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Justice for All the J20 Defendants

Why the Police, Prosecutor, Judge, and State Are
Guilty

CrimethInc.

December 21, 2017

Today, after nearly a year of suspense, the first six J20 defendants to go to trial were declared innocent of all charges. They are only six of over 200 people mass-arrested at Donald Trump's Inauguration, nearly 200 of whom still face the same identical charges of six felonies and two misdemeanors—charges that could put them in prison for sixty or more years each. The fight is far from over. Indeed, in response to the verdict, the US Attorney's Office for the District of Columbia announced that "they look forward to the same rigorous review *for each defendant*." We must redouble our support for all the other defendants and show that it is the state itself that is guilty.

The fact that the defendants have stuck together up to this point represents a tremendous feat of courage, solidarity, and mutual aid. To be subjected to the whims of the criminal justice system is already to be punished. In this case, that system was used in ways that are unusually egregious: mass-arresting so many peo-

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ple and blanket-charging them with felonies is practically unprecedented, and for months the defendants faced charges that do not even legally exist. This victory shows that Trump and his supporters throughout the legal system have not yet been able to consolidate their progress towards making that system even more oppressive than it was. But we should not conclude that any part of the legal system is ever capable of delivering real justice.

The criminal justice system exists chiefly for the sake of intimidating and persecuting dissidents and targeted communities. It could go on doing that effectively even if no judge or jury ever reached a verdict of “guilty” again. Think of the over 1000 people murdered every year by police without standing trial; the tens of thousands who languish in jail for years before they go to trial; the millions who are forced to accept unjust plea deals because they cannot obtain proper legal representation; the tens of millions who are routinely harassed by police and other state institutions.

As far as we are concerned, those who stand up to this system are *always* innocent, whatever means they employ, and those who maintain it are guilty of perpetuating one of the greatest atrocities on the face of the earth. Permit us to make our case.

Let’s review some of the ways that the J20 defendants have already been punished by this groundless prosecution, long before they went to trial.

First, some of the felony charges that the J20 defendants faced *did not even exist*. On Wednesday, November 1, Judge Leibovitz reduced two of the felony charges that everyone faced to misdemeanors, acknowledging that felony versions of those charges do not even exist on the books. What legitimacy can the criminal justice system hold when defendants ***are threatened by nonexistent charges*** for half a year?

Likewise, on Wednesday, December 13, the judge dismissed the charge of inciting a riot for each of the six on trial. Again, the defendants were terrorized for months by charges that the judge knew were not valid.

facilities—as he has forced others to do in the Sonoran desert simply in hopes of rejoining their families.

Our oppressors should be grateful that we do not believe in retribution. We aspire to transform society from the bottom up, not to mete out supposed justice. If ever we are the ones to determine their fates, we will aspire to forgiveness.

But the first priority has to be to interrupt the harm that they are perpetuating. Support the J20 defendants.

Think of all the effort that has gone into support videos, podcast episodes, and fundraising to support the J20 defendants this past year, effort which would otherwise have been focused on anti-fascist activities and proactive attempts to create a better world by providing resources to those in need.

If the defendants in the J20 case—more than 200 people—had not been incapacitated, many more of them would surely have been on the front lines in Charlottesville and elsewhere, preventing the far right from mobilizing to intimidate and murder people of color, Jewish people, undocumented people, and other targeted groups. In this regard, the police, the judge, and the prosecutors have Heather Heyer's blood on their hands, and the blood of others who have been killed by fascists recently—and **many more people who will soon be killed**, if the state does not stop targeting anti-fascists. The state always functions to enable fascists to go about their murderous business.

Throughout this entire ordeal, the defendants have had to endure opprobrium from those who are still so ignorant as to misunderstand the state as a beneficial force—who do not realize that to be charged with resisting the ever-increasing encroachments of the state on our freedom is, if anything, an honor.

What would constitute real justice for the J20 defendants? If we understand justice as retribution—*poetic justice*—the police, prosecutors, the judge, and all the other state officials who are implicated in the past ten months of intimidation would be subjected to the same treatment they have inflicted. The police officers would be rounded up and imprisoned; the detective who lied to the grand jury would have his own life ruined by calumny he was powerless to counteract; the prosecutors would be publicly humiliated and forced to face the possibility of spending the rest of their lives in prison. Donald Trump would walk across the desert on a broken ankle, pursued by helicopters and armed men with dogs, before dying of dehydration, terrified and alone, within miles of hospital

Since the beginning, the prosecutors and the state have flagrantly lied to advance their strategy of judicial persecution. On December 13, attorneys for two defendants filed a motion to dismiss the charges against them based on false testimony that the lead detective on the case presented to the grand jury that indicted the defendants. According to the grand jury testimony obtained by the attorneys, the detective told the grand jury that everyone who was kettled and arrested “participated in the entire march,” which the detective, after reviewing hundreds of hours of video footage, clearly knew was false: the two defendants whose attorneys filed this motion only participated in the last three blocks of the march, not the sixteen blocks the detective claimed.

