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Updates for December 28<sup>th</sup>

## **11 Dec - Experts say San Diego case likely first to use conspiracy charges against antifa**

*Case against anti-fascists stemming from counterprotest of Jan. 9 'Patriot March' in Pacific Beach appears to be first alleging 'Antifa' conspiracy*

### **MORE:**

by Alex Riggins (*The San Diego Union-Tribune*)

When San Diego prosecutors charged a group of individuals this week with conspiracy to commit the crime of riot, it was believed by experts who study domestic extremism to be the first time nationwide that a conspiracy charge has been used specifically to prosecute alleged anti-fascists, or “antifa supporters” as prosecutors described them.

The charges stemmed from a Jan. 9 “Patriot March” in Pacific Beach, which was organized in support of then-President Donald Trump and came just three days after his supporters had stormed the U.S. Capitol. In response to the rally, dozens of black-clad anti-fascists showed up on the boardwalk and streets near Crystal Pier to counter protest.

Throughout that Saturday afternoon, violence broke out several times, often between the counterprotesters and the pro-Trump group — among which there were at least five people who’d been at the Capitol three days earlier, according to reporting by *The Appeal* — and between the counterprotesters and police officers.

Videos also showed members of the pro-Trump group attacking a barefoot man, a Trump supporter throwing a munition canister at the counterprotesters and anti-fascists attacking people, including pepper-spraying an apparent bystander walking his dog.

Those charged in the San Diego Superior Court case — which includes at least 11 defendants — each face an array of their own separate charges as well as the shared conspiracy charge. Their alleged crimes include assault with a deadly weapon other than a firearm, assault likely to produce great bodily injury, animal cruelty, vandalism and the use of tear gas not for self-defense.

“I’m not aware of other cases like this, where a group of ‘antifa supporters’ are charged together as committing a conspiracy,” Catrina Doxsee, an associate director and associate fellow for the Transnational Threats Project at the Center for Strategic and International Studies, said in a Tuesday phone interview.

Doxsee said individuals who self-identify as anti-fascist activists, or who prosecutors described as members or supporters of antifa, have been charged in courtrooms across the country, “particularly in the past year and a half.” But Doxsee said those cases — often involving offenses such as rioting, civil disobedience or arson — typically include just one defendant and have not, to her knowledge, involved conspiracy allegations.

“I’ll be interested to see more documents that come from the court case,” Doxsee said, adding that although she’s not an attorney, she believes prosecutors will have a “heavy burden of proof” to show the defendants went to Pacific Beach specifically intending to commit violence.

Seamus Hughes, an expert on the federal court system’s online database, said there hasn’t been a federal conspiracy charge leveled against self-described anti-fascists.

“It’s fair to say this (case) is both unique in its prosecution and its charges,” Hughes, deputy director of George Washington University’s Program on Extremism, wrote in an email. “(Department of Justice) has flirted with the charge in the past, meaning that they’ve used the possible investigation of that charge to secure federal search warrants against self described Antifa members, but ultimately did not bring criminal charges.”

### **The rise of antifa**

The history of the anti-fascist movement dates back to the period between the first and second World Wars, when left-wing groups banded together to fight rising fascism in Germany, Italy, England and elsewhere across Europe, according to Doxsee. One of the most common symbols used by modern anti-fascists features black and red flags that are typically inside a circle and ringed with the words “Antifascist Action.” According to the Center for Strategic and International Studies, the symbol represents the red flag of the 1917 Russian Revolution and the black flag of 19<sup>th</sup> century anarchists.

Anti-fascist movements generally quieted down after the defeat of Nazi Germany, but reemerged in the 1970s in response to a rise in neo-Nazi activity, according to a report Doxsee co-wrote and researched. She said there was a “low simmer of activity” in the decades that followed, but the anti-fascist movement emerged from the shadows for most casual observers “over the past five years or so, particularly during and following the campaign and election of Donald Trump.”

Many Americans first heard of antifa in August 2017, when counterprotesters, many of whom were self-described anti-fascists, squared off with right-wing hate groups and White supremacists at the Unite the Right Rally in Charlottesville, Virginia. It was after the killing of George Floyd in May 2020, as protests raged across the country, that Trump tweeted “The United States of America will be designating ANTIFA as a Terrorist Organization.” Trump never followed through on the promise, and his FBI director, Christopher Wray, testified to Congress that antifa was more of an ideology than an organization.

The historian Mark Bray, author of “Antifa: The Anti-Fascist Handbook,” likened the movement to feminism.

“There are feminist groups, but feminism itself is not a group,” Bray told NPR earlier this year. “Similarly, there are antifa groups, but antifa itself is not a group ... It’s a way of doing politics to oppose the far right. It’s a kind of ideology or political tendency that any group of people can put into action. There’s no chain of command.”

In a June 2020 report, the Congressional Research Service described the “U.S. antifa movement” as “decentralized, consisting of independent, radical, like-minded groups and individuals.” Some anti-fascists “echo the principles of anarchism, socialism, and communism,” and among other things “may also support environmentalism, the rights of indigenous populations, and gay rights.”

It is the decentralized, leaderless nature of antifa that makes the conspiracy charge in the Pacific Beach case so rare.

### **Conspiracy to riot and ‘direct action’**

Pedro Gerson is an assistant professor who teaches criminal law at California Western School of Law in San Diego. He said a conspiracy charge “is probably one of the most treasured weapons in the arsenal of prosecutors.”

A defendant convicted of conspiracy, Gerson said, can be punished for more serious offenses committed by co-conspirators.

“It’s a way to tie everyone up together ... which is why prosecutors like it,” Gerson said, calling it a “pressuring tool” prosecutors can use to get defendants to plead to other charges, or in some cases flip a defendant against his or her co-defendants. “It’s a very powerful tool.”

Gerson said the prosecution must prove two things in a criminal conspiracy case: That there was an agreement, and that overt acts were committed.

The criminal complaint against the alleged Pacific Beach antifa groups lists 68 overt acts, which include seemingly innocuous actions like dressing in or gathering black clothing, but also kicking victims, spraying victims with mace, pushing victims to the ground and striking victims with flag poles and walking sticks.

Prosecutors allege the other aspect of the criminal conspiracy, the agreement, was ratified by the defendants on social media or simply through their presence at the designated time and location of the counterprotest.

The defendants allegedly “pledged their support and participation by liking and sharing” a Jan. 2 social media post that called “for ‘counterprotesting’ and direct action,” the complaint states. By liking and sharing the post, the defendants “in essence (agreed) to take part in the ‘direct action’.”

Gerson said the district attorney’s definition of “direct action” appears to be key to proving the agreement, and thus the conspiracy. In the complaint, prosecutors define “direct action” as a tactic “known to mean acts of violence such as assault, battery, assault with deadly weapons, arson, and vandalism.” The complaint alleges the “object of this conspiracy was to incite and participate in a riot using direct action tactics.”

