WE'VE GOT YOUR BACK

THE STORY OF THE

J20 DEFENSE

CrimethInc.

During the inauguration of Donald Trump, police surrounded and arrested over 200 people in the vicinity of a confrontational march. Prosecutors brought identical felony charges against almost every single arrestee in one of the most dramatic escalations of state repression of the Trump era. For a year and a half, people around the United States mobilized to support the defendants and beat back this attempt to set a new precedent in repression. The J20 case was one of the most important court cases about the freedom to protest in modern US history. We present the full story here to equip readers for future struggles like it.

NOTES

1. Dane Powell was not arrested during the inaugural protests, but identified and arrested by the MPD the next day, when he went to pick someone up at jail. Held for five days before release, he was initially charged with 14 felonies. After the state presented video evidence of Dane breaking windows and throwing rocks at an initial hearing, Dane pled guilty in April 2017 to rioting and assaulting a police officer. Part of his plea deal included signing a statement of facts about his own behavior on January 20, but he did not incriminate anyone else. Leibovitz sentenced Dane to 36 months in prison, but suspended all but four months on the condition that he successfully complete two years of supervised probation. Dane served four months in a federal prison in Florida. He was the only J20 arrestee to serve time.
2. If we want to see more victories like the J20 case, one of the first steps is making it possible for poor people to get out of jail. There have been beautiful acts of solidarity with those in jail, like the bailouts of black mothers on Mother's Day and the mass bailout of those held in Riker's Island, and there are efforts to eliminate cash bail on the grounds that it unfairly impacts poor people, creating modern day debtor's prisons. But eliminating cash bail alone won't necessarily solve the problem—most places would replace it with technological monitoring and allow local courts to decide whom to keep in custody and whom to release until trial. The solution is not to reform the system, but to delegitimize it, challenging the notion that the courts have the right to incarcerate defendants in the first place.
3. Rioting charges are *inherently* political in nature. The J20 defendants were originally charged under the DC Riot Act, originally written to criminalize black protest in the 1960s. Shortly after it passed, DC police used the statute to legitimize the arrests of over 6100 people during rebellions following the assassination of Martin Luther King, Jr. The law was used to depoliticize rebellion, deeming it "mindless violence." The Riot Act has historically been used to take the teeth out of political rebellion, but the state often uses additional charges to clamp down on uprisings. While riot charges have recently been pressed against people arrested at demonstrations and protests, those arrested in fierce riots like the black-led uprising in Ferguson, Missouri in 2014 are almost exclusively serving time for theft, burglary, or larceny charges. In that case, the state is still trying to *depoliticize* the situation, pushing the narrative that black-led uprisings against police shootings are not *political* but *criminal.*

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

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

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

-Justice for All the J20 Defendants

On January 20, 2017, tens of thousands of people gathered in Washington, DC to ring in the reign of Donald Trump with protest and rebellion, shattering the spectacle of a peaceful transition of power. What could have been a day of resignation and defeat became a flashpoint of defiance and resistance. Aiming to help set a tone of joyous rebellion for the coming years, protestors engaged in street theater, blockades, and militant street actions.

But with resistance comes repression. In addition to shooting pepper spray and concussion grenades indiscriminately at protesters from 10:30 am until well after dark, DC police attacked the Anti-Fascist/Anti-Capitalist March, kettling hundreds of people at 12th and L Street. Several dozen people valiantly charged the police line and escaped, but the majority were trapped in the cold for hours as police slowly arrested and processed them. This was the largest unplanned mass arrest DC had witnessed since the People's Strike fifteen years earlier.

Of the 234 people arrested, 230 were indicted on identical counts of felony rioting, a charge that is a laughably false interpretation of the relevant statute. The state dropped the charges for 16 people, mainly journalists and a few medics, before the first superseding indictment in February, which also failed to correctly ground the charges in the cited statute. On April 27, a grand jury returned a second superseding indictment increasing the charges to a minimum of 8 felonies each. After a few people took pleas and a judge adjusted the charges to account for the fact that two of the felonies *were not even on the books as a legitimate charge*, approximately 200 people each faced six felonies (riot and 5 counts of property destruction, charged collectively under conspiracy liability) and two misdemeanors (engaging in a riot and conspiracy to riot, which provided the grounding for the 5 felony property destruction charges).

Defendants could have reacted to these outrageous charges by taking plea deals or going it alone. Instead, in an astonishing display of solidarity, almost two hundred people committed to fighting the charges together despite the extremely difficult circumstances. In an attempt to keep everyone out of jail, the defendants invested in collective legal strategies wherever possible and used solidarity and mutual support to keep each other safe, ultimately choosing to go to trial instead of accepting plea deals.

The J20 case was one of the largest political conspiracy cases in the history of the United States. The state intended to stifle resistance in the Trump era—to criminalize political rebellion, establish dangerous new legal precedents for conspiracy convictions, and send the message that resistance would not be tolerated.

The J20 prosecutions corresponded with a broader wave of reaction extending from the arrests and grand jury investigations of indigenous water protectors

at Standing Rock to the backlash against Black Lives Matter and other instances of black-led resistance. They were connected with efforts to make the legal system even more repressive at state and local levels—including the proposal of anti-protest laws in eighteen state legislatures, with the intention of further criminalizing common tactics such as highway takeovers and in some cases making it legal for drivers to intentionally hit protesters in roadways.

The government hoped to expand its repressive powers by recasting holding meetings and marching as a group as evidence of criminal conspiracy. They claimed that being in the same place at the same time dressed in similar clothing added up to conspiracy and that the defendants were aiding and abetting a riot by virtue of their mere presence. The idea was to hold people culpable for acts committed in proximity to them. This is why all 200+ defendants were charged with the same counts of property destruction—the idea was that all 200+ of them had actively participated in breaking a small number of windows.

The charges against the J20 defendants were an experiment. If the state had successfully set new legal precedents with which to convict defendants of conspiracy, it would have impacted protest movements around the country. While the state gambled that they would be able to use collective liability to bring about collective punishment, the defendants staked everything on collective defense. In the end, the state overextended and lost.

How did the defendants and their supporters accomplish this monumental feat? We'll explore why this case was so important, documenting the legal saga from the arrests up to the day the last charges were dropped, and highlight the legal strategies that defendants used to keep each other safe and prevent the state from gaining another weapon to use against our movements.

THE ACTORS

Many different actors played important roles in this story. Let's go through each of them in turn.

DEFENDANTS

For the purposes of this text, anyone who was arrested on J20 and did not take a plea deal falls into the category of defendant. The defendants were scattered around the country, but predominantly on the eastern seaboard.

