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Updates for January 2nd

15 Dec - Statement from Guerilla Mainframe and the Rakem Balogun Defense Committee

Stop the F.B.I intimidation of Guerrilla Mainframe and all social and political justice organizations.

MORE:

by Stephen Benavides (*Daily Kos*)

We as African/Black people have been burdened in the Americas for over five centuries. We rise and organize against oppression when we meet it. We are often discouraged from fighting for liberation and seeking freedom. Our mothers and fathers keep us safe from a world considered not for the children of the enslaved or the undesired. A system of bondage often referred to as the Prison Industrial Complex, becomes a place where millions of us are held daily. Now the U.S government, through the F.B.I., have created a new terrorist classification known as the “Black Identity Extremist”. This conjured classification targets our political leadership and mirrors J. Edgar Hoover’s infamous COINTELPRO program of the 60’s and 70’s. Both programs have been specifically designed to disrupt and destroy black political organizations from achieving real equality and justice.

On Monday morning, December 11th, at 5:00 am, the FBI and ATF kicked Rakem Balogun’s door down and took him into custody, on a seek and destroy mission in search for illegal weapons. Since that day he has been held captive; essentially kidnapped by the F.B.I.

The F.B.I. report detailing the perceived BIE threat specifically discusses the shooting of Dallas police officers in July 2016. The document was prepared by the F.B.I Domestic Terrorism Analysis Unit, and has shown an effort to “criminalize” political organizers with progressive and revolutionary ethics. The Trump administration and prior Presidents have made their desire to derail black revolutionaries through declarations and actions crystal clear. Our struggle as change agents is to instruct and liberate the masses with revolutionary discourse, and we will continue to do so.

Simply, we have a love for our community and people that allow us sanctuary even in the midst of a fraudulent criminal justice system. Rakem Balogun is a co-founder of Geronimo Tactical, Huey P. Newton Gun Club, and a principal member of Guerrilla Mainframe. Our comrade has been a part of many discussions and activities for Black liberation. He synchronized security operations on April 2nd in South Dallas that ran BAIR, a right winged group of armed Trump supporters, out of the Black community and away from Mosque 48. Rakem has stood as an example for the community on issues such as political education, fratricide, and community development. He has been committed to the community, so we will be committed to him.

We, the Rakem Balogun Defense Committee request that you materially and financially support our brother as he fights prosecution by the Federal Government. WE, GUERRILLA MAINFRAME, believe in our right to bear arms and to advocate for political freedom. Finally, we must state that we have had a number of visitations and issues as it relates to the FBI this year. The BIE classification has grown from a report on paper, to a national investigation of Black Lives Matter and black gun ownership advocates. Rakem Balogun has been classified as B.I.E, we must defend him, stand with him as he has stood with us!

17 Dec - J20 First Trial Roundup

The big news is that all defendants in the first trial of J20 protesters were acquitted. There are still a lot of folks facing trial and support for this is crucial, but this is still great news.

MORE:

December 17th - J20 Defendants Await Verdict in First Test of Government Attempt to Criminalize Protest Group as a Whole

by Sam Adler-Bell (*The Intercept*)

It's been a bleak year for the 194 protesters, medics, and journalists facing multiple felony charges stemming from their arrests surrounding Donald Trump's presidential inauguration on January 20, 2017. Vilified by much of the mainstream press and largely ignored by the liberal resistance movement, the J20 defendants — as they're collectively known — have huddled around each other and their tight network of supporters. On Friday, a jury began deliberations in the first J20 trial, of six defendants, on a raft of counts; a verdict could come as soon as Monday. Last Wednesday, however, there was a rare glimmer of hope: Before closing arguments, Judge Lynn Leibovitz of the D.C. Superior Court threw out the "inciting a riot" charge, a felony with a maximum 10 year sentence.

Despite throwing out the incitement charges, Leibovitz declined to acquit the defendants on seven other charges, including five counts of felony property destruction, misdemeanor rioting, and misdemeanor conspiracy to riot. Those charges together carry a maximum sentence of 50 years in prison.

"It's been a long month for these six defendants and their supporters," said Sam Menefee-Libey of the Dead City Legal Posse, a group that organizes support and advocates for the J20 defendants. "We're nervous, obviously, but we're resolute. And the feeling of solidarity amongst everyone is powerful."

What the acquittal means for the remaining 188 defendants is not yet clear. Prosecutors may have stronger evidence of incitement against other protesters, especially those who planned the action or issued directions during the march. (Some of the organizers will go on trial early next year.) But this first failure is indicative of a larger problem with the government's case: a lack of individualized evidence against the majority of those arrested.

Leibovitz's unusual decision to grant the defense's motion for a judgment of acquittal is a testament to the paltriness of the prosecution's case for "incitement." Such motions are practically a formality in criminal proceedings; judges almost always defer to the jury to decide on the sufficiency of the facts. In this case, Leibovitz concluded that "no reasonable juror" could find the prosecution's evidence sufficient to establish the charge of incitement. "None of [the defendants] engaged in conduct that amounted to urging others," Leibovitz said.

The prosecution's case is built around hours upon hours of video captured by police body cameras, reporters, undercover cops, confiscated cellphones, and far-right groups, such as the media provocateurs of Project Veritas and the Oath Keepers militia. One of the defendants, independent journalist Alexei Wood, had his livestream of the event used as evidence against him and his co-defendants. In his video, Wood can be heard cheering while others graffiti walls and break windows. On Wednesday, Leibovitz decided that cheering isn't enough to establish incitement. "Personal enthusiasm for the destruction," Leibovitz said, "is qualitatively different from urging others to destroy."

Only a tiny fraction of those arrested on January 20 could have personally engaged in acts of property destruction. The prosecution doesn't dispute this fact. "We don't believe the evidence is going to show that any of these six individuals personally took that crowbar or that hammer and hit the limo or personally bashed those windows of that Starbucks in," Assistant U.S. Attorney Jennifer Kerkhoff told the jury in her opening statement on November 20. "You don't personally have to be the one that breaks the window to be guilty of rioting."