But left-wing definitions of “direct action” appear much broader. One anarchist leaflet, for example, describes “direct action” as including “blockades, pickets, sabotage, squatting, tree spiking, lockouts, occupations, rolling strikes, slow downs, (and) the revolutionary general strike.” It also includes organizing food co-ops and mutual aid, or essentially any action that removes the need for elected leaders, businesses or even non-governmental organizations.

“There is more to Direct Action than responding to injustices or threats by the state,” the anarchist leaflet states. “Any situation where people (organize) to extend control over their own circumstances without recourse to capital or state constitutes direct action. ‘Doing it ourselves’ is the essence of Direct Action and it does not matter whether what we are doing is resisting injustice or attempting to create a better world now by (organizing) to meet our own social needs.”

Gerson said the criminal complaint uses “direct action as a code word for violence,” and that prosecutors appear to allege the defendants “conspired to do (direct action), so they conspired to commit violence.”

Gerson, who is not involved in the case, said that he would as a defense attorney likely attack the government’s argument that the alleged co-conspirators agreed in advance to commit violence, and would argue the defendants only agreed to protest and protect themselves if needed.

Attorneys for the defendants could not be reached for comment this week, and warrants and other documents in the case were sealed by a judge.

### **Unique charge, but not a unique case**

Though a conspiracy charge against antifa is novel, there have been cases with similarities before.

In 2017, more than 200 demonstrators — including some anti-fascists — as well as journalists, legal observers and medics, were arrested and charged in connection to vandalism that occurred in Washington, D.C. during demonstrations against Trump’s Jan. 20 inauguration. Some defendants in the so-called J20 case faced federal conspiracy to riot charges, and most faced another novel prosecutorial argument —

group liability. Prosecutors argued that anyone near the criminal behavior when it happened could be held liable for those crimes even if they didn't cause the destruction themselves.

Though some J20 defendants took plea deals, prosecutors eventually dropped the majority of the cases. The conspiracy counts that were charged were not specifically aimed at anti-fascists or any one ideology or group.

In 2012, long before antifa captured the public's attention, at least 18 self-described anti-racist activists stormed into a restaurant in a Chicago suburb and attacked a White supremacist meetup. Five of the attackers — Indiana residents who six months earlier had founded the Hoosier Anti-Racist Movement — were arrested as they fled, according to Mother Jones. Their case came to be known as the “Tinley Park Five.”

The Cook County state's attorney did not charge the Tinley Park Five with conspiracy, but did charge them with 37 crimes, including a felony mob action charge. Each of the five ended up pleading guilty to three of the 37 counts against them, according to the Chicago Tribune, and were sentenced to prison terms ranging between 3 ½ and six years.

Doxsee also pointed to a protest-related conspiracy case in June 2020, when federal prosecutors in Ohio alleged two Pennsylvania men drove to join George Floyd demonstrations in Cleveland, but “with the sole intent of corrupting what was supposed to be a peaceful protest,” according to the *Erie Times-News*. A federal grand jury indicted the men, who were not alleged to be anti-fascists, on four counts each, including conspiracy to riot and cause civil disorder and conspiracy to use fire to commit a felony.

In the massive web of more than 700 cases related to the Jan. 6 Capitol riot, federal prosecutors have brought conspiracy charges against nearly three dozen individuals, though they're not all accused of conspiring with each other. One of the Jan. 6 conspiracy cases specifically targets individuals who allegedly belonged to the far-right antigovernment Oath Keepers militia.

### **Jan. 9**

In announcing the charges against the defendants in the Pacific Beach case, prosecutors made clear they believe the violence on Jan. 9 was largely one-sided.

“Video evidence analysis shows that overwhelmingly the violence in this incident was perpetrated by the Antifa affiliates and was not a mutual fray with both sides crossing out of lawful First Amendment expression into riot and violence,” read a news release from District Attorney Summer Stephan's office.

Not everyone agrees.

Attorney Bryan Pease has sued the city of San Diego and at least 10 police officers on behalf of two clients who allege police officers unlawfully cracked down on the counterprotesters while allowing the Trump supporters to continue marching undisturbed.

“The San Diego Police Department ... took a heavy handed approach to only the anti-Trump side, spraying peaceful protesters with pepper spray, shooting them with pepperballs, and beating them with batons,” Pease alleges in a civil suit filed in U.S. District Court. “Meanwhile, SDPD officers also high-fived and chatted it up with the violent pro-Trump side, including some who were later identified as being part of the assault on the U.S. Capitol.”

Pease said Friday that if police and prosecutors “identified unlawful acts on only one side, that's certainly problematic.”

Online left-wing activists have also argued that the pro-Trump rally that day was populated with members of right-wing hate groups, members of Defend East County — a group banned from Facebook just before Election Day when the site announced efforts to curb “militarized social movements and violence-inducing conspiracy networks” — and at least one marcher who did a Sieg Hiel Nazi salute.

It’s in that context that anti-fascists feel emboldened to use physical confrontation, Doxsee said.

“Not all antifa supporters view violence as a main tool,” she said. “But they do typically view violence as a legitimate option.”

One of the Pacific Beach defendants remains at large and wanted on a \$250,000 arrest warrant, while the rest were arrested and have since been released from custody. Additional hearings are scheduled for this week. Each of the defendants, if convicted, face up to 10 years and eight months in prison.

### **13 Dec - Support the #FreeLore winter commissary drive!**

*Help their supporters fill Lore’s commissary fund by donating via PayPal or Venmo @WeLoveLore!*

#### **MORE:**

Your donations buy warm clothes, food, and medicine for Lore’s second winter in detention without a trial. And they buy the stamps, paper, and pencils that she needs to keep love and solidarity flowing regularly through those cold walls.

We asked @jessieunicornmoore to showcase some of the many items that your donations will buy for Lore and they look pretty excited to help: Ibuprofen, toilet paper, yellow waiting paper, stamps, envelopes, colored pencils, socks, thermal pants, and sweat pants.

Boost our signal on Instagram and Twitter to spread the word even further and keep Lore wrapped in love and warm this cold season: **welovelore.com**

### **15 Dec - Snitches and Sleuths: An Update from Puget Sound Prisoner Support**

*Statement from Puget Sound Prisoners Support about a recent federal arrest in the Seattle area.*

#### **MORE:**

by PSPS (It's Going Down)

This information was compiled from public arrest documents regarding incidents in the Seattle area and does not involve sensitive or personal information beyond names already made public by the state. We provide our observations of these cases to highlight the dangers of not following security practices, as well as to inform the community that one of the defendants has cooperated with the authorities.

We’re presenting this information so that people may understand the severity of recent cases as well as how the state builds cases against people involved in social justice movements. We do not intend to shame anyone for bad security practices, outside of direct cooperation with the state. We are simply presenting ways to keep communities better informed and guidelines to protect each other from state repression. Snitches and Sleuths

This situation involves 3 criminal investigations, which took place at both the state and the federal level. The known defendants are: Jacob Greenberg, Danielle McMillan, and Justin Moore. There are several other people mentioned in the documents who are identified as Suspects 3-5; Conspirators 3 and 4 in the state and federal documents respectively. We do not know, and do not want to know, the identities of these individuals and have nothing to add to this write-up besides what was available in law enforcement compiled documents.