FURTHER READING

- I Was a J20 Street Medic and Defendant
- Anarchist Resistance to the Trump Inauguration
- Between the Sun and the Sea: Icarus at 12th and L
- J20 Protest Simulator: Choose Your Own Adventure in the Streets and Courts of Washington, DC
- Making the Best of Mass Arrests: 12 Lessons from the Kettle During the J20 Protests
- Solidarity as a Weapon: A Critique of the J20 Support Campaign
- Drop J20 Podcast—updates throughout the case courtesy of It's Going Down
- Conspiracy to Riot—An episode of the subMedia show Trouble detailing the J20 case

Seriously—take a deep breath and reflect on whether you would rather hear your text messages read back to you in a court of law and hand over the details of your intimate connections to the state so they can weave a web of association between you and your comrades, or if it would be better to have to ask those same friends to help you get a new phone. If you still can't bring yourself to smash your phone, at least consider spending your time in the kettle erasing it, wiping it as clean as you possibly can. Even when you're not going to a demonstration, you should *always* keep your phone encrypted and secured with a long alphanumeric password; any fingerprint or facial recognition features should be turned off.

The black bloc works best when employed properly. That means ALL BLACK. There should be no logos visible; both your face and hair should be completely concealed. Any markings on your clothes, shoes, bag, or face will be used to identify you, as will your glasses.

If you're caught in a kettle, get creative: trade clothes with each other until your outfits are so mishmashed that the state will never be able to identify you. Or put all your black clothes in a pile and light them on fire. If it's not cold, consider adding your shoes to the fire or leaving them behind. Or else everybody could trade shoes, ending up with mismatched pairs. We don't know the extent to which DNA testing may be employed, but people could pass clothes and shoes around until so many people have touched them that it's impossible to tell what belongs to whom.

THE END, FOR NOW

Ultimately, the state had a hard time building cases against individuals in part because of how they were trying the case, but also because we made it hard for them to build cases against us. In short, the black bloc works—and solidarity gets the goods.

If the day comes where we have to do it all again, we'll be there in a heartbeat.

> "Revolutionary solidarity is the secret that destroys all walls, expressing love and rage at the same time as one's own insurrection in the struggle against Capital and the State."
>
> –Daniela Carmignani

Defendants endured up to a year and a half of legal limbo that disrupted their lives, leaving them unsure of their futures in the face of potentially decades in prison. Many participated in creating legal strategies, publicizing the case to the media, and holding local fundraisers and events to raise awareness about the case—all while holding onto each other for dear life, hoping to get to the other side in one piece.

SUPPORTERS

Many who watched their friends and loved ones enduring this trying ordeal helped by publicizing the case, consulting lawyers, cooking food for defendants and other supporters, publishing articles and editorials, raising money, showing up in court, facilitating spokescalls, and more.

DEFEND J20

Defend J20 was the public face of the ad-hoc defense committee formed in the wake of the J20 arrests; they maintained defendJ20resistance.org, the chief website offering information about the case and how to support the defense.

JUDGE LYNN LEIBOVITZ

Known among her colleagues as one of the meanest judges in DC, Leibovitz presided over the cases in DC Superior Court until the end of 2017. She established herself early on as an acerbic and antagonistic representative of the state who was no friend to defendants. Leibovitz had made her name earlier by sentencing a 78-year-old anti-war protester to jail time and imposing a gratuitously harsh sentence on DC graffiti artist Borf, who responded in an interview with the *Washington City Paper* by comparing her to a piece of excrement. The comparison is unfair: no piece of excrement ever presided over the kidnapping, captivity, and brutalization of thousands of people.

JUDGE ROBERT MORIN

Morin was the first of two DC Superior Court judges assigned to preside over the case after Leibovitz. From the start, he appeared more sympathetic

to the case, hampering the state's overreach by limiting the Facebook and Dreamhost subpoenas. He issued the sanctions for the Brady violation after Kerkhoff's office was caught dishonestly withholding evidence.

JUDGE KIMBERLY KNOWLES

The second of two DC Superior Court judges assigned to preside over the case after Leibovitz, Knowles oversaw the second trial.

JENNIFER KERKHOFF

The US Attorney prosecutes all criminal cases in DC, which does not control its own criminal justice system as a de-facto colony of the US. Assistant United States attorney Jennifer Kerkhoff was assigned lead prosecutor of the J20 cases. She sought to advance her career by ruining the lives of the defendants by any means necessary—remorselessly misrepresenting them, the events of January 20, and the law itself, as well as mendaciously concealing exonerating evidence. Despite batting 0 for 194 with the J20 cases, Kerkhoff was promoted shortly afterwards to head up the felony major trial division, which is often assigned the state's most important cases. Kerkhoff's office has a long history of misconduct, J20 not withstanding, making her the perfect candidate to do the state's dirty work.

RIZWAN QURESHI

Another assistant United States attorney, Qureshi was assigned to help Kerkhoff prosecute the cases. It was Qureshi who filed the motion to drop all the remaining J20 charges in July 2018.

DEFENSE LAWYERS

You might think it would make sense for defendants engaging in a collective legal strategy *and* being tried by the state in groups to be able to share lawyers. But no, that would constitute a "conflict of interest," in which a lawyer's ability to represent one defendant could be adversely affected by duties to another defendant. Every single defendant had to have a different lawyer,

Romanian hackers infiltrated the MPD's network of outdoor surveillance cameras for several days before the inauguration, infecting 123 out of 187 cameras with ransomware and rendering them unable to record. While some have hypothesized that this explains why little MPD camera footage was submitted as evidence, the department maintains that MPD had all their cameras back on line by the inauguration.

LESSONS II: MASS ARRESTS

The J20 case poses questions about what kind of risks and losses we need to prepare for as we consider how to resist the state. We're not advocating for people to become martyrs who do prison time for the revolution—but the state seems to be increasingly using felony, conspiracy, and terrorism charges to try to crush anarchist resistance, and we need to become more skilled at navigating this reality. We shouldn't expect the authorities to play fair or abide by their own rules, nor can we expect the law to protect us. We have to strategize within the legal system while crafting our own narratives, aligning our legal battles with other vital struggles and communities in resistance to the state.

How do we pass along the knowledge we have gained to a new generation of anarchists? We need to find ways to transfer stories, tactics, and lessons from one generation to the next, filling the gaps in our collective memory. Considering that many J20 defendants were radicalized through the internet, anti-fascist struggles, and Standing Rock, it should not be surprising how many of them were carrying phones when they were arrested. A few security culture trainings ahead of J20 could have gone a long way. As mainstream culture evolves to integrate more technology into our lives, we should keep abreast of the potential impact that can have on our movements.