Though it sometimes gets lost amid breathless reporting on masked anarchists, shattered glass, and burning limos, the real story of J20 is one of the state attempting to imprison almost 200 people for criminal acts committed by a handful. The prosecution's novel theory of group liability — in which anyone in proximity to criminal behavior during a protest can be held liable for those crimes — is a grave threat to the First Amendment, the right to assemble, and the right to protest, according to civil rights advocates. "The

prosecution's case is utterly bizarre and essentially rests on both guilt by association and criminalization of dissent," said Chip Gibbons, the policy and legislative counsel for Defending Rights and Dissent.

Unable to marshal sufficient evidence against each individual arrested on January 20, the government has opted instead to criminalize the group as whole. "It's the group that's the danger," Kerkhoff, the prosecutor, explained at a hearing in July, "the group that's criminal." In so doing, the government has criminalized the very things that constitute the march as a march: aesthetic unity, chanting anti-capitalist slogans, and moving together through the street — all of which are protected First Amendment activities.

The prosecution, of course, doesn't see it that way. "We've been here for the last several weeks because these six defendants and their co-conspirators agreed to destroy your city," said Assistant U.S. Attorney Rizwan Qureshi at the trial. "And now they're hiding behind the First Amendment."

Despite being a positive development for the defendants in question, Leibovitz's decision to dismiss the incitement charge leaves the state's theory of liability largely intact. The prosecution has argued that by wearing black, meeting at a predefined location, moving as a cohesive unit, and remaining in the streets after property destruction began, the entire group aided and abetted the tiny fraction who smashed windows and turned over trash bins. In his closing argument Thursday, Qureshi likened the black bloc — the protest tactic used on January 20 — to a driver who waits outside while the "muscle" commits a robbery. "That's exactly what this sea of black was," he intoned. "It was the getaway car."

"The J20 cases are unique in that many of the core issues are not centered around factual disputes," Gibbons, the counsel for Defending Rights and Dissent, told *The Intercept*. The prosecution and defense agree on the essential facts: Property damage took place on January 20 and only a few people — none of whom stood trial last week — actually broke anything. "The dispute," Gibbons said, "comes down to what the First Amendment does or doesn't protect."

In a jury trial, it's up to judges to rule on the law and juries to rule on facts. But Leibovitz has so far declined to take up the defense's constitutional challenges. In denying a defense motion to dismiss the charges in September, Leibovitz declared that she is constrained by the Supreme Court's 1968 ruling in *United States v. Matthews*, which upheld the constitutionality of the D.C. riot statute. So long as a defendant "willfully associates" with an "assemblage" causing or threatening tumult and violence, the court found in the *Matthews* case, they can be charged with rioting. (That ruling, as I reported elsewhere, was based on a racially inflected distinction between rioting and legitimate protest.)

When, on Wednesday, defense attorney Jamie Heine reminded Leibovitz that wearing black and marching with a group of anarchists are both protected First Amendment activities, Leibovitz replied, with exasperation, "I'm really asking you to focus in on the facts, not just to state constitutional principles." In a heated exchange over jury instructions, Leibovitz told the defense, not incorrectly, that it's not the jury's responsibility to "decide what the First Amendment allows and what it prohibits." She added, "What they must decide is whether the defendants have committed the offenses charged."

Meanwhile, many of the facts on which the prosecution bases its case are themselves absurd. "What do you need a medic with gauze for?" Qureshi asked of Brittne Lawson, an oncology nurse from Pittsburgh who attended the protest as a medic. "I thought this was a protest." While organized medical volunteers have attended protests from the Arab Spring, to Occupy Wall Street, to Standing Rock, to Charlottesville, Qureshi saw something sinister in Lawson's bag of medical supplies, which were entered into evidence.

"She wasn't prepared for a march or a protest. She was prepared for war," said Qureshi. "She was going to be there to help members who are in black, who get pepper-sprayed, who get hurt because they're provoking the police, to mend them and then get them up on their way so they can continue their destruction." (The nurses' code of ethics binds registered nurses to serve all their patients regardless of the unique circumstances and maintains that treatment is not tantamount to endorsement.)

In an effort to impugn photojournalist Alexei Wood's intentions at the march, Qureshi also questioned why a self-declared journalist would be knowledgeable about protest policing. "How is he an up-and-coming journalist and he's talking about a kettle?" he asked, with folksy incredulity. "I didn't know what a kettle was before this case. Did you?" (The admission was remarkable from a prosecutor representing the District of Columbia, which has settled numerous expensive class-action lawsuits against protesters illegally kettled, or cornered protesters into a small area, by its police department.)

The defense, too, is constrained by the Matthews precedent, trapped in the bizarre world of the government's theory of group liability. Defense attorneys have spoken to the core First Amendment principles at stake in the case, but they've also spent time in court introducing doubt about whether their clients willfully associated with the so-called riot. Did they know there were windows breaking? Did they stay with the group the whole time? Did they wear black for tactical or purely aesthetic reasons? It is a sound legal strategy, given the circumstances, and thanks to the meagerness of the state's evidence, Gibbons told me, it may be enough to exonerate their clients.

One can't help feeling that all this quibbling is beside the point. By allowing this prosecution to proceed, Leibovitz has implied that it's acceptable for the police to indiscriminately mass arrest protesters without individualized probable cause, then proceed to prosecute them in connection with criminal activity they themselves did not commit.

In a sense, the defendants have already been sentenced, to months if not years of waiting and wondering, shuttling back and forth between their homes and Washington for hearings. They've been sentenced to sleepless nights and anxious days, to threats of violence and doxing from far-right extremists. Some have lost jobs and strained relationships.

Brittne Lawson, the nurse, was forced to quit her job at University of Pittsburgh Medical Center to deal with her charges. Rosa Roncales, a Henrico County, Virginia firefighter, was reassigned to desk duty. Elizabeth Lagesse, a former graduate student, has put her life on hold and moved to D.C. to mitigate the costs of travel from her former home in Baltimore. At a press conference in November, Lagesse said that whether or not the prosecution's case stands up in court, a "punishment has already been delivered." It was, she said, "the stress, the disruption in their lives." These consequences are "doing a lot of the job of suppressing speech, of suppressing dissent, of contaminating these people."

