, or other assaultive conduct; (2) participated in the planning of the violence and destruction; and/or (3) engaged in conduct that demonstrates a knowing and intentional use of the black-bloc tactic on January 20, 2017 to perpetrate, aid or abet violence and destruction."

Because only a small handful participated in the actual

destruction of property, the state is now attempting to zero in on individuals associated with the planning of the protest. It hopes to win convictions on the basis of the prosecution's bogus argument that the so-called "black-bloc tactic," which includes activities as innocuous as "wearing black," is tantamount to conspiracy to riot.

In the first trial, the prosecution attempted to prove that the Disrupt J20 planning sessions had intended to incite violence at the protest. It did so by presenting doctored video produced by infiltrators linked to the far-right group Project Veritas.

Investigators have since begun spying on social media accounts of individuals who "liked," interacted with or just visited the Disrupt J20 Facebook page.

Aaron Cantu, a journalist with the *Santa Fe Reporter*, whose articles have also been posted by the Intercept, remains among the accused. Last Friday, Cantu's lawyers filed a motion to dismiss the charges, stating that "[t]he indictment does not contain any specific allegations that Mr. Cantu himself engaged in any violent or destructive acts." The decision to pursue Cantu indicates a renewed effort by the state to crack down on journalists and intimidate press organizations—particularly those which, unlike the corporate-controlled media, do not serve as a sounding board for CIA disinformation and state propaganda, such as the Intercept.

The state has once again made clear that it intends to press forward using the authoritarian legal concept of "collective punishment." The frame-up of the protesters stands in direct violation of the First Amendment of the US Constitution, which prohibits "abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The government's case is also in violation of international law. The practice of collective punishment is characterized as a war crime under the 1949 Geneva

Conventions.

The incident that was used to justify the police crackdown occurred when a small group of individuals smashed windows and set a limousine on fire. Prosecutors allege Disrupt J20 was responsible for the vandalism. They cite as evidence of intent to riot the wearing of all black clothing and masking of faces.

Soon after the disruption, the police surrounded and “kettled” hundreds of protesters in the area, eventually arresting 230 people. Washington, DC police employed indiscriminate violence during the mass arrests. They fired on the crowd with chemical agents, pepper spray, rubber bullets and crowd control grenades.

Protesters claim the police sexually assaulted detainees. An American Civil Liberties Union lawsuit currently underway against the DC police alleges that officers knocked a 10-year-old boy to the ground and pepper-sprayed his mother.

A document obtained by Democracy In Crisis and The Real News Network through a Freedom of Information Act request shows that police deployed weapons on at least 191 occasions in the course of the day. Police fired 74 sting ball grenades, a type of “non-lethal” explosive that ejects rubber balls in a radius surrounding the point of impact.

There was heavy involvement of police and agents provocateurs both within the groups planning the protest and at the protest itself. Court proceedings revealed that police informants were present at several Disrupt J20 planning meetings. At least one informant’s activities led to an indictment of a Disrupt J20 planning member.

The petty-bourgeois anarchist “Black Bloc” has numerous known instances of infiltration by agents provocateurs: in 2016 during anti-austerity protests in Montreal, in 2014 in protests against police violence in Berkeley, California, and in 2011 at the G-20 demonstrations in Toronto.



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