It is impossible for us to know how widespread this investigation is. We became aware of it in September 2020 with the arrests of Jacob Greenberg and Danielle McMillan. Neither of these individuals have gone to trial at this point, so all accusations made by the state are unproven allegations. We discuss Greenberg's case because it allows us to identify McMillan as the cooperating defendant in Moore's case, as we have detailed below.

On October 16<sup>th</sup> 2020, the King County Prosecutor filed charges against Greenberg and McMillan.

Greenberg was charged with:

- Reckless Burning in the First Degree for an alleged barricade fire on 11<sup>th</sup> and Pine on September 26<sup>th</sup>;
- Assault in the First Degree for an alleged baseball bat attack on a police officer outside the East Precinct on September 23<sup>rd</sup>;
- Attempted Arson in the First Degree for an alleged Molotov cocktail attack on the East Precinct on September 1<sup>st</sup>.

McMillan was charged with:

- Attempted Arson in the First Degree for the September 1<sup>st</sup> attack.

The charging documents against Greenberg and McMillan detail exact movements of a black bloc that formed during a protest on the night of Sept 1<sup>st</sup>. The document specifically notes the amount of time that officers were able to surveil the crowd while it grew in size. It notes that S1 (suspect 1) was wearing distinctive black clothing and describes in detail what this individual was wearing, it does the same for S2. S1 is later identified as Jacob Greenberg and S2 as Danielle McMillan. Throughout the description of the event, identifying clothing is used to track the suspects (S1 through S5) through the crowd for the duration of the event. S3, S4, and S5 are never identified by name but are addressed as being in connection to the events that led to the criminal charges for Greenberg/S1 and McMillan/S2.

## Identifying the Suspects

Before diving into this, a word about social media rumors that the state is lying about all/most of this: It's important to know that the police lie, and the prosecutor's office lies too. They make up stuff all the time, and they have each other's back when they do. When we have encountered and could prove that the state was lying, it was never to this degree or this amount of fabricated evidence. It is an unfortunate reality that after reading possibly hundreds of charging documents from the 2020 uprising cases around the country, the conversations detailed in these documents do not seem outlandish or inconceivable. That being said, it's impossible to know if any of the evidence they are bringing against these individuals is false, and if it is, which specific parts. So, we are presenting it to you here as it was presented by the state. Speculation and rumors about the veracity of individual claims is generally an unsafe and ill-advised practice.

According to public documents, on the night of September 23<sup>rd</sup> a phone was recovered by SPD after an attack on an SPD officer outside the East Precinct. On September 26<sup>th</sup>, Jacob Greenberg was arrested at 11<sup>th</sup> and Pine for allegedly pouring lighter fluid on a burning barricade. Another phone was recovered from Greenberg during that arrest. Search warrants obtained by SPD for both of those phones showed they had the same phone number. Much, if not all of the following investigation is based on what was found on those two phones.

On one of these phones there are lengthy Signal and Facebook messenger conversations with S2, later identified as Danielle McMillan. According to SPD, the phone records go back only until August 31<sup>st</sup>, which could mean that Greenberg and McMillan were newly acquainted. This is an inference, but one that is backed up by some of the banter between them shown in the charging documents.

In these conversations Greenberg and McMillan discuss at length the events for which they were later arrested. While McMillan's name is not recorded in her Signal profile, a picture of her wearing a black mask is. According to the document, SPD was able to single out McMillan in surveillance footage of a

Molotov attack on the East Precinct because she detailed her actions in text messages with Greenberg. In these messages the two discuss alleged attacks on SPOG for a planned Labor Day march.

SPD used a few different angles to identify McMillan. One was the explicitness with which she detailed her movements with Greenberg both on that night and other nights. One of the first things that SPD used (according to them) was a few messages that indicated what McMillan might do for work and then a facebook messenger conversation between the two from Sept 21<sup>st</sup>-25<sup>th</sup>. The FB messenger conversation is with an account for “Danielle McMillan” where they discuss McMillan not being able to go to demos for a little bit because of being sick. The two also openly discuss the first phone that Greenberg lost on September 23<sup>rd</sup> and how to “lock down” accounts to stay safe.

By using information from McMillan’s FB profile, SPD was able to request her information from Department of Licensing as to her last registered address and vehicle. That vehicle, which was registered to McMillan, was seen in the neighborhood on the night of the Molotov attack, according to SPD. They were able to locate and surveil her vehicle while in the area of Cal Anderson Park, even documenting when and to where the vehicle was moved over the evening. These movements aligned with a conversation between McMillan and Greenberg where she discusses moving the car because of police presence. This information verifies that SPD is using sophisticated yet increasingly common surveillance tools to monitor the movements of individuals and vehicles. We have articulated how your phone can be used against you if you are participating in protest culture, this is a good moment to understand that your car can be as well.

The final piece of information regarding the identity of S2 as McMillan is a public Instagram account located by SPD in October last year that is the professional account of a real estate agent named Danielle McMillan with the phone number posted. That number is the same as the one being used to communicate with Greenberg over Signal.

## **Take-Aways**

A large amount has already been written about phone security, so we can link to separate articles here and here. Phone security has nothing to do with supposed illegal activity; phone security is something that everyone should be practicing at all times. This investigation shows that easily obtained search warrants for phones allow the police, state and federal, access to your vast amounts of private information. While there are ways to “lock your phone down”, our advice is to, on top of technical security methods, always live under the adage “if you don’t want it read back to you in court, do not send it in a text message”. Leave your phone at home if you’re participating in demonstrations and don’t discuss things that could seem sensitive or private over the phone even if you’re using a secure messaging application like Signal.

We have no reason to believe that the Signal messaging that was being used on Greenberg’s phones failed, or in some way did not grant the security it says it provides. Signal is only as useful as you are careful; when a state or federal law enforcement agency physically has a phone it is easy for them to gain access to everything that is on that phone, including unsecured browsing and app history. If the messages are still on your phone, sending them through Signal means nothing. The alleged text discussions that the government documents cite may not have been available if disappearing messages were utilized. This is why we stress the importance of your personal privacy and security being looked at as a holistic entity. No single action will keep you “safe” and your information private. Rather we want to encourage the cultivation of a security culture where we support each other in using safer practices all the time.

Security is not a retroactive act, whether you are trying to stop your messages about protest activity being read by the government, or a fascist from exposing your identity. Social media and phone security cannot be fully achieved after a breach has happened-it is a preemptive and consistent activity. There are security lessons here for everyone, whether or not you are taking direct action. We are not celebrating or encouraging anyone to break the law. Rather, we want the community to be safe and smart. It is often impossible to know what the state will consider to be incriminating, either of you or of someone you know.

## Federal Case

On November 23<sup>rd</sup> 2021, the US Attorney's office for the Federal District of Western Washington filed a criminal charge against Justin Moore of Renton, WA. He was charged with 1 count of Unlawful Possession of Destructive Devices stemming from his alleged involvement with bringing a case of Molotov cocktails to a demonstration at Seattle Police Officers' Guild (SPOG), on Labor day (Sept 7<sup>th</sup>) 2020.