Over the ten months since their arrest, J20 defendants have lost their jobs as a result of these groundless charges. People applying for school or jobs usually have to disclose the charges against them on their applications, and that this often leads to employment or education being denied them. Some defendants have not been able to renew their professional licenses. Renewing and applying for licensure includes a review of pending charges—and you risk the possibility that whatever you say in that review will be used against you in trial later on. Most of the defendants have had to put their lives on hold entirely.

One of the defendants who was just declared innocent, an oncology nurse, had to quit her job in order to go to trial. Her boss came to testify as a character witness, but not everyone has such a supportive and understanding boss—bosses tend to identify with the police and the state. What about the patients who should have been receiving care from this nurse, were it not for this groundless prosecution?

The defendants have had to spend thousands of dollars each traveling to DC, often for cancelled hearings. They have had to miss work while incurring additional costs securing housing and other resources in Washington, DC.

Altogether, this adds up to well over the already inflated \$100,000 that the government claims was caused in property damage on J20, almost all of which was covered by insurance. Just as the US military inflicted ten times as many civilian casualties on Afghanistan in the war that followed the attacks of September 11, 2001, the US government shows no compunction about making random people pay tenfold for any supposed interruption of imposed law and order.

On the day they were arrested, even before they were taken to jail, J20 defendants were made to wait in the cold for eight hours with no access to food, water, or toilets. The area around them filled up with bottles of urine and even feces. Later, at least one arrestee was unlawfully rectally probed by police. As one reported:

“I felt like they were using molestation and rape as punishment,” Horse said. “They used those tactics to inflict pain and misery on people who are supposed to be innocent until proven guilty.” He added: “It felt like they were trying to break me and the others—break us so that even if the charges didn’t stick, that night would be our punishment.”

During trial, it came out that one arrestee went to the hospital because a police stinger grenade blew up beside her leg. In a situation like this, arrestees cannot even speak freely to doctors about their injuries without fear that what they say will be used to convict them, even fraudulently.

DC police released information about the defendants to far-right trolls who published it, “doxxing” them,” resulting in a flood of on-line threats to defendants. Although it is not known whether any right-wing attacks have successfully been carried out against J20 defendants as a result of this doxxing, the state is responsible for creating conditions in which the defendants have had to live in fear.

Facing decades in prison for ten months—with those who hold the highest political offices in the land calling for the worst possible consequences against you—is stressful to say the least. Such stress and anxiety have had a serious impact on the defendants; some of them have wrestled with suicidal thoughts. While not a DC J20 defendant, Nathan Hose, one of the J20 defendants in New Orleans, took his life in August. The groundless charges that Nathan faced have just been dropped for the surviving defendants in his case.

In this regard, those who press groundless charges are murderers with blood on their hands. They would doubtless welcome more suicides from those who face these charges; it speaks to the deep care that J20 defendants and supporters have shown each other that no one else has committed suicide yet.

All this stress has rippled out to affect countless communities that care about the J20 defendants and about freedom of assembly. Indeed, the chief goal of the J20 prosecution has never been to achieve specific guilty verdicts; it has been to set an ugly new precedent for judicial persecution of *all* who participate in protest activity. If there are convictions in the J20 trial—or even if there are no more convictions, but there are no serious consequences for the mass arrest and blanket charging—we can be sure that the police will continue to use the same strategy to terrorize other protesters in the future. Imagine if they had used this approach to crack down on Occupy or Black Lives Matter demonstrations!

Some defendants have been prevented from traveling to other countries, trapping them in territory governed by Trump. Long before they came to trial, the charges served to separate people from their families and loved ones and to prevent them from building international ties of solidarity.

The conditions of defendants’ pre-trial non-incarceration include not being arrested in DC again; any additional legal trouble they incur can be used against them in court, even if it also turns out to be groundless. This is another way that the J20 charges have been aimed at sidelining and disabling social movements.