Most of us increasingly rely on digital communication; we have fallen out of practice using other communication methods we could have employed on J20. We should be handing out pamphlets at every demonstration explaining good security practices, as well as including contingency plans, rendezvous points, and the basics regarding how to keep a march together. A small map of the part of DC we were in could have come in handy, especially with so many people from out of town. So would scout teams running communication.

Next time you attend a serious demonstration, consider not taking your phone, or getting a burner phone if you will absolutely need one. If you are kettled with your own phone, consider smashing it before you are arrested.

LESSONS I: YOUR PHONE IS A COP AND OTHER TALES OF SURVEILLANCE

Everyone who was carrying a smartphone when they were arrested at J20 had it seized. As if we didn't already know better! If you are going to a militant protest, *leave your phone at home.* As some comrades reminded us in the aftermath of J20, "your phone is a cop." Investigators attempted to break into all of these phones, using a device made by Cellebrite to bypass passcodes and encryption. One defendant received an 8000-page document detailing the contents of their phone, including everything from contacts, emails, and texts to social media data and communications stored in the cloud.

The state had an easier time obtaining data from unencrypted phones, and Android operating systems appear to have been more vulnerable than Apple IOS. But technology changes constantly—what seems secure one day might be cracked the next. Private companies are investing millions in tools like GrayKey that help law enforcement break into phones. We can take steps to mitigate those risks, but simply not bringing a phone with you remains the safest approach.

Although the conspiracy charges didn't work out for the state this time, we can be sure that all the information they gleaned from seized phones has been saved and analyzed. To some extent, our networks have been exposed and the state has gained valuable insight into who knows whom.

Had all the participants left their phones at home, the amount of potential evidence would have been considerably less. Many so-called "co-conspirator statements" came from recovered smart phone messages. Evidence of "intent to riot" came from emails and text messages. Participation in activist email lists and having activist events on phone calendars was trotted out as proof that defendants had planned to "engage in a riot" on J20.

Pouring over the evidence in this case—hundreds of hours of video footage, innumerable photos pulled from news and social media—it's striking how much of the evidence was "open source" information. While there *were* videos from surveillance and police body cameras, much of the evidence came from videos posted to social media accounts. These were from a variety of sources—not just the far-right groups that insinuated themselves into the protests, but also people who were ostensibly "friendly" to the march. A livestream of the entire march served as a key piece of evidence in the two trials that actually happened and the prosecution planned to use it in every trial that made it into the courtroom.

and some had several lawyers. Some defendants hired private counsel, but most were represented by lawyers assigned at random by the court under the Criminal Justice Act (CJA), sometimes referred to as "CJA lawyers." A few of these lawyers were extremely capable and willing participants in collective defense, but most were overworked, difficult to reach, hesitant to do what their clients wanted, and absolutely baffled by the idea that their clients wanted to engage in collective defense instead of facing the case as isolated individuals.

THE METROPOLITAN POLICE DEPARTMENT

The MPD were the ones in charge of patrolling the streets of DC on the day of Trump's inauguration. They showered protesters and passersby with sting-ball grenades and peppery spray throughout the day, senselessly targeting small children and the elderly. The ranks of the MPD include Commander Keith Deville, who was in charge of police operations throughout DC during the inauguration, undercover DC police officer Bryan Adelmeyer, who attended the January 7 planning meeting, and Peter Newsham, who ordered the mass arrest of almost 400 people at the World Bank protests in 2002 and was named Chief of Police in February 2017. A number of officers provided testimony in the two trials, including Ashley Anderson, Michael Howden, and William Chatman.

DISRUPTJ20

DisruptJ20 was the banner under which people organized for J20 and administered the disruptJ20.org site, which disseminated information about counter-inaugural events. The host of the site, DreamHost, was later subpoenaed to provide IP addresses for 1.3 million visitors. DisruptJ20.org is already offline, underscoring the importance of anarchists maintaining our own archives.

DEAD CITY LEGAL POSSE

DCLP was a collective of activists and legal support workers formed specifically in response to the needs of J20 defendants. They put in countless unpaid hours wrangling lawyers, raising money, obtaining housing for defendants and supporters visiting DC for court, reimbursing people for their

travel expenses to DC, coordinating solidarity demonstrations at court appearances, and more.

MACC LEGAL

MACC is the legal support arm of the New York Metropolian Anarchist Coordinating Council. It includes anarchists with many years of experience of enduring repression and navigating the legal system. They offered support, insight, and legal guidance throughout the case.

STARC

The Scuffletown Anti-Repression Committee is a defense committee formed in Richmond, VA after the inauguration to support J20 defendants and fight state repression on other fronts.

THE LEGAL SAGA: FROM THE ARRESTS TO THE DROPPING OF THE LAST CHARGES

By the evening of January 21, everyone who had been arrested at the inauguration had walked out of jail into the arms of comrades; the one exception was Dane Powell.[1] The arrestees received food, drinks, hugs, cheers, songs, and metro cards on their release, and some were given phones to replace those stolen by the government. At their court appearances prior to release, each had received one charge of felony rioting. This charge was levied indiscriminately against all defendants, even though **there is no statute making "rioting" a felony charge in Washington, DC**—the city statute classifies it as a misdemeanor. In late January, a grand jury returned an indictment upholding the "felony rioting" charge against nearly all of the arrestees.

Washington, DC doesn't have cash bail; people had to wait to get out, but they didn't have to pay to get out. To bail out over 200 people arrested on felony charges in a city with cash bail might have been well nigh impossible. In most places, when ordinary poor people are arrested—often on charges as trumped up as the J20 case—they frequently serve months or years in jail before they get to trial.[2]

> vulnerable to state violence. The people most often and most brutally affected by the Metropolitan Police Department of the District of Columbia (MPD), anti-rioting laws, and the horror of the criminal legal system are not protesters on Inauguration Day, but people of color living in so-called Washington DC who face this abhorrent system every day."
>
> -Defend J20 Resistance

There was a consistent effort to acknowledge that *all* court cases are political, that the system is rigged against the poor and against people of color, that centuries before Trump was elected the state was already a fundamentally colonialist, white supremacist formation, and that lying and concealing evidence are the standard operating procedures of both the cops and the courts.