The charging document for Justin Moore involves several "conspirators" (Listed in the document as Conspirators 1 – 4). C1 is Jacob Greenberg and C2 is Danielle McMillan. There are multiple conversations found through the subpoenaed phones where C1 and C2 discuss possible actions with 2 other people who are identified as being known to C1/Greenberg and C2/McMillan through Instagram accounts. Two accounts in particular are highlighted and enter into the document as C3 and C4. They are not identified in the document, but almost certainly the identity of these individuals is known to investigators, or soon will be.

Social media is one of the easiest and most common ways for a host of bad actors to access your identification. Whether it is the police or fascists, social media is a weak link in almost everyone's privacy plans. No matter how well you think your accounts are "locked down," there are a myriad of ways for investigators to ascertain your identity. The best way for someone to keep their information private from those who would wish to harm them is to not use social media at all. For some this may feel like an impossible task. But we ask that you consider the consequences when deciding to engage in online banter about your politics or activities both personal and professional.

Although identified in federal charging documents only as C1, we know C1 is Greenberg because C1 is identified as being arrested on September 26<sup>th</sup> for setting a dumpster on fire and losing a phone on September 23<sup>rd</sup> while allegedly assaulting an SPD officer. C2 is easily identified as McMillan because the conversations detailed in the federal document directly match those from the state case against Greenberg, which explicitly name McMillan. This is a good example of how investigations can and do overlap.

According to the federal documents, before the Labor Day demonstration, C1/Greenberg, C2/McMillan along with C3 and C4 discussed detailed plans via text message for the event, including procuring supplies and information. C3 and C4 have not been identified in the documents (we do not know, and we do not want to know who they are, or who anyone suspects they are). On the day of the demonstration, SPD and federal investigators used a few different surveillance methods to gather information on the crowd. They specifically mention that livestreams were important to their investigation and name RebellionBaby and Malcontent Tango in the document. Malcontent Tango screenshots reoccur in the document many times. Besides these photos, SPD and FBI agents were monitoring the crowd using audio and video surveillance recorded by undercover officers. Officers were among the crowd, and observing the crowd from remote locations.

The federal charging document states that SPD found the container of Molotov cocktails on the ground after the event and used their own documentation and livestream footage to follow the person carrying the container throughout the event. Two notable moments were a picture obtained by what we suspect was an undercover SPD officer in the crowd of someone alleged to be Moore, identified by a piece of red clothing sticking out from under his sweatshirt. This is later used in the document to match with Malcontent News' livestream of people in Judkins Park after the event had concluded. The livestream footage is watermarked with Malcontent News' logo, and allegedly shows protest participants hanging out after the conclusion of the event.

Theoretically, none of this specific surveillance had led to the identification of Moore. But it still ended up being deeply important to the criminal case once the feds had identified Moore. That identification came from someone in the charging document referred to as Witness 1, Moore's roommate in late 2020, possibly into 2021. Witness 1 and Moore had a domestic dispute on May 28<sup>th</sup> 2021, and Renton PD was called to the residence. It was then that Witness1 informed responding police that Moore was involved in the SPOG

demo and many other events. Witness1 also identifies Moore as “Potato.” Nicknames have become popular in the protest scene since the beginning of the 2020 uprising, but we want to remind people that nicknames provide zero security when someone also knows your legal/dead name, or when everyone knows you by the same nickname. After the Renton police got this information from Witness1, they alerted the FBI.

The FBI served a search warrant on the residence and a vehicle alleged to belong to Moore a month later in June 2021. As far as we are aware, neither Moore nor Witness1 attempted to make this raid known to the broader community. Failing to alert the community of attempts to investigate people in the movement, or those formerly in the movement, leaves those people isolated and the bigger community in the dark. We implore everyone to make any and all attempts to investigate a crime, by either state or federal law enforcement, known to the broader radical community. This means doing more than vague social media posts or twitter threads, and is one of the things that we as an anti-repression group aim to facilitate. Even if someone has fallen out of favor with the bigger scene, knowing they are being investigated is a safety precaution for everyone involved, currently or previously. Silence and isolation are our enemies in the fight against state repression.

### **Bad-Jacketing**

In the days following the Labor Day SPOG rally, social media was full of people attempting to identify someone seen in footage wearing brown gloves and carrying alleged incendiary devices, claiming they were a cop. Now, Justin Moore is accused by the state of having worn brown gloves and bringing Molotovs to the Labor Day SPOG demonstration. The theory that this person was a cop was offered with little to no basis outside of supposed actions the person with brown gloves did, or the way they looked in a photo, and resulted in heightened attention to this individual and their possible identity. While it is unlikely this was decisive in helping the authorities build a case against Justin Moore, we think it is important to make a note about these types of accusations. Accusing someone of being a cop, informant or snitch is a grave declaration and should be done with the utmost sincerity and seriousness. When significant proof exists that someone is working with the authorities against social movements it is important to come forward with the evidence, as we have attempted to do here. Calling out dangerous or predatory behavior is very important, especially in the moment, but we can and should address those behavioral issues without resorting to accusations of state involvement. We would also like to point out that there is substantial and detailed undercover surveillance from inside the demonstration in this charging document, so the after-the-fact accusations of the person in the video being a plant or a cop were not successful in keeping anyone safer that day, today, or any day in between.

This does not mean that the actions of others inside the movement do not have the capacity to harm both individuals or communities at large, but that labeling those actions as being committed by snitches or cops without serious and well-documented proof is harmful to protest communities. Many with experience in radical movements call this type of accusatory behavior “bad jacketing” and recognize that it can help the police and FBI repress us by sowing distrust and suspicion. The FBI used unsubstantiated accusations about participants in social movements as a way to sow distrust as part of its COINTELPRO campaign. A safer tool for dealing with suspicious or inappropriate behavior is to name the behavior rather than make an accusation that the suspicious person is a cop. For more information about the history of “bad jacketing” we encourage you to read this piece. [twincitiesgdc.org/badjacketing](https://twincitiesgdc.org/badjacketing)

### **Snitching**

The federal document goes on to say that C2/McMillan met with federal investigators three separate times over the course of Fall 2021. It states that “Conspirator 2 provided information in hopes of obtaining consideration as to a pending charge of Attempted Arson in the First Degree in King County Superior Court and/or as to potential federal charges.” This backs up the assertion that C2 is McMillan, as this is the state charge she is facing from the alleged Molotov attack on the East Precinct mentioned above. C2/McMillan identified herself, as well as C1, C3, C4 and Moore at the demonstration at SPOG in photos shown to her at meetings with federal investigators.

When McMillan was arrested in 2020, we at PSPS reached out and offered our (non-legal) resources to help her through her court battle, as we do with all defendants that we can establish contact with. We never did any public support for McMillan, but we internally gathered funds and resources for her after she outlined the costs of losing her job, having to move, and finding legal counsel. After that our interactions with McMillan were brief, and we never provided more direct support besides an encouraging email as she moved through her legal process. When we read the federal charging document for Moore we believed that C2 was McMillan, but reached out to her in an effort to show good faith and the possibility that we were wrong, or that the prosecution had misconstrued her involvement. Accusing someone of cooperation, especially of this magnitude is a very big deal and we wanted to reach out to her before making a public statement. McMillan responded to our request to talk by directing all further communication through her lawyer.