Even if the jury somehow found the prosecution's evidence sufficient, there may be a remaining source of hope for the defendants. Though jurors will be instructed to rule narrowly on the facts — not on the consequences the defendants may face or the constitutionality of the law — they're ultimately empowered to decide on the basis of their values. When a jury encounters a plainly unjust law, it is their right to nullify the verdict, whether or not the facts of the case meet the offense charged.

"It's a travesty this case ever made it to a jury," said Menefee-Libey of the Dead City Legal Posse. "For now, all we can do is keep up the fight, no matter what happens. We'll keep fighting until all of us are free."

December 18th - A Conspiracy Between the Far-Right and the #J20 Prosecutions

by It's Going Down (*The New Inquiry*)

Almost 200 people face upwards of 60 years in prison for taking part in a demonstration against Trump's inauguration and collectively are all being charged with breaking the same 5 windows of banks and corporate stores. The mass of people arrested on January 20th were swept up in a police kettle which lasted for hours, and ended in the police sexually assaulting and raping arrestees as a sadistic form of group punishment.

Central to the State's narrative, is that everyone that took part in the anti-capitalist and anti-fascist march that led to the breaking of only a handful of windows was in fact part of a criminal conspiracy. In lieu of evidence, the State argues that the wearing of masks, black clothing, and even chanting similar chants or

smiling while witnessing property destruction all constitute evidence in this regard. If the State succeeds, most of the defendants face literally a life sentence, and the State will be given a dangerous new precedent for future repression.

Nothing To Do with Protecting the Public, Everything to Do With Smashing Social Movements

Across the US, we already are starting to see a similar J20 strategy be put into practice. In Colorado Springs, police justified the infiltration of a group of socialists because police claimed that some of them were seen at a “protest wearing black bloc clothing.” Meanwhile, other states have passed new anti-masks laws, while others are attempting to further criminalize the blockading of roads and oil infrastructure.

With the J20 trial, the government is seeking to create a legal precedent that would give them further tools to not only police dissent and protest, but attack social movements and struggles that have grown under the Trump administration. Furthermore, the State is also attempting to punish even journalists and live streamers that were out covering the protests, claiming that they were helping grow the demonstrations while informing would be participants.

With recent comments from the FBI that they are actively investigating “anarchists extremists” of an “antifa type ideology,” along with “Black Identity Extremists,” as some in Congress pressure the DOJ to label sabotage against oil pipelines an act of terrorism, one key component in the State’s strategy is becoming clear.

The government is attempting to use the language of terrorism to prosecute autonomous social movements that use tactics such as street marches, occupations, and blockades. In themselves, these tactics are based around taking over public space, stopping the flows of capital, and shutting down infrastructure. Clearly, these tactics are not aimed at injuring, harming, or killing members of the public. Even black bloc tactics, the shutting down of pipelines, and antifascist defense against violent neo-Nazi and Alt-Right groups, while often confrontational, are likewise not aimed at injuring, killing, or harming members of the public. If anything, these tactics are powerful in that they are available to everyone and encourage public participation while creating spaces that bring in everyday people and empower them.

Clearly, it is because of this reality that the security State is looking to crush autonomous social movements, especially at a time when legitimacy in the State is falling, as is support for both Trump and the Democratic Party. Across the US, from Flint, Michigan to Puerto Rico, Americans are seeing that the government cares more about maintaining control through police force and providing for rich elites than it does with helping everyday people.

Moreover, the degree in which the State has given a green light to the Alt-Right, which has actively murdered, attacked, harassed, and threatened a vast amount of the public, shows that the government is not concerned with policing forces which seek to uphold the power of the State and the colonial hierarchies upon which it was founded, but instead those that seek to abolish it.

Above all, it’s important to keep in mind that this attack isn’t ‘logical’ in the sense that it is designed to stop a tangible threat to the American public or because there is a real possibility of violence from grassroots social movements. Clearly, if the government wanted to stop violent threats, it would be concerned with the Alt-Right and the far-Right along with police violence, but it’s not. Instead, the State is concerned with crushing potentially revolutionary movements that are seeking to build a base of support within the working-class and poor communities; the same communities which are under threat from both the State and the far-Right.

In doing so, the State finds its interests aligning along with those of the auxiliary insurgent Right, as they both begin to parrot much of the same talking points and conspiracy theories.

This can also be seen in the various DHS and FBI reports that put forward false claims, specifically that “antifa,” anarchists, Water protectors, or “Black Lives Matter” are both a threat to the public, are carrying out violent acts against “Trump supporters,” or are actively organizing to kill law enforcement officers.

In this reality, it’s important to understand the cyclical relationship between both the far-Right wingnut fringe and the push by the State to ramp up repression. For the farther that the far-Right can beat the drum of open civil war with autonomous social movements, the more the State can justify cracking down on them.

The J20 trial shows this reality to be in full swing, as the prosecution has openly worked with the far-Right and the Alt-Right in several instances, while also pulling from it in order to build its case.

The Far-Right and the Alt-Right and the J20 Trial

Since the start of the J20 trial, local police and the prosecution, headed by Assistant US Attorney Jennifer Kerkhoff, have not only worked with members of the Alt-Right and the far-Right, but have built a case around their media as evidence for the J20 trial.

On February 4th, the Alt-Right conspiracy laden website, *GotNews.com*, ran with the headline: *BREAKING: Here’s The Full List Of The 231 People Arrested At The #Inauguration Riots In DC*. This release took place only two weeks after the protests, and three days after antifascist and anarchist protesters along with thousands of others, successfully shut down a talk by Milo Yiannopoulos at UC Berkeley, leading to condemnation from President Trump.

The website *GotNews*, which has been repeatedly discredited, is run by Charles C. Johnson, an Alt-Right troll and friend with a variety of movers and shakers in both white nationalist and Trump circles, and someone that has appeared on neo-Nazi podcasts such as *Fash the Nation*, where he discussed his views on Jews and African-Americans.

