

US prosecutors dismiss charges for all remaining J20 defendants

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US federal prosecutors dismissed charges Friday against the remaining defendants involved in the Disrupt J20 demonstration against the inauguration of President Donald Trump on January 20, 2017. Only 39 defendants out of 234 originally charged still had charges pending in what was a naked attempt by the government to set a legal precedent for the criminalization of constitutionally protected political speech and protest.

This development demonstrates once and for all the fraudulent character of the trials themselves, to the degree that not even the prosecution felt confident in its ability to pursue charges. The decisive factor, however, is the continued widespread existence of deeply held democratic sentiments within broad layers of American society—chiefly amongst the working class.

Sam Menefee-Libey of the Dead City Legal Posse spoke to the *World Socialist Web Site* Saturday about what he saw as the significance of the Friday's decision: "The J20 cases are a living testament to the power of solidarity. The vast majority of cases charged by the criminal courts—most studies say about 95 percent—are resolved by coercive pleas. When people stand together and refuse to be bullied by state power, victory is possible. This is a huge win for all the defendants and the broad support community who have supported the work for 18 months."

Of those charged, none who pleaded innocent were convicted in court. This occurred in the face of enormous odds: a virtual media blackout, government attempts at jury rigging, and even the presentation of tampered evidence in court meant to malign defendants. Throughout the course of the trials, not a single Democratic Party official spoke up in support of any of the accused.

Protesters initially faced a bogus charge of felony

rioting, a sentence which carries decades in prison. The lives of the accused were heavily disrupted, incurring over a year's worth of court dates, financial burdens and psychological stress. Though the government failed to secure convictions, its ability to tie up the lives of hundreds constitutes a form of repression on its own.

The announcement by the prosecution comes little under a month after its decision to dismiss felony charges for eight defendants and two months after a dismissal of charges for 10 others. This occurred after the Justice Department's failure to convict four additional defendants. After the first six defendants on trial were acquitted at the end of last year, prosecutors were forced to drop charges against more than 150 others, citing an inability to prove their guilt.

The acquittals stemmed from an argument by the defense that the prosecution's use of a selectively 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 falsely suggest that the group intended to incite violence at the inauguration.

The continued attempts by the prosecution to smear protestors as violent conspirators hinged 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 was also in violation of international law. The practice of collective punishment is characterized as a war crime under the 1949 Geneva Conventions.

The mainstream media was quick to express its distaste for the decision to drop all charges. The *Washington Post* was quick to smear the demonstrations as “destructive Inauguration Day protests in the nation’s capital,” which “stretched more than 16 blocks.” The article continued with further slander, claiming “a large group of protesters set small fires and used bricks and crowbars to smash storefronts.”

DC Police Chief Peter Newsham made an extraordinary statement decrying the court’s decision. “In the American criminal justice system,” he said, “sometimes the bad guys win. That’s what happened in this case.” He went on to say that the police plan to “adjust our tactics accordingly to insure that anyone who comes to Washington DC with the intent of destroying property and/or injuring people is held accountable for their actions.”

Newsham’s statement should serve as a warning to the working class that there are significant fascistic elements within the police and the state itself that would rather dispense with democratic rights, including the right to due process, in favor of open repression.

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.

DC 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 had attempted to pin on defendants.

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. 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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