Snitching, or cooperation, is one of the biggest threats to radical and revolutionary communities. It tears at the very fabric of one of the core tenets that holds us all together — trust. For this reason we as an anti-repression collective and as part of a larger ecology of anti-state movements stand by the decision to never offer support or comfort for those who decide to turn on their friends and comrades to save themselves. The forces that can be brought down on someone as the state closes in can be overwhelming, and that is one of the reasons we try to contact all defendants before that pressure has come to pass and offer support and solidarity. It is our hope that knowing that people have your back will help those wavering under the weight of federal and state investigators, that targets of state repression will be buoyed by that support and stick to the ethics that keep the broader community safe. But, once someone has made the decision to cooperate, they must live with that decision and be cut off from our support. It is a heartbreaking reality of the upper hand that law enforcement can gain when investigating resistance communities and we hope to continue to fight against it with all our might.

Thank you for continuing to support us through the years so that we may support you all if and when the time comes that you need it, let's hope you never do.

### **17 Dec - Rest In Power Russell Maroon Shoatz**

*On December 17<sup>th</sup>, it was announced that Russell “Maroon” Shoatz has joined The Realm of the Ancestors.*

#### **MORE:**

NYC Anarchist Black Cross mourns the loss of Russell “Maroon” Shoatz. Russell was a founding member of the Black Unity Council, as well as a veteran of both the Black Panther Party and the Black Liberation Army. Captured in 1972, he attempted escape twice, but was ultimately kept locked inside for almost 50 years, only being let out in the last weeks of his life as he was already dying of cancer. While inside, he remained committed to the struggle, and was a dynamic thinker and prolific writer, authoring the collection *Maroon the Implacable* and several other insightful interviews and articles as well.

As a collective, Maroon guided NYC ABC's work and shaped the direction of the now-gone 1-2-3 Community Space, of which NYC ABC was a co-founder.

NYC ABC had back-and-forths with Russell prior to opening the space asking for his insight and ideas about opening an explicitly anarchist space and he was brilliant, engaging, and very helpful. His suggestions resulted in a lot of on the street engagement, talking with many folks and handing out a LOT of surveys to see what would be useful/helpful in the neighborhood. It is the response to the surveys that are the reason the space had such a focus on outreach to youth (the bike workshop, after school program, silk-screening program, and the NYC ABC co-organized “Rites of Passage” series) were among the things that were either youth-centric or had special sessions especially for younger folks.

We are comforted that he transitioned while on this side of the razor wire, but outraged that he was held captive for so long. Let's keep his memory alive.

Free Them All!

**December 17<sup>th</sup> - Maroon, The Implacable One**

by Abolitionist Law Center (*San Francisco Bay View*)

It is with overwhelming sadness that we join our communities in sharing this news.

Our beloved friend, comrade, mentor, client and inspiration, Russell Maroon Shoatz, transitioned from this life on Earth today, Dec. 17, 2021. After 49 years in prison, Maroon was finally released on Oct. 26. He passed away at his sister's home 52 days later, surrounded by the love and care of his family.

There are few words, if any, that will do justice in describing Maroon, the impact he's had on all of us, the gigantic legacy he leaves behind. If you are reading this, chances are, at some point you came in contact with Maroon, either directly – or subliminally: Many projects in the struggle for Black Liberation and abolition can be traced back to him, the contemporary Political Prisoners' rights movement in Pennsylvania beginning with him.

Some of us were lucky enough to know Maroon personally, and for that we are infinitely grateful. We commemorate him by carrying out his life's work, by reaffirming our commitments to see the dissolution of Empire and advance absolute, unconditional liberation for Black people everywhere. Maroon reminds us, "History records the stories of multitudes who risked their lives to obtain or regain their freedom" (2012).

We are grieving for Maroon. He has left us physically on this plane, but his spirit and visions live on in the movements he inspired and animated from a prison cell, the countless hearts and minds he filled with hope and wonder when so many of us felt lost and helpless, the iconic essays he wrote that will continue to galvanize future generations of young people in the struggle.

In his own words:

*"Rest easy, fighting maroons. There are many now and to come who will derive inspiration from your valorous examples – inspiration that will 'arm their spirits' to fight the good fight ... till victory or death!!!" (1995).*

Rest easy, and in power. Long live Russell Maroon Shoatz.

**December 21<sup>st</sup> - Poem for Russell Maroon Shoatz by Sundiata Acoli**

via Walidah Imarisha

Death comes to us all

And so it has come to Maroon

Favorite PP of mine:

Maroon, "The Implacable"

A constant source of

joy and love, wisdom and courage,

and struggle always.

I searched his release photos

for signs of vigor and long life.

There was strength in his bearing

with determination in his eyes

so like Marilyn Buck

and Herman Wallace

I thought he would last years...

Then, soon, he was gone.

May the ancestors welcome you in their embrace, Rest in Power, Maroon.

**21 Dec - Help It's Going Down Continue and Grow Into the New Year**

2022 will mark the 7-year anniversary of the launch of *It's Going Down*.

**MORE:**

Donate at [itsgoingdown.org/shop](https://itsgoingdown.org/shop)

Since we first began, *IGD* has been quoted in everything from *The New York Times* to *Teen Vogue* and demonized by pro-Trump think-tanks in Congress, a host of Fox News career hucksters, and too many far-Right trolls to keep track of. We've helped to shed light on under-reported social struggles and movements, broken stories, and given a voice to everyone from abolitionists on death row, mutual aid programs in the midst of the pandemic, miners blocking trains in Appalachia, anarchist prisoners in Mexico, tenants on rent strike, teachers on wildcat strike, rural antifascists pushing back against the Proud Boys, and Native water-protectors on the front-lines of the fight against climate change.

Over the past year, we've also been able to expand our coverage:

- Our monthly column *In Contempt* tracks and provides information on those facing repression following the George Floyd uprising, along with info on other political prisoners and prison rebels.
- Our weekly column, *Canadian Tire Fire*, brings weekly updates on social movements and struggles from an anarchist and anti-colonial perspective.
- *IGD Worldwide* reports on events across the globe and offers original analysis.
- We continue to publish translations from Spanish, reporting on anarchist, indigenous, and anti-capitalist struggles across Mexico.
- Our podcast continues to grow its audience size, with thousands downloading shows everyday.
- The radio version of our show also continues to reach more listeners every Friday at 12 PM, as our show is now broadcast across stations in the bay area, Fresno, Santa Cruz, and now Monterrey.

One of the things that we haven't done well is ask for support from our readers and listeners – which is why this holiday season we are calling on all those who value our work at *IGD* to help us reach our goal of raising \$4,000, with a stretch goal of \$8,000.