Johnson also attended the 2016 GOP convention with Richard B Spencer, who would go on to gain fame only several months later, as he lead a group of Alt-Righters giving Nazi salutes as he screamed, “Hail Trump.” This August, Spencer was also a key organizer in the disastrous Unite the Right rally, which brought together a variety of Alt-Right, neo-Nazi, and KKK groups. Meanwhile, Johnson would go on to build Wesearchr, a fundraising platform for the Alt-Right, which managed to raise over \$150,000 for the neo-Nazi Andrew Anglin in his lawsuit against the Southern Poverty Law Center, among other causes.

While today Charles Johnson’s star has fallen somewhat, both as a peddler of conspiracy theories and also within the Alt-Right amid various allegations, in February of 2017, both himself and friends like Richard Spencer were overjoyed when, according to *The Real News*, Rachel Schaerr from the DC Metropolitan Police Department (MPD) gave them access to the entire list of people arrested on January 20th in Washington DC.

According to *The Real News*, the metadata associated with the spreadsheets which were given to *GotNews* was then linked back to Rachel Schaerr of MPD. As *The Real News* writes:

The Real News Network has been able to confirm that Rachel Schaerr, a communications officer for the Metropolitan Police Department in Washington D.C. gave a spreadsheet with the names and home cities of 231 people who were arrested that day to the far-right conspiracy-laden site gotnews.com. The spreadsheet of the names released by the site still contains the metadata, which lists Schaerr as the author of the document and MPD as the company.

Ironically, Rachel Schaerr, a former news reporter, is an MPD spokeswoman, according to *The Washington Post*, and as stated on her online resume which brags about her social media prowess, lists her job title as a public affairs specialist. Despite these self accolades, we doubt that Schaerr would have enjoyed being linked publicly to aiding a group of neo-Nazi trolls, yet this sharing of information between the Alt-Right

and the DC metro police is exactly that. Clearly, people within the police saw a friend within the Alt-Right, which includes open neo-Nazis and white nationalists, and second, they wanted to physically hurt Trump protesters without members of the public knowing about it.

Lastly, this move should be seen as what it clearly was, a green light from the State to the auxiliary far-Right to attack enemies of the Trump regime. And at the same time, the Trump administration removed groups on the far-Right from the terrorism watch list, which drew praise from neo-Nazi and Alt-Right commenters. As *Think Progress* reported:

“Donald Trump wants to remove us from undue federal scrutiny by removing ‘white supremacists’ from the definition of ‘extremism,’” the founder and editor of the neo-Nazi website The Daily Stormer (which takes its name from a Nazi propaganda publication) wrote in a post on the site. “Yes, this is real life. Our memes are all real life. Donald Trump is setting us free.”

But beyond attacking Trump protesters out of the gate and behind the scenes, moreover the prosecution has also built their case around the media generated by far-Right and Alt-Right groups and personalities. According to a spokesperson from Defend J20 who spoke with *It’s Going Down* who has been in court during the proceedings, video shot by the paramilitary militia group the Oath Keepers is currently on the exhibit list as potential evidence, for use by the prosecution.

As *The Daily Beast* wrote:

In September, the U.S. attorney moved to introduce a series of videos ripped from right-wing and conspiracy-theorist YouTube channels, including a video produced by the far-right militia the Oath Keepers.

The video names listed in the filing match those of dubious YouTube videos boasting of “INSANE Protests Riots Compilation,” or far-right internet videos claiming to show “Mayham” [sic] in the streets.

And one of those videos—an audio file overlaid with a slideshow of protest pictures—was uploaded as part of an “operation” by a right-wing militia.

But while the Oath Keeper videos have yet to be shown in court, one video that has been played numerous times, again according to a representative of Defend J20 that has been in court throughout the trial, is that of Alt-Lite vlogger, Lauren Southern. Southern is most known for helping to mainstream white nationalist talking points and taking part in a blockade of boats filled with refugees in the Mediterranean along with Brittany Pettibone, who writes for *AltRight.com*, and [both are] members of Generation Identity, a white nationalist group.

Ironically, Lauren Southern was among those who were swept up and arrested during the J20 protests, however, unlike other journalists, was quickly released without charges. According to Matthew Sheffield at *Salon*:

Among the video that Pemberton and his colleagues have been sifting through is footage from Alexei Wood, a photographer who had only attended the demonstration to live-stream it as a journalist. Instead, government attorneys appear to be trying to prosecute him because of his expressed opinions about the protest.

Wood, who lives in San Antonio, Texas, was not the only member of the media who was rounded up by police. Among the other people arrested was Lauren Southern, a white nationalist Canadian vlogger and Trump supporter who was also trying to cover the demonstration. Unlike Wood, she was released after her arrest. Some of her footage from that day has been used in court against defendants.

In other words, if the State doesn’t like your politics and you’re a journalist, you may find yourself facing 60 plus years behind bars. If you are a white supremacist, they may look to you for evidence against the other side!

Lastly, the prosecution has also relied on undercover footage from the far-Right and much discredited so-called Project Veritas, which has received funding from Trump’s foundation, and according to *The Daily Beast*, also worked with members of the Oath Keeper militia to film protester meetings.

According to a member of Defend J20 that we talked to, while the prosecution has based much of their case on the Project Veritas video, it has come out in court that the police themselves once receiving the raw video, worked hard to remove the names and faces of those who shot the video and were involved in the undercover operation. This is ironic, being that DC Metro Police actively worked with members of the Alt-Right to doxx people that had been arrested on January 20th. Clearly, the police aren't simply an impartial force looking for 'justice,' but actively siding with the far-Right in their drive to repress social movements.

But beyond openly working with the Alt-Right and building a case based off of far-Right, Alt-Lite, and militia group's media, the police involved in the J20 case have also shown incredible bias as well as a tendency to side with far-Right forces in other scenarios.

As documented by Unicorn Riot, MPD Commander Keith Deville, who oversaw the J20 mass arrests, has a history of making racist, homophobic, and transphobic remarks. As *Unicorn Riot* noted:

Defense counsel then confronted Commander Deville with several incidents that would indicate his personal biases. Internal Affairs records show Deville, after being in a car of officers that passed the Holocaust Museum in Washington, DC, joked about holocaust survivor Raoul Wallenberg as "the one who got away" and repeated the joke multiple times while on duty.

