

Jury awards \$26 million to victims of 2017 neo-Nazi riot in Charlottesville, Virginia civil trial

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A jury in a civil suit brought by the victims of the right-wing attack at the deadly August 2017 “Unite the Right” rally in the city of Charlottesville, Virginia, has found that the fascist organizers conspired to commit acts of violence. The jury ordered the defendants, including organizer and Charlottesville resident Jason Kessler, neo-Nazi Richard Spencer, Matthew Heimbach and Christopher Cantwell, to pay damages to nine victims of the melee that left dozens critically injured and one counterprotester dead.

In all, 14 individuals and 10 organizations were found liable. The jury was deadlocked on two claims of racially motivated violent conspiracy, based on the 1871 federal Ku Klux Klan Act. However, the jury agreed that every defendant was liable for conspiracy under Virginia state law and ordered them to pay a total of \$26 million in damages to the plaintiffs.

According to the state of Virginia, defendants are not required to meet with one another or directly engage in acts to conspire to commit violence. Instead, all that is required is an anticipation of and an intention to provoke bloodshed.

The August 11-12, 2017 rally saw a violent rampage by armed white supremacists unfold through the streets of Charlottesville, culminating in the murder of 32-year-old anti-fascist activist Heather Heyer and the maiming of dozens more when neo-Nazi James Alex Fields, Jr. rammed his car into a crowd of antifascist protesters.

Fields, who is serving multiple life sentences, was liable for more than \$14 million in damages. Since he is in prison and without funds, this punishment is purely symbolic and none of the victims will receive a penny. Another \$11 million in punitive damages against the other defendants was awarded to the plaintiffs, with

each named defendant liable for \$500,000 and five organizations liable each for \$1 million.

In addressing the violent happenings, President Donald Trump infamously and, in hindsight, ominously, stated there were “fine people” involved in the Nazi riot.

Writing at the time, the *World Socialist Web Site* warned that the ultra-right provocation was part of “Donald Trump’s strategy to build an extra-constitutional fascist movement outside the framework of the two parties, itself an expression of the putrefaction and collapse of American democracy under the weight of staggering levels of social inequality.”

The civil lawsuit was filed by plaintiffs who had participated in counterprotests that day. Four of them were injured by the car attack. Among them was Natalie Romero, who was then a 20-year-old college student when she was struck by Fields’s car, fracturing her skull. Recounting her memories of that day, Romero, who is Colombian American, told the *Washington Post*, “I got spit on by people who hate me and who do not think I should be alive.”

It is an open question whether the plaintiffs will ever receive much of what the jury awarded. Lawyers for the defendants have announced plans to appeal the fines against their clients. Many of the defendants, such as Spencer, represented themselves and have claimed bankruptcy. Several of the organizations named in the lawsuit have since disbanded.

The defendants claimed that their actions were protected as free speech by the First Amendment and that any violence that took place was either in self-defense or the result of poor planning by the local

police. Statements made by event organizer Kessler in the days following the event undermine this claim to innocence, as the latter stated that he had “networked with law enforcement” in its planning.

Many of the defendants were unapologetic about their openly racist and fascistic sentiments, including the use of racial slurs in the courtroom, admiration for Adolf Hitler and calls to gas or “oven” Jewish people. Several of the defendants used the public opportunity of the trial to air their fascistic views and boost their credentials among their followers.

At one point Cantwell, a neo-Nazi podcaster currently serving 41 months imprisonment for his part in the events, asked a co-defendant to tell his “favorite Holocaust joke.” Cantwell is documented on Facebook referring to murdered counterprotester Heather Heyer as “bleeding commie filth we sent to the morgue.”

Another defendant, Michael Hill of the League of the South, went on a far-right radio show to brag that he was “very honored … to have gotten to face off with this New York Jew attorney.” Defense attorney Joshua Smith repeatedly used an anti-Semitic slur in the hopes that it would, in his own words to the *WashingtonPost*, “desensitize the jury.”

Much of the trial was focused on the presenting of data, including seized communications among the leaders of the rally, and chats on a Discord server that had featured participants discussing plans and actions. Samantha Froelich, an ex-associate of the defendants, testified that “hitting protesters with cars was discussed at a party earlier that summer” in the home of Richard Spencer in Alexandria, Virginia, according to the *New York Times*.

The communications revealed extensive preparations for violence among both the organizers and the rank and file. The Discord chat included instructions on how to fashion makeshift weapons, along with expressions of violent fantasies and racist language.

Many of the defendants claimed that the use of such language was meant to be hyperbolic or humorous. However, their communications demonstrate clearly that the rally was planned not as a peaceful demonstration but as a violent offensive. In exchanges, Kessler texted Spencer two months before the rally saying, “I would go to the ends of the earth to secure a future for my people. This is war.” Spencer texted another colleague around this time, stating, “[T]his is

going to be a violent summer.”

Prior to the event, Kessler requested that Jeff Schoep, former leader of the now-defunct National Socialist Movement, “show up … ready to participate in and protect our event. There will be a thousand or more antifa and s---libs eager to start violence.”

The verdict in Charlottesville comes less than five days after a ruling in Kenosha, Wisconsin, finding 18-year-old fascist vigilante Kyle Rittenhouse not guilty for the shooting deaths of several people during anti-police violence protests last year. While Kessler, Spencer and their associates have been ordered to pay restitution to their victims, Rittenhouse and other elements of the far right have been emboldened to inflict violence upon left-wing and working-class demonstrators.

Furthermore, the political conspiracy hatched within the Trump White House, which culminated in the January 6 fascist coup attempt to stop the 2020 presidential electoral vote count at the Capitol, has yet to be fully investigated and its participants jailed.

Plaintiffs’ attorney Karen Dunn, in language that could be applied interchangeably to all of these far-right conspiracies, excoriated the neo-Nazis’ claims that their actions were guarded by the First Amendment: “Plausible deniability, just like mace and shields and flagpoles, was a tool of this conspiracy. … Plausible deniability is when you set up a situation in such a way that you can claim later that you had nothing to do with it.”



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