In addition to placing the case in a broader context of repression, defense efforts included various tried and true anarchist methods that engaged a broader body of allies to pressure on the state. There was an ongoing call-in campaign to Kerkhoff's office to push the US attorney's office to drop the charges. There were four different calls for days of solidarity actions. Many organizers used the case to spread awareness and strengthen ties in their own communities. The July 2017 day of solidarity offered a necessary morale boost after the case had dragged on for six months. And while it may be a matter of correlation rather than causation, Kerkhoff's office dropped the charges against 129 defendants the day before the third day of solidarity on January 20, 2018.

When we defeat a state offensive like the J20 charges, this frees us to continue fighting on our own terms, rather than being stuck reacting to one assault after another.

> "The same force that drives people to rebel and fight also drives people to protect and support each other. What we do and how we move through the world differentiates us from what we are fighting."
>
> -A defendant

Some people felt their ideas or proposals were stifled or even blocked by a centralized group. There were critiques of the formality of the structure and there were many divisions along lines of experience, region, tendency, identity, and capacity.

New opportunities for flexibility appeared when people were divided into trial blocks and began to coordinate more closely with each other on that basis. Despite internal conflicts, there was room for creative autonomous activities that complimented the coordinated defense efforts.

If anything, we can let this saga inform how we organize in the future. How should people make decisions together? How do we ensure that agency isn't consolidated in the hands of a small group? And how can we make sure everyone's voices are heard? What kind of models do we use, especially if we don't want to fall back on familiar frameworks like spokescouncils?

AIM BEYOND THE TARGET

We approached the J20 case as **movement defense.**

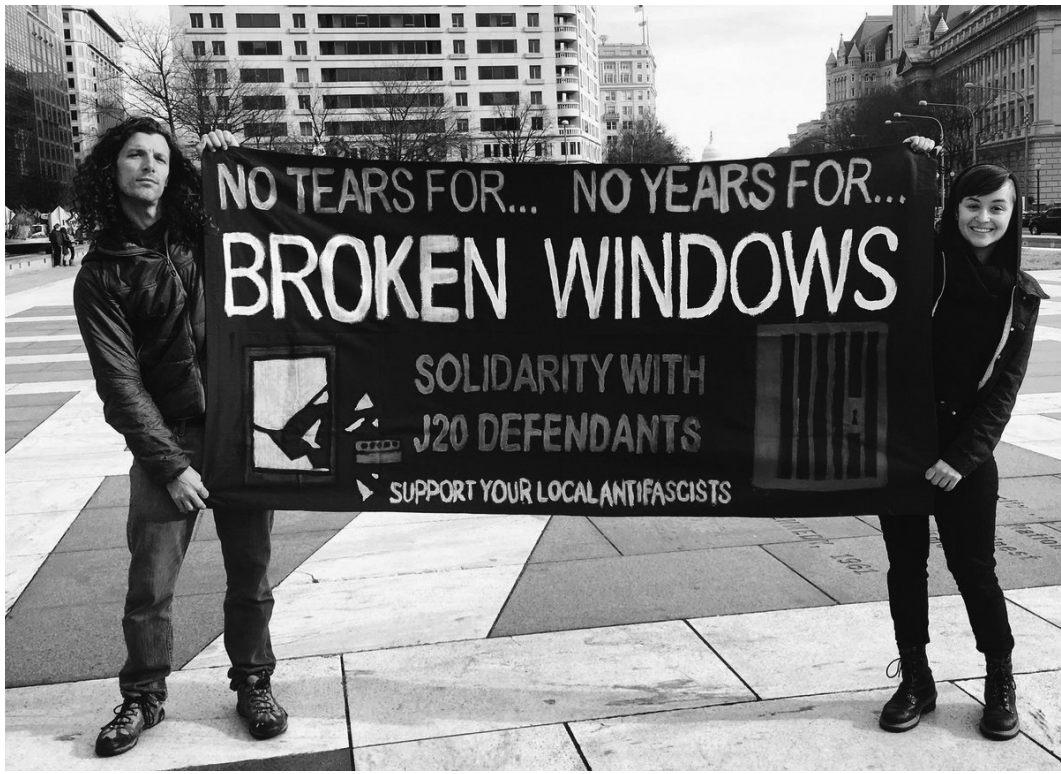
While we should not overlook the specific cases of those who were threatened with decades in prison, in many important ways *we were all on trial.* The legal precedents around collective punishment, proximity to crime, conspiracy, intention, and liability would have been far-reaching and incredibly dangerous. People fought the charges and supported the defendants not only to protect themselves and each other, but because it was clear that if the defendants were convicted, many similar cases would follow. The case law would be used in future legal battles, especially in contexts in which people are even more vulnerable within the legal system, such as anti-police struggles and indigenous movements.

The capacity and connections we built helped strengthen other struggles against repression across the country. Broadening our solidarity with other anti-fascists, Standing Rock arrestees, and communities that are consistently targeted with police violence helped situate the J20 case as part of a larger movement against the state and capitalism. Aligning with movements against police and prisons, the J20 defendants and supporters fought repression while contextualizing broader struggles against the police.

> "We further challenge the valorization of 'political' defendants and prisoners over other people whose lives and families are

A grand jury released an initial superseding indictment in February 2017, including 214 defendants and dropping charges against 16 people who were mostly journalists, like Evan Engle.

The state made its second move in late March 2017, when attorney Kerkhoff submitted a proposal to Judge Leibovitz to group the cases together. Leibovitz accepted the grouping system, instructing Kerkhoff that she wanted six-person trial blocks because it would be too burdensome for the jury to hear more than six cases at a time. Despite everyone receiving the same blanket charges, the defendants were prioritized into different groups based on alleged conduct and affiliation. There were four different groups, though the reasoning behind the groupings was never made explicit. Group 1 appeared to contain the defen-



dants who faced the greatest risk of spending time in jail. Groups 1 and 2 were comparatively small; most defendants were in Groups 3 and 4. Soon after the groupings were announced, Kerkhoff started to offer plea deals to defendants in Groups 3 and 4. These pleas included a misdemeanor charge reduction and required an allocution—a statement of facts—but did not require the defendants to cooperate with the state against other defendants.

CrimethInc., subMedia, and It's Going Down called for the first week of solidarity to support arrestees on April 1 to 7, connecting the case to Standing Rock and other struggles taking place around the US. That week, MPD raided an alleged J20 organizer's house, seizing thousands of dollars in electronics and taking fliers and flags.