The prosecution has also relied heavily on the testimony of Detective Gregg Pemberton of the seventh District. Pemberton according to *Unicorn Riot* is "as well as being the DC police union treasurer, is the main detective in the prosecution of Trump inauguration protesters." However a closer look at Pemberton reveals more of his own personal politics:

The detective's Twitter account suggests he has a strong bias against the protesters whose prosecution he is intimately involved with. Pemberton once tweeted that complaints about police shootings of unarmed black youth are due to a "false narrative." He has also retweeted several tweets disparaging NFL players who have spoken out against police shootings, and 'liked' a Fraternal Order of Police statement praising remarks made by President Trump earlier this year encouraging police brutality.

Additionally, Detective Pemberton follows a Twitter account associated with /pol/—a message board on the websites 4chan and 8chan, widely known as hubs for white supremacist harassment campaigns, as well as 'doxing' (spreading personal information) of people thought to be antifascists.

But Pemberton's personal biases and following of Alt-Right social media accounts only speaks to a wider culture of racism and white supremacy within the department. As *Unicorn Riot* wrote:

Several officers from MPD's seventh district...were disciplined earlier this year for wearing shirts with white supremacist imagery while on duty. The shirts, which read 'Powershift,' include a white supremacist circle-and-cross as well as a grim reaper, along with the words "let me see that waistband jo"—an apparent reference to racially targeted stop-and-frisk 'jumpout' searches conducted by officers in the seventh district.

The Root wrote:

The T-shirt features a Grim Reaper wearing an MPD badge and holding a rifle. The D.C. flag is in the backdrop, and the words "Powershift" and "Seventh District" surround the Grim Reaper. In place of the "o" in the word "powershift" is a Celtic cross, a symbol used by white supremacist groups such as the Ku Klux Klan.

Moreover, one police officer from the seventh District made a comment in court that likened moving protesters in DC to dealing with poor black residents in the Barry Farm neighborhood.

As *Unicorn Riot* noted:

The defense also asked Officer Howden if he made a comment about "herding" protesters. Howden said he did not. The defense then played body camera videos where Howden told officers "I'm fairly accustomed to that sort of rioting" and bragged about his experience "herding people through Barry Farm when they're rioting, when they're out of control." Local DC activists were quick to point out that Barry Farm is a lower-income black neighborhood historically targeted by racist crowd control policing by officers in MPD's seventh district and Howden's comment is a clear example of how racism comes into the day-to-day practices of DC Metropolitan Police Department (MPD).

Moreover, beyond the Project Veritas video, the big piece of evidence being used by the prosecution is a podcast produced by *It's Going Down*. According to the State, the podcast shows evidence of planning and thus, conspiracy. What is ironic, is that the prosecution has referred to *It's Going Down* as a “known anarchist website,” in an attempt to further solidify their position by linking the defendants to a set of ideas. But what happens when the roles are reversed, and we see that the State is paired with the neo-Nazis, Alt-Right trolls, far-Right hacks, and militia members that are helping to construct a baseline for the State’s argument? Clearly we see police and prosecutors working openly with Alt-Right and far-Right players, while also depending on them for evidence and talking points, amid a sea of support for not only Trump and the far-Right fear of black struggle as a violent threat.

In this context, we can see the J20 trial for what it is, not an attempt by the State to protect the public from violence, but a blunt tool of repression aimed against the public as a warning, that should anyone step out of line, the full force of the State will be used to smack them down.

Drawing Conclusions

2017 will in part be remembered as the year that the far-Right went into the streets to attack, murder, and injure a much larger body of people who oppose white supremacy and fascism. But it should also be remembered as a year in which white nationalist and fascist ideas were mainstreamed by everyone from the President to those in the mass media.

It is no surprise then that the State is openly working with segments of the Alt-Right and the far-Right to attack social movements and struggles organizing and building for liberation and grassroots power, as both have similar enemies: *those very movements*.

Going forward, we must couple support and outrage both at government repression and open collaboration with the Alt-Right with an understanding that when the US government attempts to pass off repression as “fighting terrorism,” it is simply a smokescreen to advance its own agenda that surely will include massive amounts of violence.

December 19th - Motion Alleges Lead Detective in J20 Case Gave False Testimony to Grand Jury

by Baynard Woods (*The Real News*)

A motion filed in D.C. Superior Court last week claims that the lead detective in the case against 193 people arrested during protests of President Trump’s inauguration gave false testimony before a grand jury to secure charges against two of those people.

The motion claims that Gregory Pemberton, a detective with the Metropolitan Police Department and the treasurer of the Fraternal Order of Police union in D.C., told the grand jury that everyone who was “kettled” and arrested en masse on Jan. 20 “participated in the entire march,” including Jada Young and Sasha Hill, both of whom are scheduled to stand trial next month on three misdemeanor charges. But, the motion argues, this isn’t true—and so any charges brought by the grand jury on the basis of this testimony should be dismissed.

“It really undercuts the government’s whole theory of what people were doing there and caught up in the kettle,” said Scott Michelman, of the ACLU, which is pursuing a civil case against MPD based on the actions of individual officers and command that day.

More than 200 people were arrested by MPD officers during protests surrounding Trump’s inauguration in January. The government claims that, under the federal Riot Act, all of those people are responsible for several broken windows because by wearing black and being in the area they were part of a conspiracy to riot.

Michelman says that the motion shows that police and prosecutors “are guilty of overreach in terms of their willingness to ignore or not learn about the presence of individuals who showed up at the end. And the fact

that people were coming and going throughout the march. All of which suggests they just wanted to round up a group of people and they didn't care who they were or what they had done.”

The motion contains portions of grand jury testimony obtained by Young and Hill’s lawyers after a recent proffer that reduced their charges acknowledged that the two women had not been present for many of the crimes with which they were charged. “Contrary to the specific allegations of the indictment, neither Ms. Young nor Ms. Hill traveled with the march (which the indictment alleges was dominated by black bloc) for 16 blocks over a course of 33 minutes. Moreover, they did not have multiple opportunities to leave the march, including two specifically alleged by the indictment,” Kristen Robinson wrote in an earlier motion seeking access to the testimony.

