

Civil suit against far-right organizers of 2017 fascist riot begins in Charlottesville, Virginia

Dominic Gustavo
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Federal court proceedings began in Charlottesville, Virginia, Monday in the civil lawsuit against the right-wing extremist organizers of the August 2017 “Unite the Right” rally that resulted in the murder of one counter-protester and the injuring of dozens more. Nine plaintiffs, all participants in counter-protests against the gathering, allege that the planners of the event were engaged in a conspiracy to deliberately foment racist violence.

The case, *Sines V. Kessler*, long delayed due to the pandemic, is aimed at the fascist leaders of the event. The plaintiffs, four of whom were injured during the events, allege that the planners of the events that weekend intended to deliberately provoke violence and that they have not been held to account for doing so. The far-right gathering resulted in the death of Heather Heyer and grievous injuries to dozens more when neo-Nazi James Alex Fields Jr. drove his car into a crowd of anti-fascist protesters.

The plaintiffs’ lawyers are relying in part on a Civil War era federal law, known as the Ku Klux Klan Act—passed in 1871 to aid in suppressing the terrorist activities of the KKK—to make the case that the plaintiffs had their civil rights violated by the fascist mob. The law allows Americans to accuse their fellow citizens of attempting to deprive them of equal protection under the law and to give them the right to sue their assailants in federal court.

“Defendants brought with them to Charlottesville the imagery of the Holocaust, of slavery, of Jim Crow, and of fascism. ... They also brought with them semiautomatic weapons, pistols, mace, rods, armor, shields, and torches,” the affidavit reads.

The *New York Times* quotes lead plaintiff Elizabeth Sines, who relays the impact that the August 2017 events had on her. “The trauma will never go away,”

she said. “Among other things, I will always be on high alert when I’m in a large crowd, and I’ll always have nightmares—of the car attack, of torchlight rallies. I’ll be scared forever. But the events from that weekend have reaffirmed for me how important it is to show up.”

The defendants include 14 individuals and 10 organizations, made up of a range of white supremacist and neo-Nazi groups. Among them is Jason Kessler, the main organizer of the rally, and avowed white supremacist Richard Spencer, who gained infamy for his Nazi-like “Hail Trump! Hail our people! Hail victory!” speech following Donald Trump’s election victory in November 2016.

The Unite the Right rally was called by white supremacist groups in response to the planned removal of a statue of Confederate General Robert E. Lee from a Charlottesville city park. The rally began on the night of August 11, 2017, when a mob of fascists marched through the University of Virginia campus carrying lit torches while chanting racist, anti-Semitic and anti-immigrant slogans. The next day saw a fascist rampage unfold, with hundreds of armed neo-Nazis harassing, threatening and engaging in street brawls with counter-protesters.

Only a handful of those who took part in the riot were criminally charged. These include Fields, sentenced to multiple life sentences for the murder of Heyer; and four neo-Nazis who were filmed carrying out the savage beating of DeAndre Harris (an African American man) who were sentenced to up to eight years in jail.

The defendants argued that their actions were protected by the First Amendment as a form of self-expression and that violence was only discussed as a defensive measure. “They’re tasked with proving that I

entered into a conspiracy to commit or inspire or direct racially motivated violence. ... They're not going to be able to demonstrate that," said Spencer to the *Washington Post*.

Appearing on a right-wing talk show in July, Kessler blamed the outbreak of bloodshed on the police for not separating the two belligerent sides, saying "no one would have died at the event if the police had done their job." At the time of the events in question, Kessler assured his attendees in a chat room that "[w]e have the cooperation of the police if you need it," indicating that the organizers had supporters inside the state.

The "free speech" rally was in fact planned as a violent offensive, aimed ultimately at intimidating left-wing opposition to President Trump. For his part, Trump infamously stated there were "very fine people on both sides" of the clashes.

Further statements, contained on more than five terabytes of seized communications, demonstrated extensive preparations for violence. Kessler wrote to Spencer, "We're raising an army my liege. For free speech, but the cracking of skulls if it comes to it." The posts include overtly racist and xenophobic language, the expression of violent fantasies, instructions on how to devise makeshift weapons (i.e., by embedding screws into flagpoles), and extensive photographs of fascists brandishing weapons and wearing body armor.

The far right's effort to dress up violent behavior as a defense of democracy is in fact the opposite: a cover for the attack on democratic rights.

In hindsight, the fascist riot in Charlottesville proved a harbinger of what was to come. The January 6, 2021 insurrection on Washington D.C. bore many of the same hallmarks and utilized many of the same tactics and personnel as those in Charlottesville.



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