If we can reach our first goal, we plan to ship a bulk amount of shirts that we have from before the pandemic began out to infoshops and bookstores across the US . If we can meet our stretch goal, we hope to print a brand-new round of stickers to send out to groups and distros for free. Above all, these donations will help us continue our work and grow our project into the future.

We want *It's Going Down* to continue to be an engaging and informative resource for both those on the front-lines as well as those new to and curious about radical ideas. As faith in existing institutions collapses in the face of continuing crisis, people are looking for new sources of information, new ideas, and new forms of life.

With your continued support, we look forward to another 7 years!

## **22 Dec - The F.B.I. Deployed Surveillance Teams Inside Portland Protests**

*Federal agents infiltrated Portland's racial justice protests, dressing to blend in and capturing clandestine video. The tactics raised internal concern.*

**MORE:**

by Mike Baker, Sergio Olmos and Adam Goldman (*New York Times*)

In the hours after President Biden's inauguration this year, protesters marched once again through the streets of Portland, Ore., sending a message that putting a Democrat in the White House would not resolve their problems with a system of policing and corporate wealth that they saw as fundamentally unfair.

“No cops, no prisons, total abolition,” they chanted. Some of the activists, dressed in the trademark uniform of solid black clothing and masks that often signals a readiness to make trouble without being readily identifiable, smashed windows at the local Democratic Party headquarters.

The event — like others that had consumed the city since the murder of George Floyd by a police officer in Minneapolis in 2020 — included a variety of anarchists, antifascists, communists and racial justice activists. But there were others mingling in the crowd that day: plainclothes agents from the Federal Bureau of Investigation.

The F.B.I. set up extensive surveillance operations inside Portland’s protest movement, according to documents obtained by *The New York Times* and current and former federal officials, with agents standing shoulder to shoulder with activists, tailing vandalism suspects to guide the local police toward arrests and furtively videotaping inside one of the country’s most active domestic protest movements.

The breadth of F.B.I. involvement in Portland and other cities where federal teams were deployed at street protests became a point of concern for some within the bureau and the Justice Department who worried that it could undermine the First Amendment right to protest against the government, according to two officials familiar with the discussions.

Some within the departments worried that the teams could be compared to F.B.I. surveillance transgressions of decades past, such as the COINTELPRO projects that sought to spy on and disrupt various activist groups in the 1950s and 1960s, according to the officials, one current and one former, who spoke on condition of anonymity because they were not authorized to discuss the debate.

There has been no evidence so far that the bureau used similar surveillance teams on right-wing demonstrators during the Jan. 6 riot at the U.S. Capitol, despite potential threats of violence against the heart of federal government — though the F.B.I. did have an informant in the crowd that day. The bureau has at times used secretive tactics to disrupt right-wing violence, such as efforts that led to charges against men accused of conspiring to kidnap Michigan’s governor.

The F.B.I. has broad latitude to conduct surveillance when agents suspect threats to national security or that federal crimes may be committed. But bureau guidelines warn that agents should not cross into actions that could have a chilling effect on legitimate protest, and should instead prioritize less-intrusive techniques.

In Portland, federal teams were initially dispatched in July 2020 to protect the city’s federal courthouse after protesters lit fires, smashed windows and lobbed fireworks at law enforcement personnel in the area. One demonstrator had attacked a federal officer with a hammer. But the F.B.I. role quickly widened, persisting months after activists turned their attention away from the courthouse, with some targeting storefronts or local institutions whose protection would normally be up to the local police.

Both local and federal law enforcement officials have complained that lawful peaceful protests were hijacked in many cases by criminals.

But organizers of the protests and civil rights groups, after being told of *The Times*’s findings, said that surveillance agents recording and following protesters in the midst of a demonstration was a form of domestic spying.

“These are all insidious tactics that chill First Amendment expression and erode trust with local officials,” said Bobbin Singh, executive director of the Oregon Justice Resource Center, one of several civil rights organizations that objected to the mass arrests and violent crackdowns that followed the protests. He called the government’s operations an “alarming” misuse of resources.

Kieran L. Ramsey, the F.B.I.'s special agent in charge of the Portland field office, said the office was committed to pursuing "violent instigators who exploit legitimate, peaceful protests and engage in violations of federal law."

"At all times, our focus was on those planning or committing significant criminal activity or acts of violence," Mr. Ramsey said in a statement.

Police officers made more than 1,000 arrests during the course of the protests, and more than 200 people ultimately faced criminal prosecution; more than 100 cases had to be dropped because there was not sufficient evidence.

In fast-moving street gatherings where people concealed their identities and demanded that cameras not be present, working invisibly inside the crowd may have given the authorities more opportunity to identify and apprehend those engaging in the most serious mayhem.

In one case, F.B.I. agents in plain clothing were credited in court records with helping catch a man accused of throwing Molotov cocktails at law enforcement officers. He faced federal explosives charges in addition to state charges that included attempted murder.

The F.B.I. teams continued their operations among Portland's far-left activists for months at the end of 2020 and the start of 2021. While the F.B.I. has also been investigating far-right groups, some lawmakers have blasted the bureau for failing to detect and blunt the Jan. 6 attack on the U.S. Capitol.

Renn Cannon, who was the Portland office's special agent in charge during the demonstrations until he departed early this year, said in an interview that there were persistent protest-related crimes and tense political dynamics, leaving the bureau to try to address the crimes while also upholding First Amendment rights.

"I thought a lot about what is allowed under the Constitution," Mr. Cannon said. "How do you do surveillance effectively, safely and legally? That was something we spent a lot of time on."

Mr. Cannon declined to discuss specific operations or tactics but said he believed that his agents had crossed no lines while trying to make sure that laws were enforced.

In the middle of his re-election campaign, President Donald J. Trump vowed to "dominate" protesters who had taken to the streets in the wake of Mr. Floyd's death, and he directed federal agencies to deploy personnel to protect federal property around the country. Outrage and even larger mass protests ensued in Portland after videos showed federal agents in tactical gear seizing people off the streets into unmarked vehicles and one agent beating a Navy veteran with a baton.

F.B.I. officials heeded the call for action. David L. Bowdich, who was then the F.B.I.'s second-in-command, had called the protests after Mr. Floyd's murder "a national crisis" in a memo. He likened the situation to Sept. 11 and suggested that the bureau could make federal criminal cases against protesters by using the Hobbs Act — a law from the 1940s that was designed to crack down on racketeering in labor groups.

The F.B.I. director, Christopher A. Wray, told lawmakers in September 2020 that the bureau was pursuing "quite a number of properly predicated domestic terrorism investigations into violent anarchist extremists, any number of whom self-identify with the antifa movement."

The F.B.I. is aggressively investigating people associated with violent far-right groups such as Atomwaffen and the Base, and prosecutors have already brought charges against dozens of members of the far-right Proud Boys and the Oath Keepers militia in connection with the attack on the Capitol. Federal agents are actively pursuing additional cases against those groups and further charges are likely to be filed.

Those investigations have sometimes involved confidential informants and surveillance. But no other evidence has emerged that F.B.I. agents in recent years had blended into crowds engaged in political protests in the streets.