“The grand jury indicted Ms. Young and Ms. Hill on all of the charges in the incident, without differentiating them from other participants in the march, based on the false testimony of Detective Pemberton,” the motion reads. Pemberton, the motion alleges, “led the grand jury to believe that anyone arrested in the kettle had participated in the entire march.”

“He did so even though by the time his testimony was complete on April 21, 2017, he had reviewed hundreds of hours of videotape and had the ability to describe Ms. Young’s and Ms. Hill’s very limited participation in the march to the grand jury and to differentiate it from everyone who participated in the march from beginning. Instead, he provided false testimony about their participation, whereupon the grand jury indicted them on all of the counts,” the motion reads.

The testimony, the motion argues, has been acknowledged as false by the government itself given that it has since decided “to only try them on three misdemeanor counts” rather than the eight charges brought against all of the defendants.

This case has far-reaching implications for the First Amendment and the ability for Americans to protest in the nation’s capital, where federal prosecutors who answer to the Department of Justice try even minor cases.

If Judge Lynn Leibovitz rules that Pemberton’s testimony to the grand jury in the cases of Hill and Young was false, the cases against dozens of other people caught up in the mass arrest could be dismissed. If the defendants in the case are found guilty, it could quell the ability to organize protests for fear that an entire group will be held accountable for the actions of a single individual.

Arguments in the trial of the first six defendants concluded last week and the jury is deliberating. In that trial, Pemberton’s own criminal history (DUI), troubles with internal affairs (“conduct unbecoming of an officer”) and social media posts that may show a bias (he claimed they were intentionally inflammatory) became an issue. He has spent the entire year working solely on this case at a salary of over \$78,000. If a judge rules that he provided false testimony to the grand jury, it could have far-reaching results that go way beyond the charges that Hill and Young are facing.

The grand jury testimony—which is used to bring charges and is usually kept secret—included in the subsequent motion shows a grand juror trying to understand the grounds of arrest. “Is being—wearing black and being in the immediate area was cause for arrest?”

Jennifer Kerkhoff, the U.S. Attorney in charge of the government’s case, reframed the question for Pemberton. “So you’ve testified that the group itself that moved through the city was the one that was stopped. Can you explain a little bit more what you mean by that, the group that was moving through the city causing the damage was the one that was stopped?”

Pemberton responded that “anybody that appeared to not be associated with this group left and went in another direction, because of the fact that the destruction was so—it was proliferating.”

The group had, Pemberton testified, “coalesced into one group of individuals that was pretty much wearing all black, carrying flags, chanting, throwing bottles at people, throwing rocks at the police, breaking windows, breaking cars.”

“I don’t think that there’s anybody that just sort of happened to be there at that point in time. Because they were engaging in active violence against property and people and the police—anyone that was left at that location...they had obviously gotten it down to a group of individuals that were the most egregious of the group and that’s the individuals that were placed under arrest.”

The statements were not just general. The testimony shows that Pemberton was specifically asked about both Young and Hill. When he was asked “Have you identified Ms. Hill as having participated in this riot?” he answered affirmatively. With regards to Young, the question was even more specific, asking Pemberton if he had specifically identified Young in video evidence of the “riot.”

“Yes, I have,” he answered.

Lawyers for Hill and Young argue that the evidence makes it clear that their clients weren’t swept up in the march until near the end—for the final three blocks. They did not have opportunities to leave or witness any of the acts of destruction mentioned in the indictment. Nor did they cheer at those acts of destruction, the motion claims.

“The fact that the government now concedes that Ms. Young and Ms. Hill participated in the march for only three blocks and seven minutes makes clear that Detective Pemberton gave false testimony and, as a result, Ms. Young and Ms. Hill were deprived of their Fifth Amendment right to a fair hearing before the Grand Jury,” the motion concludes.

December 21st - Not-guilty verdicts for first six people on trial in violent Inauguration Day protests
by Keith L. Alexander and Ellie Silverman (*The Washington Post*)

The first six people to face trial in Inauguration Day protests that turned destructive in the nation’s capital were acquitted of all charges, a victory not only for the defendants but also for advocates who argued the government overreached in its effort to prosecute more than 200 people arrested as they marched through the city.

Following a nearly four-week trial and two full days of deliberations, a D.C. Superior Court jury delivered not-guilty verdicts Thursday on multiple charges of rioting and destruction of property.

The defendants — including a nurse for cancer patients, a freelance photographer and a college student — joined throngs of protesters who took to the streets Jan. 20 to protest Donald Trump’s election. Prosecutors said the six were among a group that cut a violent swath through 16 blocks of the city, smashing businesses’ windows, tossing newspaper boxes into the street and damaging a limousine. Authorities tallied the damage at more than \$100,000.

As the jury foreman read the not-guilty verdicts, the defendants began to smile. One of them, Alexei Wood, a 37-year-old freelance photographer from San Antonio, covered his face, sat down and began sobbing.

Outside the courtroom, Wood and the other defendants hugged one another and their supporters. One, in tears, pulled out her iPad to FaceTime her family and friends.

Jennifer Armento, 38, a Philadelphia woman who was among the six, said the verdict “shows the country that the jury was unwilling to do what the government wanted them to do, which was criminalize dissent.”

Oliver Harris, 28, a Drexel University doctoral student who was charged, said the acquittal was “the only just verdict.” He called his arrest and trial “repeatedly traumatizing.”

Also acquitted were Michelle Macchio, 26, of Naples, Fla.; Christina Simmons, 20, of Cockeysville, Md.; and Brittne Lawson, 27, of Pittsburgh.

From the start, defense attorneys said their clients and most others in the group of about 500 were peacefully protesting, while only a handful peeled off and became violent. They criticized police for failing to identify those people and said officers unfairly herded a group of about 200 and charged them with rioting.

During his closing argument last week, attorney Steven J. McCool, who represented one of the men on trial, appealed to jurors to protect the “rights of free speech.”