On April 27, a grand jury returned a second superseding indictment filed by the prosecution, upholding the initial charge of rioting and adding several more felony charges to each defendant: inciting to riot, conspiracy to riot, and five counts of destruction of property. Roughly half of the defendants were also charged with the same count of assault on a police officer. Three additional people were indicted for the first time under this superseding indictment, including the person who had been the target of the police raid, who was accused of being an organizer of the demonstrations on January 20.

Adding additional matching felony charges to hundreds of defendants rounded up in a mass arrest was unprecedented in the contemporary US legal system; it marked a dramatic escalation in the repression of protest. Essentially, over two hundred people swept up for being in the vicinity of a confrontational protest were being accused of breaking the same handful of windows. Kerkhoff hoped to use Pinkerton Liability to frame the defendants as culpable of the damage even if they did not even *see* any of the windows being broken. The additional indictments of suspected organizers reinforced the political nature of the case.[3]

The pre-trial hearings dragged on for months before there was any talk of scheduling trials. The prosecution hoped to have plenty of time to build cases against certain defendants while pressuring the others to accept plea deals. A dozen or so people took pleas in the first few months after the superseding indictment, mostly under the parameters of the Youth Rehabilitation Act, according to which defendants under 24 can have misdemeanors expunged from their record after a year. A total of 20 defendants eventually took plea deals—but remarkably, not one agreed to inform to the state about anyone else.

Some defendants and supporters had begun to organize immediately after the initial arraignment; many more began organizing in response to the additional charges. Many defendants had been scattered and disconnected over the first few months, but the high stakes of the case were becoming clear. At first, informal regional anarchist networks were the chief sources of connection and support; for the most part, these were centered around places where there were many defendants, including New York City, Baltimore, Philadelphia, Richmond, Pittsburgh, Washington, DC, and the entire state of North Carolina. Defendants and supporters began to collectively strategize

defendants exposed the political motivations of the prosecution. Once news of the acquittals from the first trial spread far and wide, the government had little choice but to dismiss scores of cases. By the time of the second trial, Defend J20 Resistance was able to effectively draw media attention to the evidentiary violations and subsequent sanctions against the government, making it impossible for the US Attorney's Office to proceed further.

We began the J20 case in a corporate media climate that either refused to cover the J20 arrests entirely or else that covered them in such a distorted way as to give the public a very negative perception of the defendants. Experienced defendants and supporters coached those who were not as experienced in how to work strategically with mainstream and independent media on high-profile cases involving significant danger. Spokespeople were empowered among defendants and supporters who were willing to speak to reporters. Early on, we began issuing press releases to update media on changes in the case and to spark interest.

By the time of the first trial, there was significant mainstream and independent media coverage. The sweeping coverage of the first set of acquittals embarrassed the US Attorney's Office and compelled the prosecutor to dismiss the majority of the remaining cases. With the prosecutor off-kilter, Defend J20 Resistance never let up, continuing to issue press releases as breaking news was uncovered about fascist and extreme-right collaboration with the US Attorney's Office and serious evidentiary violations.

BLOOD, SWEAT, AND TEARS

J20 defense work consumed thousands and thousands of hours of volunteer labor. Many of the defendants and their supporters did not know each other before the arrests. It should not be understated how much work people took on under tremendous stress. Many defendants also had to make weighty decisions while scared and isolated.

While we don't intend to air anyone's dirty laundry, it would be disingenuous not to acknowledge that this arduous process involved conflicts. We speak on these here not to embarrass anyone, but in hopes that our experience can inform future anti-repression organizing.

The defendants were ultimately able to present a strong, unified front, but there were tensions between people accused of different actions, questions about "innocence politics," and conflicting ideas about goals and strategy.

MEDIA TRANSMISSIONS

Defendants and supporters understood the benefit of shaping the public narrative by generating their own material and "harnessing" corporate media coverage. Defendants and supporters created videos and podcasts, publicizing the case through anarchist media networks. Supporters coordinated synchronized twitter campaigns; Unicorn Riot reported on the trials in detail.

While independent outlets were usually the ones to announce breaking news, the US Attorney's Office and the legal system on the whole felt greater pressure from corporate media narratives. Coverage of the case appeared in the *New York Times,* the *Washingon Post, Rolling Stone, Newsweek,* Al Jeezera, and the *Independent.*

The effort to get reporters into the courtroom for the first trial was a huge success. By broadcasting the vulnerabilities of the government's case along with its collusion with far-right groups and biased, bigoted police officers,

over spokescalls to facilitate coordination between these hubs as well as loop in the many defendants from other areas.

People spent a great deal of time trying to figure out what a collective defense might look like. Ultimately, they arrived at the following points of unity. While not all of the defendants signed on to the points of unity, over 130 did—an overwhelming majority.

> In order to stand together and support one another through this stressful time, we defendants agree on the following points of unity:
>
> - We will not cooperate against any of our codefendants, nor accept any plea deals that cooperate with prosecutors at the expense of other codefendants.
> - We will refuse to accept that any of the charges or actions of law enforcement were necessary or justified.
> - We will share information, resources, and strategy when possible and beneficial. We will not say anything publicly or privately that has the possibility of harming individual defendants or defendants as a group.
> - We will support decisions individual defendants make, even if we do not agree with them, as long as they do not directly go against the other principles.

In late June 2017, there were four large defendant assemblies in DC after several days during which many defendants were arraigned and had their trial dates set. In response to the more vulnerable Group 1 defendants having their trials scheduled first, defendants and their supporters devised a legal strategy intended to force the state's hand. In hopes of preventing the state from framing the narrative by prosecuting higher-stakes defendants first, defendants adopted an early trial strategy, proposing that some defendants from Groups 3 and 4 who felt they had strong cases should bravely seek early trial dates. If the state lost, this could delegitimize the charges and punch holes in the case for conspiracy and collective liability.

Of course, if the defendants who sought an early trial lost in court, it could have had the opposite effect.

Surprisingly, Judge Leibovitz affirmed the defendants' right to a speedy trial and scheduled two early trial blocks for the defendants from Groups 3 and 4 who had volunteered to demand them; these were set for November and December 2017, before the trials already announced for Group 1 defendants. All summer, defendants and supporters were busy working with the more

responsive attorneys, seeking new lawyers, mulling over legal strategies, creating media about the case, doing interviews as the case finally started to get traction in mainstream news, raising money, researching defense arguments, and struggling to compel lawyers to embrace the collective defense strategy despite their misgivings.

The second week of solidarity with J20 defendants began on July 20, 2017. Graffiti, banners, fundraisers, and awareness-raising events appeared around the US and in at least five other countries.