Later, after the overt federal crackdown in Portland ebbed and protest crowds waned, smaller groups of activists continued demonstrations that frequently included smashed windows and fires at buildings such as the headquarters of the Portland Police Association.

Agents from the F.B.I. were still on the ground. In early November 2020, according to records reviewed by *The Times*, federal agents at one demonstration were “conducting surveillance in the crowd.” As a group marched near the Portland State University campus, some in the crowd shattered windows at a Starbucks.

An F.B.I. special agent who reported being “in a plainclothes surveillance capacity” described witnessing one of the demonstrators break out a Starbucks window with a tire iron before placing the tire iron back inside his backpack, according to a written Portland Police Bureau summary of the federal agent’s account. In the report, the police officer wrote that he had been asked not to identify the federal agent’s name in documents.

The following week, according to an email between an F.B.I. agent and a Portland police officer, F.B.I. agents were again in the crowd conducting surveillance. One of the F.B.I. agents captured a 30-minute video of the scene as he appeared to stand next to a crowd of demonstrators while others smashed windows at a Democratic Party building. The video shows the agent then joining the crowd as it marched down the street.

One of the agents later reported in records seeing an agent from the Department of Homeland Security also on the scene.

Senator Ron Wyden of Oregon, who has been scrutinizing the federal response to Portland, said in an interview that while federal officers have a right and a responsibility to protect federal property, there should be a high bar when it comes to agencies surveilling political gatherings.

“The Department of Justice needs to explain to me why it deployed those teams and provide a real record of their activities,” Mr. Wyden said. “What were they there for? Were they there primarily to chill peaceful protesters, or were they there to protect federal property?”

At the Inauguration Day demonstration in January, about 200 people gathered. “We are ungovernable,” one of their signs said.

Local and federal law enforcement records show that about half a dozen federal agents were there that day, with at least some of them doing what was described as surveillance in which they planned to follow protesters who engaged in property crimes or violence — even though the protest that day was starting on the east side of the city, far from the federal properties downtown. Agents singled out and tracked several people who had broken windows, trailing the individuals for several blocks until local law enforcement agents detained them.

Four agents testified before a local grand jury that was considering indictments against protesters who had been arrested. A person familiar with the proceedings said one of the agents testified that the federal officers had been wearing black apparel, a fact that suggests the agents were attempting to disguise themselves as protesters. F.B.I. officials declined to discuss specific tactics or clothing used during their operations.

Prosecutors obtained indictments for six people on riot and criminal mischief charges.

Mike German, a former F.B.I. special agent who specialized in domestic terrorism and covert operations and is now a fellow at the Brennan Center for Justice, said that such surveillance operations inherently run the risk of violating First Amendment rights. They should be used only when there is evidence that a serious crime may occur, he said, and they should be tailored to focus on obtaining the evidence needed to prosecute that crime.

“The F.B.I. should focus its resources on groups engaged in deadly violence, not vandals,” he said.

Mr. Cannon, the former F.B.I. supervisor in Portland, said the bureau was indeed worried about acts of violence directed at the police, the potential that the protests could escalate and the toll the demonstrations were taking on the Portland Police Bureau, whose officers were fatigued after months of near-nightly confrontations on the streets.

“This was a wave of protest-related crimes that had a severe impact on the community,” Mr. Cannon said. “There was a lot of pressure. It was a fraught situation.”

## **24 Dec - Despite Uproar Over Floyd’s Death, the Number of Fatal Encounters With Police Hasn’t Changed**

*For the second time this year, a jury in Minneapolis has ruled against a former police officer for killing a Black man.*

### **MORE:**

by Tim Arango and Giulia Heyward (*New York Times*)

Like the conviction of Derek Chauvin for the murder of George Floyd, the verdict on Thursday against Kimberly Potter on two counts of manslaughter for the shooting death of Daunte Wright during a traffic stop represented an unusual decision to send a police officer to prison.

And yet, despite the two high-profile convictions in Minneapolis, a review of the data a year and a half after America’s summer of protest shows that accountability for officers who kill remains elusive and that the sheer numbers of people killed in encounters with police have remained steady at an alarming level.

The murder of Mr. Floyd on a Minneapolis street corner drew millions to the streets in protest and set off a national reassessment on race that touched almost every aspect of American life, from corporate boardrooms to sports nicknames. But on the core issues that set off the social unrest in the first place — police violence and accountability — very little has changed.

Since Mr. Floyd’s death in May of last year, 1,646 people have been killed by the police, or about three people per day on average, according to Mapping Police Violence, a nonprofit that tracks people killed by the police. Although murder or manslaughter charges against officers have increased this year, criminal charges, much less convictions, remain exceptionally rare.

That underscores both the benefit of the doubt usually accorded law officers who are often making life-or-death decisions in a split second and the way the law and the power of police unions often protect officers, say activists and legal experts.

The convictions of both Mr. Chauvin, the former Minneapolis officer who was captured on an excruciating bystander video pinning Mr. Floyd to the ground for more than nine minutes as he gasped for air, and Ms. Potter strike some experts as tantalizing glimpses of a legal system in flux. Ms. Potter’s case, in particular, reflected the kind of split-second decision — she mistakenly used her gun instead of her Taser after Mr. Wright tried to flee an arrest — that jurors usually excuse even when something goes horribly wrong

Chris Uggen, a sociology and law professor at the University of Minnesota, said that even though the number of people killed by police remained prevalent, high-profile cases could still send a message to the

police. "The probability of punishment is not zero," he said. "So it moves the needle to some degree, and it can certainly affect the behaviors of police officers."

But many experts are reluctant to read too much into a few isolated cases carried out in the glare of media scrutiny.

"Criminal trials are not designed to be instruments of change," said Paul Butler, a professor at Georgetown University Law Center and a former prosecutor. "Criminal trials are about bringing individual wrongdoers to justice. So while there have been high-profile prosecutions of police officers for killing Black people, that doesn't in and of itself lead to the kind of systemic reform that might reduce police violence."

Philip M. Stinson, a criminal justice professor at Bowling Green State University in Ohio, who tracks police criminal charges and convictions, said Ms. Potter was the first female police officer convicted of a murder or manslaughter charge in an on-duty shooting since 2005. He said he believed that the number of deaths from excessive police force was higher than what was recorded and reflected in news coverage.

"Many police officers exhibit a fear of Black people," he said. "Until we can address that, it is very difficult to bring about meaningful reforms."

Gloria J. Browne-Marshall, a constitutional law professor at John Jay College of Criminal Justice in New York, said accountability also needed to be aimed at prosecutors who gave officers "carte blanche" for a century until the recent show of public outrage. Change is not likely to come soon, she said.

"In these individual cases, justice won in the end," she said. "But there is a lot of work that still needs to be done."

Jim Pasco, the executive director of the National Fraternal Order of Police, said the rarity of criminal charges against officers doesn't indicate a lack of accountability, but simply reflects that the vast majority of police shootings are lawful — with many occurring under dangerous circumstances where officers have to make quick, life-or-death situations.