But prosecutors said the demonstration, planned by a group that calls itself DisruptJ20, was aimed at destruction, not freedom of expression. Authorities say the group used “black bloc” tactics — wearing dark clothing and hiding their faces with masks and goggles so it would be harder to identify them. Some came armed with hammers, crowbars and bricks.

Prosecutors told jurors there was no evidence the six people on trial were personally involved in the vandalism but argued that they chose to remain with the group, essentially providing cover for those who caused the damage.

In his closing argument, Assistant U.S. Attorney Rizwan Qureshi told jurors the group “tore up your city, putting people in danger.”

He presented the jury with the analogy of a bank robbery, likening the defendants to a getaway driver while comparing those who smashed windows to the robber in the bank.

“They are both just as guilty,” Qureshi said. “This was not a First Amendment activity. They conspired by joining in the group to do unlawful things on the streets of your city.”

One 59-year-old juror said the panel tried to determine the mind-set of the defendants and whether “they supported the riotous behavior or they just had strong convictions about what they’re protesting about.”

They decided the evidence “only demonstrated that these six individuals walked in a protest.”

Another juror, a 37-year-old man, said jurors made up their minds to acquit three defendants fairly early in their deliberations, but there was additional discussion about Wood, Macchio and Harris.

The juror said the panel considered whether video showing Wood cheering while others were breaking windows was evidence of guilt. They also discussed whether Harris, who was seen casually walking through the crowd as the rioting unfolded, should be convicted. And they talked about text messages Macchio sent, telling a friend she had arrived with the group. But they ultimately decided none of those behaviors were enough to prove the government’s case.

“There was no evidence to support whether or not these six willingly participated in the riots or aided and abetted the rioters,” said the juror, who like the other juror spoke on the condition of anonymity to protect his privacy.

In a statement after the verdict, the U.S. attorney’s office said prosecutors continue to assert that a riot occurred on Inauguration Day and that the “destruction impacted many who live and work in the District of Columbia, and created a danger for all who were nearby.”

“We appreciate the jury’s close examination of the individual conduct and intent of each defendant during this trial and respect its verdict,” the statement said. “In the remaining pending cases, we look forward to the same rigorous review for each defendant.”

The case follows one of the largest mass arrests for vandalism in the city, and authorities spent months preparing for trial and mining for evidence. Authorities confiscated the cellphones of the defendants to examine text messages and videos. And prosecutors sought court orders for defendants' Internet records, including website visits and Facebook accounts, in hopes of securing additional evidence to support their theory the protesters planned to participate in a violent demonstration. The searches were challenged by attorneys and civil liberties groups as violating the rights of the users.

In court, jurors heard from about 40 witnesses, including employees and patrons of businesses who described their fear as protesters pounded on or smashed windows. The jury also spent hours watching video of clashes between demonstrators and police.

One of the more controversial videos viewed by the jury was given to police from Project Veritas, an organization that uses secret recordings to target the mainstream news media and left-leaning groups. A Veritas member secretly recorded a Jan. 8 DisruptJ20 planning meeting in the basement of a District church.

That video showed organizers advising that people wear comfortable shoes, avoid carrying identification and, if stopped by police, decline to give their names. One person says that would "jam up the police." But the video did not show anyone discussing plans of vandalism or rioting.

Before the case was presented to the jury, Judge Lynn Leibovitz threw out the most serious rioting charge against the six, a felony count of inciting a riot.

In her closing argument, defense attorney Sara Kropf reminded jurors that one of the police commanders was heard on a police radio at the beginning of the protest calling the demonstrators "anarchists."

"This is about politics. This is about police and local prosecutors who work for the Department of Justice. And we know who they report to," she said, referring to President Trump.

"All the government proved was that these individuals showed up and walked as protesters," she said. "And that is not a crime."

In all, 212 people were charged in connection with the protests. Twenty of them have pleaded guilty, and prosecutors have dropped cases against another 20.

18 Dec - Happy Holidays from International Leonard Peltier Defense Committee

A supporter saw Leonard Peltier on December 17th and they realized that it was exactly 42 years ago to the day that Leonard was extradited from Canada.

MORE:

A long sobering visit, as we discussed how we, ILPDC, are going to organize the continued work towards Leonard's freedom!

We have been meeting with some investigators who will work along with David Frankel, our lawyer, to review the trial and Leonard's extradition from Canada based on lies of the FBI regarding the affidavit of Myrtle Poor Bear. We have made some progress, but we need to get this work done so the lawyers can put everything together to get Leonard back into court at 73; with his health issues, time seems very short to Leonard.

While we have raised about 10,000 dollars, we need to raise about \$90,000 more to keep the wheels on Leonard's Freedom Train running smoothly. I realize it is the holiday season for many of you, but it is not for Leonard. So, I am asking that each one of you send us \$5.00 or what you are comfortable sharing with

us to move the train down the track. We send this newsletter out to almost 10,000 supporters, so you can see what \$5.00 from each of you would add up too, almost \$50,000. And it would take a load off of Leonard's mind if I could tell him on Dec. 25 when I visit that we well on our way to meeting our legal expenses. ILPDC 116 W.Osborne Ave. Tampa FL 33603

Leonard asked me to send you all his thanks for standing by him all these years! For some of us it has been 40 or more years, and our commitment to getting Leonard out to be with us again, and having dinner with friends and family is as strong as ever. Because we know that Leonard didn't shoot the agents and he would be out, if the Justice system worked the same for all people in America!

21 Dec - Quebec judge compares pipeline protester's mindset to terrorists in Paris

Prior to sentencing two men convicted of chaining themselves to a pipeline, a Quebec judge compared their mindset behind the protest to the Boston Marathon bombers and the terrorists involved in the Bataclan killings.

MORE:

by Danielle Rochette (*Aboriginal Peoples Television Network*)

Prior to sentencing two men convicted of chaining themselves to a pipeline, a Quebec judge compared their mindset behind the protest to the Boston Marathon bombers and the terrorists involved in the Bataclan killings.

“You were convinced that it was correct,” said Marleau in the judgement released Dec. 18. “However the terrorists who placed bombs during the Boston Marathon, or the Bataclan shooters were convinced that they were doing the right thing.

“But that was not the case.”