In late July 2017, a hearing took place regarding various motions to dismiss the indictment. Leibovitz threw out the assault on an officer charge, finding that the statute cited was outdated and hadn't been in effect in 2017. In September, she denied the defense's motion to dismiss the conspiracy and riot charges, confirming that the defendants could be prosecuted under the riot statute: "Each charged defendant who can be shown to be an aider and abettor of those engaging in or inciting the riot is liable as if he were a principal." Because the police alleged that the arrestees were a "cohesive unit," Judge Leibovitz affirmed that there was enough probable cause to uphold the arrests.

In November, soon before the first trial began, Leibovitz issued a ruling reducing two of the eight felonies ("engaging in a riot" and "conspiracy to riot") to misdemeanors. She clarified that engaging in a riot had *always* been a misdemeanor charge in DC law, not a felony.

Let us pause in awe at the stupefying hypocrisy of those who profess to believe in the "rule of law." **How can it be that the prosecutor, the court bureaucracy, and two grand juries were permitted to terrorize two hundred defendants with multiple nonexistent felony charges for nearly a year?** Surely, if anyone is still naïve enough to earnestly believe in the rule of law, they should consider those who are complicit in pressing nonexistent charges to be the number one threat to civil society. **Prosecutors, police, and judges neither believe in nor uphold the rule of law any more than the most iconoclastic anarchist does.** The difference is that anarchists are honest about this and propose an ethical alternative, whereas the professionals of the *justice industry* shamelessly pursue personal gain and little else.

With the first trials approaching, October and early November 2017 saw multiple pre-trial hearings at which Judge Leibovitz again surprised defendants by agreeing with defense attorneys' insistence on adherence to basic criminal procedure, limiting identification by video footage and affirming basic legal procedures of eye-witness identification. The prosecution seemed stunned that they would have to abide by these basic rules. The prosecution's strategy of having the lead detective on the case, Greggory Pemberton, identify defendants based on his literally thousands of hours spent pouring over

strategy that benefited them at other defendants' expense that determined the outcome of the case. And it was defendant labor looking through the discovery—not lawyers—that uncovered the thread that led to the 69 Project Veritas recordings that Kerkhoff had dishonestly concealed.

SHIFTING THE DISCOURSE

In the discourse around J20 solidarity, little space was given order to the rhetoric of rights or the idea of a just or benevolent court. While a narrative of individual innocence might have served *some* people, most people focused on the violence of the police and the efforts of the state to criminalize resistance. Solidarity regardless of guilt was a guiding tenet: rejecting the legitimacy of the legal system and recognizing the ways it upholds fundamental injustices. Instead of playing into the trope of good protestor vs. bad protestor, people pushed back against the state, identifying it as an enemy, refusing the narrative that there were "good protestors" exercising their first amendment rights while a few "bad apples" spoiled the day.

> "More than facts or the notion of guilt, one's experience and treatment in court is dictated by race, gender, citizenship, and access to specialized and expensive resources. Our support for all J20 defendants is not dependent on whether they did or didn't do the acts the state alleges."
>
> -Defend J20 Resistance

However, there was an ongoing tension at play between affirming the beautiful moments of rebellion that occurred on J20 and keeping people as safe as possible in the face of potential prison sentences. Defendants and supporters struggled to maintain integrity as they navigated the complexities of coordinating an outward-facing media strategy that didn't implicate anyone and an internal political framework that supported illegality and militancy.

else were unwilling to. Each group acted in their own silo with very little engagement. Eventually, the lawyers used a listserv to communicate with each other and there was some collaboration; but with the exception of a handful of lawyers, that collaboration was very limited in scope. Because the lawyers generally operated in their own silo, what limited collaboration did happen wasn't necessarily communicated with defendants or supporters and even if it was, that didn't mean that those lawyers necessarily wanted to engage and discuss strategy with defendants or supporters. Fortunately, there were a couple of lawyers who were willing to take strategy ideas from defendants and supporters and transmit those ideas to the broader lawyer group, but that process was less than desirable since the lawyers involved often did not fully understand the reasons behind the strategy and for the most part were not interested in discussing it.

"Third, there was a concerted effort by defendants and supporters to involve movement lawyers from outside DC (since so few movement lawyers seem to reside in the DMV area), but those efforts never really panned out.

So, with the lawyers in one silo and the defendants and supporters in another silo, legal strategies and reasonable ideas for politicizing the cases were relegated to echo chambers in calls and meetings with defendants and supporters. In a collaborative environment with lawyers used to litigating political cases, lawyers would more naturally work with defendants and supporters and concern themselves less with losing "privilege" and issues of conflict; the political nature of the cases and the benefits from collaboration are often seen as more important to a collective process than the losses or complications such collaboration might bring. This is not meant to dismiss the good reasons that people with very different circumstances and risk factors have to maintain separation, but in this case, collaboration would have weighted the legal battle in favor of the defendants."

It cannot be stressed enough that wherever the lawyers worked together, it was because defendants insisted that they do so. It was defendants standing up to their lawyers and insisting that they would not participate in a legal

video footage was strictly limited to pointing out identifiable items of clothing and equipment visible in different video recordings and letting a jury decide whether or not the individuals in the footage could indeed be positively identified as the defendants on trial.

Immediately before the November trial began, Kerkhoff's office dropped most of the charges for the December trial group and reduced the rest to misdemeanors (conspiracy to riot, engaging in a riot, and one count of property destruction). Because the defendants now faced less than two years' potential jail time, they no longer had the right to a jury trial; instead, Judge Leibovitz was to decide their guilt in a bench trial. It appeared that Kerkhoff and the US Attorney's office were trying out two different legal strategies while seeking to reduce the workload involved in the prosecution. Even if Kerkhoff lost the trial involving the November trial group, she could still hope Leibovitz would hand down misdemeanor convictions in December. Perhaps Kerkhoff hoped this move would encourage the November trial block to file for a continuance or accept her misdemeanor plea deals, and that afterwards she could either convict the December trial group or try them after Group 1 defendants as she had originally planned. In any case, none of that came to pass.

Eight defendants were originally set to go to trial on November 20, 2017, but only six ended up standing trial and the starting date of trial was pushed up to November 15. One person scheduled to be tried in this block was dropped from it immediately before jury selection, because, as he was told, *all of his discovery belonged to a different defendant.* The defendants who did go to trial included two street medics and a photojournalist.