There has been no finding of fault against officers in many of the other recent high-profile cases of people killed in encounters with the police.

Less than three weeks after the murder of Mr. Floyd, an officer in Atlanta fatally shot a Black man named Rayshard Brooks, who was fleeing a Wendy's parking lot after taking a Taser from the officer's partner and firing it at him. The killing in Atlanta, like that of Mr. Floyd's, was captured on bystander video and drew protesters, adding to the demands for justice and accountability over the number of African Americans killed by the police.

And about two months before Mr. Floyd's murder, Breonna Taylor was killed in her Louisville apartment during a botched police raid that targeted an ex-boyfriend for alleged drug crimes. Her name, too, became familiar to millions of Americans.

Yet the officers involved in the Taylor case have largely been cleared, even as federal authorities continue to investigate. And in Atlanta, Mr. Brooks's case stalled this summer as it was passed to a third prosecutor, who is starting the investigation all over again. The officer who shot Mr. Brooks has been charged with murder, but there is no timeline for a trial.

"We are taking a fresh look at it and starting from Day 1," said Pete Skandalakis, the special prosecutor in Georgia who took over the case. He added that he could not predict when the case would see a courtroom.

That has left Mr. Brooks's family wondering if they will ever see justice.

"I think we're all just lost right now," said L. Chris Stewart, a lawyer who represents the Brooks family. "We don't know what to think or what's going on."

According to data kept by Mr. Stinson and a research team at Bowling Green, 21 officers this year have been charged with murder or manslaughter for an on-duty shooting — although five of the officers charged are for the same encounter, the killing in November 2020 of a 15-year-old boy who was a suspect in an armed robbery.

While this is an increase from the 16 officers charged in 2020, and the highest number since Mr. Stinson began compiling the data since 2005, it remains small next to the roughly 1,100 people killed by the police annually. (Just as the pace of killings since Mr. Floyd's death has remained largely unchanged, racial disparities have also stayed the same. Black people are still two and a half to three times as likely as white people to be killed by a police officer, according to Mapping Police Violence.)

While Mr. Chauvin's trial was underway in the spring, Mr. Wright's death at the hands of Ms. Potter in Brooklyn Center, a Minneapolis suburb, set off new rounds of protests in the Twin Cities. And in the rest of America, the number of new cases of people killed in encounters with the police continued apace, some of them piercing the national consciousness and adding to the names protesters shouted in the streets.

Among them were Adam Toledo, a 13-year-old Latino boy who was killed by a Chicago police officer after running down a dark alleyway with a gun. And in Columbus, Ohio, shortly before the jury reached a decision in the Chauvin trial, a 16-year-old Black girl named Ma'Khia Bryant was shot to death by an officer as she swung a knife at a young woman.

A state agency investigated Ma'Khia's death and, in July, turned its findings over to local prosecutors in Franklin County. At the time, the state attorney general said he expected it to take prosecutors "several weeks" to make a charging decision, but a spokeswoman for G. Gary Tyack, the county's top prosecutor, said the case was still under review five months later.

More recently, at a high school football game in a suburb of Pennsylvania this fall, police officers opened fire amid a crowd after they heard gunshots, killing an 8-year-old Black girl named Fanta Bility.

All of these cases remain under investigation, and no charges have been filed against the officers involved.

One of the reasons for Mr. Chauvin's conviction was that the circumstances of the case differed so starkly from so many other cases in which officers were cleared by prosecutors or juries: There was no split-second decision made in an environment in which Mr. Chauvin could argue that his life, or those of other officers, was in danger.

In the trial of Ms. Potter, which played out in the same courtroom where Mr. Chauvin was tried, her defense lawyers said Ms. Potter acted reasonably in using force because she feared for the life of a fellow officer, a scenario more emblematic of a typical police killing case.

This time, that argument did not work.

### **25 Dec - Jessica Resnicsek: We need your help in spreading the word**

*Last week Jessica entered her fifth month locked up in a cinderblock building away from her loved ones for the crime of protecting the water and taking climate action.*

#### **MORE:**

This mile-marker in her sentence came the same week a deadly climate-charged tornado cluster killed many across the south and midwestern United States.

To highlight the absurdity that our friend Jessica has been called a terrorist for protecting water while oil corporations continue to expand fossil fuel infrastructure during a deadly climate collapse, our team is working on a video to showcase her wide base of support. As she enters into her fifth month in a cell it's important to continue to spread the message that water protectors are not terrorists and continue the fight to repeal her terrorism enhancement.

We are looking for representatives from organizations and individual supporters who signed the petition to send in short selfie videos, recorded on a phone, that we will edit together into one or more videos. All we need is 1-2 sentences per video, sharing in your own words why you support Jessica's fight to repeal the terrorism enhancement in her sentencing. If you are an organization or collective we'd love to open the challenge to see who can get the most people into one video as possible!

We're asking that the first sentence start with "I support Jessica Reznicek because...". Bonus points for the video being taken somewhere beautiful that reminds you of what we're all fighting for. Feel free to get creative with this! Another key message to close with might be something like, "We are Water Protectors not Terrorists."

Once you have your video made please email it to us at [freejessicareznicek@gmail.com](mailto:freejessicareznicek@gmail.com) with the subject "Support Video". Be sure to include in the text of the email where you are sending it from, any organization if you want one represented, and if you want it public with your video your name and pronouns.

If you can't make a video, continue to get creative in spreading the word about Jessica's case! Some things people have done so far that you could do as well is get a t-shirt, write an Op-Ed, make a Free Jessica Reznicek banner for the next Climate Justice protest, ask organizations to sign the petition, host a letter writing event, amplify our Twitter and other social media pages, and so much more!

To learn more about the case and how to support our campaign to get her free please visit our website at [supportjessicareznicek.com](http://supportjessicareznicek.com).

## **31 Dec - Noise Demo Against the Prison Industrial Complex, In Solidarity with PPs and POWs**

**WHAT:** Noise Demo

**WHEN:** 9:00pm, Friday, December 31<sup>st</sup>

**WHERE:** Metropolitan Detention Center (MDC, the federal prison in Brooklyn); meeting at the corner of 2<sup>nd</sup> Avenue and 30<sup>th</sup> Street, Brooklyn, New York 11232 (D/N/R to 36<sup>th</sup> Street or R to 25<sup>th</sup> Street). **NOTE:** we are not encouraging folks to take public transit or other risks. Please recognize your comfort level with attending this event)

**BRING:** Noisemakers, air horns, drums, anything that is loud!

### **MORE:**

On the noisiest night of the year in New York City, come help us remind folks locked up that they are not alone. NYC Anarchist Black Cross, in response to an international call for noise demonstrations outside of prisons, is asking folks to join us outside of the Metropolitan Detention Center (MDC) in Sunset Park, Brooklyn. Come, not to appeal to authority, speak truth to power, or any other contrivance, but rather to stand with comrades, at a safe distance, and show direct solidarity to those on the other side of the wall.

The state, writ large, is targeting anarchists all across the United States and abroad. This will be both protest and celebration.