US prosecutors drop charges against additional eight J20 defendants

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Federal prosecutors announced Wednesday their intention to abandon the pursuit of felony charges for eight additional defendants involved in the Disrupt J20 demonstration against the inauguration of President Donald Trump on January 20, 2017. The prosecution's unusual move to surrender these cases marks another stage in the unraveling of the government's attempt to set a legal precedent for the criminalization of constitutionally protected political speech and protest. Of the 230 people originally arrested, so far zero have been convicted in court.

The mainstream media has maintained a virtual news blackout on the mass arrests and ensuing trials, while not a single Democratic Party official has spoken up in support of any of the defendants.

That, despite the blackout, the government has thus far been unable to secure even one conviction among the more than two hundred charged signifies both the baselessness of its case as well as the existence of deeply democratic sentiments within broad layers of American society—chiefly amongst the working class.

The latest development comes on the heels of the acquittal of ten defendants at the end of last month on the basis of fabricated evidence. This was followed by the Justice Department's failure to convict four additional defendants, resulting in a mistrial. This spate of acquittals stemmed from an argument by the defense that the prosecution's use of an edited video as evidence constituted a violation of what is known as the Brady rule, a provision which outlines the state's obligations regarding evidence potentially favorable to the defendant's exoneration.

The 1963 Supreme Court case *Brady v. Maryland* established the legal precedent that "the suppression by the prosecution of evidence favorable to an accused … violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution."

The J20 defendants' attorneys argued that the withheld evidence in question was from an edited video created by Project Veritas, a far-right political organization that has become known for "sting" operations utilizing selectively edited footage in targeted smear campaigns against its political opponents. The organization gained notoriety in 2009 for producing doctored video evidence that led to the collapse of the Association of Community Organizations for Reform Now (ACORN). In the current case, the prosecution presented a doctored video produced by Project Veritas-linked infiltrators of Disrupt J20 planning sessions to suggest that the group intended to incite violence at the protest.

Wednesday's motion to dismiss cited Chief Judge Robert Morin's prior decision on May 31 to dismiss with prejudice the charge of Conspiracy to Riot (Count Three), forcing the prosecution to drop charges.

The latest maneuver, far from signifying a change of heart, represents a temporary strategic retreat by the prosecution in order to attempt to secure convictions in upcoming proceedings. By giving up the eight defendants, the prosecution hopes to curry favor with Judge Morin while buying time to overturn the prior ruling over the doctored video evidence.

The motion continues: "The government has been assessing its options with respect to this ruling, and expects to file shortly a motion to reconsider the Court's dismissal order and its finding that the government made a misrepresentation with respect to certain videos. The government believes that a full review of the record will likely impact the Court's prior finding."

If the prosecution is able to secure any convictions

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throughout the course of the trials, they would set a legal precedent upon which the US government could suppress future political dissent.

This is not the first time the prosecution has made such a maneuver in the aftermath of a defeat. The first trial in the government frame-up ended in December of last year with the jury acquitting all six defendants. Not long after, the prosecution moved to drop charges for an additional 129 defendants in the hope of narrowing its pool of defendants to secure convictions. “In so doing, the court, the government, and the [remaining] defendants can proceed more expeditiously with their trials,” lead prosecutor Jennifer Kerkhoff explained in the motion to dismiss charges.

The continued attempts by the prosecution to smear protestors as violent conspirators hinges on the concept of “collective punishment.” This 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.

Throughout the trial, the prosecution has relied heavily not only on far-right organizations like Project Veritas, but on the more fascistic elements within the police itself. A Washington, D.C. police officer and key witness for the prosecution, William Chatman, recently appeared at proceedings within the D.C. Superior Court wearing a pro-police brutality T-shirt. The shirt, which featured images of a police baton and handcuffs, read, “Police Brutality... or doing what their parents should have!” Chatman had provided prior testimony which the prosecution used in an attempt to paint the protests as a riot.

The police responded to the J20 demonstration with indiscriminate violence and the mass “kettling” of protesters, eventually arresting 230 people. Officers fired on the crowd with chemical agents, pepper spray, rubber bullets and crowd control grenades.

D.C. police have attempted to justify the crackdown by citing several windows that were broken at five different corporate storefronts, a relatively common occurrence during mass demonstrations. Hours after the arrests took place, a limousine was set on fire, an unrelated act which the prosecution has attempted to pin on defendants.

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

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