The trial lasted six long weeks, starting with jury selection and extending through day after day of deceitful police testimony as Kerkhoff attempted to build a conspiracy case. Kerkhoff admitted from the outset that she had no evidence to prove that the six defendants took part in property destruction. Instead, she sought convictions based on conspiracy; her case rested on demonstrating that all of the defendants willfully aligned themselves with the group. It was cohesion—aesthetic, political, and tactical—that the prosecution deemed criminal. Kerkhoff focused on emphasizing that the demonstrators wore similar clothing, arrived at a predetermined location for a public march, chanted, and covered their faces with masks, goggles, or gas masks.

> "The evidence so far against numerous defendants amounts to no more than video footage of their continued presence in the march and their choice of black bloc attire. If the mass arrest was imprecise enough to sweep up journalists and legal observers, how can it be maintained that the police had

probable cause to arrest every single other protester for rioting and inciting? If continued presence, proximity, and black garb is sufficient for the necessary legal standard of individuated probable cause for arrest and prosecution under these charges, the DC police and the government have, from day one of Trump's presidency, lowered the standard for what it takes to turn a protester into a felon."

-Natasha Lennard, "How the Government Is Turning Protesters Into Felons"

In addition to relying on officer testimony as the foundation of her case, Kerkhoff presented video footage surreptitiously taken by Project Veritas, an extreme-right project that "infiltrated" public organizing meetings ahead of the J20 day of action. The collusion with Project Veritas coupled with the prosecution's practice of withholding and doctoring evidence ultimately proved fatal to the case.

On December 21, after three days of deliberation, the jury acquitted all six defendants on all charges. As one member of the jury told Unicorn Riot, "The prosecution admitted the morning of day one that they would present no evidence that any of the defendants committed any acts of violence or vandalism. From that point, before the defense ever uttered a sound, it was clear to me that ultimately we would find everyone not guilty."

After the first trial, the case against the remaining defendants began to disintegrate. Fully 188 defendants were still facing charges, and the DC Attorney's Office promised "the same rigorous review for each defendant," insisting that they would subject each and every one of the defendants to a similar trial in hopes of securing convictions.

This was just a bluff, a final blustering attempt to terrorize the defendants into accepting plea deals before the prosecution began to collapse. A day before the one-year anniversary of the J20 arrests, for which a third week of nationwide solidarity actions were planned, Kerkhoff's office dropped all the charges against 129 defendants, including the defendants originally scheduled for the second trial in December. A hearing in March determined that the charges were dropped without prejudice—i.e., the state could theoretically reopen the charges any time before the statute of limitations expired.

The prosecution announced that it would pursue charges against a "smaller, core group most responsible for the destruction and violence that took place on January 20." According to a motion filed by Kerkhoff's office,

bringing our fight into the courts and the public eye, we have to take ownership over our cases both as a movement and as defendants. Ideally, lawyers can work with us, but they won't fight our battles for us. As anarchists, if we're critical of representation in governance and politics, we need to think through the ways this applies when we find ourselves facing down criminal charges.

"Beyond analyzing evidence, defendants collaborated and spent hours discussing the prosecution's theory of the case and how to craft a dignified defense that didn't throw their co-defendants under the bus. People came up with point-by-point refutations of the indictment, challenged Kerkhoff's characterization of the black bloc, and even brainstormed potential expert witnesses. These conversations were invaluable and provided defendants with important resources to bring to their lawyers."

In the J20 case, there were surprisingly few movement lawyers. Most defendants had court-appointed lawyers (including a few from prestigious white shoe law firms), while a few hired private counsel. One person deeply involved in the case had this to say about the ongoing struggle dealing with lawyers:

"Due to a complete lack of movement lawyers, or lawyers experienced in defending political cases, with maybe one or two exceptions, certain things played out differently than they would normally in this kind of mass political prosecution. First, the reliance on court appointed lawyers or lawyers from high-powered DC firms, and the absence of movement lawyers, meant that their defense of the charges was virtually devoid of politics or left political framing, whether in motions to dismiss, other pretrial motions, or at trial. When the political elements were framed by most lawyers, even the ones who best understood them, they were framed in such a way as to throw the more militant activists under the bus. For the most part, the lawyers also had no idea how to engage with the media to advance their goals in the case.

"Second, a lack of experience working on these kinds of political cases meant the lawyers did not know how to work collaboratively with each other, their clients, or supporters, or

halls of justice alone, defendants reached out to each other to act in solidarity whenever possible. While rare, this approach to legal solidarity could be as useful for a dozen defendants as it was to 198. The early trial strategy came directly out of inter-defendant communication early on, before there were larger support structures in place.

MONEY, MONEY, MONEY

While we dream of a life outside capitalism, we're still living in this nightmare. We needed cold, hard cash to get through the J20 ordeal. The DisruptJ20 organizers had put out a call for money on the day of the arrests, anticipating that the fight would drag on a long time and raising a large initial sum. Regional anarchists networks raised money for local defendants via crowdsourcing sites and fundraising events in their communities. As time wore on, it became clear that we needed more funds and that some defendants who didn't have a regional network to fall back on were slipping through the cracks. When you clicked on the "donate" button on the DefendJ20Resistance site, you were pointed to nine different regional funds you could donate to. We could practically hear people putting away their wallets.

To streamline the process for donations, publicize the case, and increase the likelihood that more people would donate, we created a national crowdsourcing campaign; it went live shortly before the first trial opened. Many artists donated resistance-themed art to the national campaign, for donors to receive in return for their generosity. The money was used to reimburse defendants for their travel expenses to DC, to pay for housing and food during trials, and to assist defendants who had hired private counsel, among other needs.

THERE'S NO JUSTICE, IT'S JUST US

When you're planning a militant protest, you can't expect the law or the Constitution to protect you. Likewise, when things go awry, you can't leave your fate solely in the hands of lawyers. The vast majority of them, even the ones who are sympathetic and share some of our values, make most of their legal decisions *as lawyers.* There are exceptions, but if we're interested in

"The government is focusing its efforts on prosecuting those defendants who: (1) engaged in identifiable acts of destruction, violence, or other assaultive conduct; (2) participated in the planning of the violence and destruction; and/or (3) engaged in conduct that demonstrates a knowing and intentional use of the black-bloc tactic on January 20, 2017, to perpetrate, aid or abet violence and destruction."

The indictment, however, remained the same. Group 1 defendants were still scheduled for trials beginning in March 2018, while accused J20 organizers were set to go to trial April 17. Part of the Group 1 defendants' strategy was to seek continuances, hoping to delay trial until after the April trial block. Letting supposed organizers go to trial first would reinforce the fact that these cases were political in nature. Judge Morin granted the requested continuances and the Group 1 defendants were distributed among the other trial blocks.