In 2013, two brothers, Dzhokhar Tsarnaev and Tamerlan Tsarnaev, set off two bombs that killed three people and injured hundreds of others at the Boston Marathon.

And in 2015, in a coordinated attack, terrorists killed 130 people in six locations across Paris including 89 at a concert at the Bataclan Theatre where the Eagles of Death Metal were playing.

The comparison did not sit well with Frederick Brabant, one of the men convicted.

“I found it really absurd to compare that to violent terrorist attacks that caused deaths and injuries,” he said.

Two years ago Brabant and Anton Bueckert chained themselves to a section of pipeline belonging to Enbridge's Line 9 – a 40-year-old network of pipelines running crude from Ontario into Quebec.

They were there for 10 hours before removed and arrested by police.

On Monday they were sentenced to three years probation, 240 hours of community service, \$750 donation to a charitable organization and a three-year ban from participating in a demonstration against Enbridge.

Bueckert said the sentence could have been worse if they were charged under Canada's anti-terrorism law introduced by the Harper government in 2015.

“So we were prepared to be charged with terrorism, we were willing to take that risk because of what we believed in,” he said. “And I know it is not going to be fun having probation, officers meetings, whatever but in every sense of the word it was worth and I'll do it again.”

In a statement, Enbridge said it supports the sentence.

22 Dec - Say NO to the New Package Restrictions in NYS Prisons

The thugs who run the NYS prison system (NYS DOCCS) recently issued a directive (4911A) that describes new, draconian package rules they are testing in 3 facilities as a "pilot program."

MORE:

Currently, at most facilities, family and friends can drop off packages at the front desk when visiting- packages that include fresh fruit and vegetables that supplement the high carb/sugar, meager diet provided by DOCCS.

These new rules are problematic in a lot of ways including:

- 1) Packages can be ordered only from approved vendors.
- 2) Fresh fruit and vegetables are not allowed.
- 3) Family and friends cannot drop off packages while visiting. All packages must be shipped through the vendor.
- 4) Each person is limited to ordering three packages a month for him or herself and receiving three packages a month from others. Each package cannot be more than 30 pounds. Of the 30 pounds per package, only 8 pounds can be food.
- 5) Allowable items will be the same in all facilities. (No more local permits.)
- 6) There are far fewer items allowed than before and of the items that are allowed, far less variety. This includes additional restrictions on clothing.
- 7) The pilot rules are not clear about how books, media, religious items and literature, or other items subject to First Amendment protection will be treated. This could mean that groups like NYC Books through Bars will not be able to send free books to the 52,000 people in the prison system.

The pilot program implements an "approved vendors only" package system. This means that only packages from approved vendors will be accepted. The vendors appear to be companies that specialize in shipping into prisons and jails. There are currently five approved vendors identified on the DOCCS website. This amounts to a cash grab for these companies.

The pilot program is starting at three facilities: Taconic, Greene, and Green Haven. Those facilities will stop accepting packages from non-approved vendors on January 2, 2018.

We have to make this package directive unworkable. These new rules are cruel- eliminating fresh fruit and vegetables and creating massive profits for the vampire companies that will fill the niche.

WE CAN ORGANIZE TO ROLL THESE RULES BACK.

Some ideas how:

- 1-Sign the petition- share it with your address book, share it on twitter, share it on facebook. It takes two seconds.
diy.rootsaction.org/petitions/no-package-restrictions-for-nys-prisoners
- 2-Get in touch with your people in NYS Prisons and let them know about this. Inform them, send them the info. Massive non-cooperation on the part of NYS prisoners will play a huge role in this.
- 3- Flood the electeds with postcards. Send one to Governor Cuomo and one to Anthony Annucci, the acting commissioner of DOCCS. It costs 34 cents.

Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, New York 12224

Acting Commissioner Anthony Annucci

NYS DOCCS
Building 2, State Campus
Albany, New York 12226

Some sample text:

Dear Governor Cuomo,

This holiday season is about giving, not taking away. I object to the new DOCCS package rules.

From,

(Your Name)

(Your relationship to people in prison, if applicable)

Dear Acting Commissioner Annucci,

The new DOCCS package pilot punishes innocent families. Having a loved one in prison is already expensive and difficult—the new rules make it worse. Rescind the package pilot!

From,

(Your Name)

(Your relationship to people in prison, if applicable)

4) Write a letter to both of these people (address above)

5) Call Cuomo's office and leave a message about it. You won't have to talk to anyone. Just leave your message. 518.474.8390

6) Email

Cuomo: <http://www.governor.ny.gov/content/governor-contact-form>

Annucci anthony.annucci@doccs.ny.gov

7) Tweet at Cuomo <[@NYGovCuomo](https://twitter.com/NYGovCuomo)>

8) Write your NYS Senate and Assembly reps as well

9) Get media to cover it especially outfits like Democracy Now! and the Marshall Project.

stories@democracynow.org pitches@themarshallproject.org

30 Dec - Update on Eric King After Losing His Brother

Recently, Eric King suddenly and tragically lost his brother.

MORE:

Grieving the loss of a loved one is tough as it is, but for almost two weeks now Eric has been trying to figure out the best way to mourn the loss of his brother in an already dark place. While EK is not in the head space right now to be able to respond to the letters and cards he has been receiving he'd like everyone to know all the love and support he has received reminds him that he is not alone in this fight. He wanted to apologize for taking a longer time to respond to folks who are reaching than he'd like. Receiving the news was clearly devastating for EK and moving forward has certainly been a struggle, so please keep him in your thoughts while he navigates through this difficult time. We encourage you to keep the cards and letters coming because it's those incoming communications full of light that can really help to keep his spirits up.

9 Jan - A Dialogue on White Supremacy

WHAT: Panel Discussion

WHEN: 6:00pm, Tuesday, January 9th

WHERE: The Graduate Center - First Floor (Recital Hall) - 365 5th Avenue New York, New York

COST: FREE

MORE:

Start the New Year off right! Join the Campaign to Bring Mumia Home and the Center for Place, Culture, and Politics as they welcome Roxanne Dunbar Ortiz and Ramona Africa for a discussion of the role of white supremacy, historically and in its current form.