

US judge dismisses charges against J20 defendants “with prejudice,” closing case

E.P. Milligan
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Last Friday D.C. Superior Court Chief Judge Morin ordered all charges against the remaining defendants involved in the Disrupt J20 demonstration against the inauguration of President Donald Trump on January 20, 2017 to be dropped “with prejudice.” The decision ends the more than two-year attempt by the US government to set a legal precedent for the criminalization of constitutionally protected political speech and protest. The decision was the result of months of deliberation following federal prosecutors’ dismissal of charges last July.

The prosecution’s decision to withdraw charges last summer stemmed from the weakness of its case. The prosecution team, which had the support of the Trump administration, would have been able to bring the remaining defendants back to trial on new charges if they were able to compile compelling evidence to do so. The court’s ruling to dismiss all charges with prejudice is designed to rule out any possibility that federal prosecutors could introduce new charges in the future.

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.

As of today, not a single article has been published by any major media outlet on the judge’s decision.

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.

It was clear the prosecution’s case was beginning to unravel last May when it announced its decision to dismiss felony charges for 10 defendants, followed by a dismissal of charges for 8 others the next month. In July the government dismissed charges for the remaining 39 defendants. This occurred after the Justice Department’s failure to convict four of the accused. After the first six defendants on trial were acquitted at the end of 2017, 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 the Brady rule, a legal 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 formation. This organization has become known for “sting” operations utilizing selectively edited footage in targeted smear campaigns against its political opponents.

The organization’s founder, James O’Keefe, 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 also 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.”

In addition to US due process and First Amendment violations, the government’s case violated international law. The practice of collective punishment is characterized as a war crime under the 1949 Geneva Conventions.

The mainstream media responded to last year’s dropping of charges with disappointment. 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 paper continued with further slander, claiming “a large group of protesters set small fires and used bricks and crowbars to smash storefronts.”

At the time, D.C. Police Chief Peter Newsham made an extraordinary statement decrying the 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 D.C. 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.

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 had 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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