The US Attorney's office filed a notice in early March 2018 declaring that it planned to call an FBI agent who worked undercover infiltrating the anarchist movement to serve as an expert witness. They requested that this expert's identity be concealed for her safety, even though she is no longer involved in active cases. Defense attorneys filed motions to exclude the government's anonymous witness, arguing that the prosecution had cited no principle or method that could qualify her testimony as "expert." Judge Morin denied the Government's witness, alias "Julie McMahon."

Kerkhoff's office then requested a continuance for the two April trials, citing the denial of their previous expert witness. It was granted; in court filings, the government emphasized that it needed an expert to win convictions. The US Attorney's office filed a notice declaring their intention to call FBI counterterrorism analyst Christina Williams as an expert witness. William's credentials as an expert on the black bloc tactic rely entirely on open source research, including a recent book by Dartmouth professor Mark Bray.

The fourth day of solidarity actions was called for April 20, 2018, following a call-in day to pressure the prosecution. The CrimethInc. call read,

> "Until all the charges are dropped, Donald Trump and Jennifer Kerkhoff are publicly humiliated, the US 'justice system' is abolished, and every last chicken comes home to roost!"

In mid-May 2018, four defendants started trial overseen by Judge Knowles. The state claimed it didn't need an expert witness for these trials, so they proceeded as planned. The prosecution attempted to use the same arguments from the first trial to build a case, even though this time, the trial block included alleged "breakers." Compared to the first trial, this one was a short two weeks.

While the closing arguments were taking place, hearings took place in Morin's courtroom for the May 29 and June 4 trial blocks. In the course of these hearings, the defense alleged that Kerkhoff's office had willfully withheld evidence. The defense had filed motions expressing this earlier, after the state uploaded additional video footage that the defense had never seen before to a discovery database shared by the prosecution and the defense. Judge Morin agreed that the state had in fact withheld exculpatory evidence, violating the Brady rule, which stipulates that prosecutors must disclose any information that might help the defense in advance of trial. It turned out that Kerkhoff's office had not just withheld one video, but at least 69 videos.

Judge Morin indicated that he would introduce sanctions against the US Attorney for the Brady violation, but would rule on them the following week. Kerkhoff tried to pre-empt the sanctions by moving to drop charges without prejudice (i.e., charges can be re-filed before the statute of limitations is up) against seven defendants—the six who were to start trial on June 4 and one who was scheduled to start trial on May 29—and reducing the charges against the remaining three defendants on the May 29 trial to misdemeanors. Due to the wide scope of the Brady violation, Judge Morin responded to the prosecution's motion by dismissing the conspiracy charges with prejudice (so the charges could not be re-filed) and forbade the government from proceeding on conspiracy charges or Pinkerton liability for *all the remaining defendants.*

Kerkhoff then dropped all the charges against the three defendants who were to go to trial on May 29. That left 44 defendants with charges.

Back in Knowles' courtroom, the jury had started to deliberate regarding the verdict. One juror reportedly communicated to the judge that they had seen "google jury nullification" graffiti in the bathroom and had, in fact, looked up the term. Jury nullification is when a jury knowingly and intentionally finds a defendant not guilty if they do not support a law, because the law is contrary to the jury's sense of justice or fairness or because they do not support a possible punishment for breaking the law. Despite this, neither side pushed for a mistrial. The following day, another juror admitted to the judge that he saw information on twitter that made him question the prosecution's credibility. This juror remained on the jury, despite requests by Kerkhoff's office that he be replaced.

After several days of deliberation, the jury failed to find any defendant guilty of any charge. One defendant was acquitted on all charges; the jury was deadlocked on all charges for another defendant and mixed on charges for the remaining two defendants. A deadlocked jury means a mistrials, and mistrials mean that the state can re-file charges within 30 days. But the state never re-filed charges against these defendants.

STAYING IN TOUCH

Organizing 200 or more people scattered across a continent is no small feat. Communication took place via signal loops, a collective defense listserv, and conference calls. At first, informal regional anarchist networks led the charge to raise money and connect defendants. Later, as the organizing structure became more formal, people organized weekly virtual spokescouncil meetings; the idea was that each region could have one or two people on the call who would report back to their respective comrades. If you weren't from a region with many defendants, you could just join the call yourself, as could any defendants and supporters who agreed to the Points of Unity. The calls usually involved an array of supporters and defendants.

The ad-hoc defense committee never had a formal structure. It was self-organized, using consensus decision-making processes but without clarity on what constituted a quorum or who, exactly people were making decisions for.

> "A listserv and weekly conference calls were our best means of keeping everyone in the loop: sharing updates and motions, communicating about legal matters, making sure everyone had housing and transportation to and from DC for court appearances, coordinating in-person defendant meetings after hearings, asking questions, offering resources, and checking in with people about whether their lawyers were being responsive."
>
> -I Was a J20 Street Medic and Defendant

The establishment of working groups came shortly after, when different defendants and supporters organized themselves into working groups according to their interest and experience. The first working groups focused on legal strategy and media, later supplemented by political organizing, fundraising and finance, social media, wellness, and a cadre of non-defendant facilitators. Weekly bulletins summarized updates on legal developments, plea deals, the media campaign, corporate media coverage, political organizing such as days of action and call-in campaigns, and working group report-backs.

This organizing structure played an important role in getting hundreds of people on the same page. Perhaps the most important takeaway here is the value of keeping in touch. Instead of isolating themselves to navigate the

accept the deal for it to be valid for either. If a couple were offered a "wired" plea deal and refused, Kerkhoff's office would stipulate that to take an individual plea, either defendant would have to sign a statement of facts potentially incriminating the other.

The state also colluded with right-wing, ultra-conservative Project Veritas, relying on undercover videos of J20 organizing meetings produced by Project Veritas as evidence. Project Veritas is known for heavily editing its videos, and that is apparent in the videos introduced in this case. One of the videos that prosecutors introduced came from the Oath Keepers, a far-right militia group, overlaid with audio from a Project Veritas video and including a slideshow of pictures from the protest. Prosecutors played these videos in court just one day after Project Veritas sent a woman undercover to the *Washington Post* dishonestly pretending to be a victim of Roy Moore, a US Senate candidate accused of sexual misconduct.

The Project Veritas videos ultimately brought about the downfall of the prosecution, as Kerkhoff's office had dishonestly edited the videos before submitting them as evidence. It's not unusual that the prosecution lied—practically all prosecutors lie on a daily basis and face no consequences for it—but that they lied so carelessly as to be caught.

> "To be sure, the people most affected be prosecutorial deception are often not activists, but people of color facing crimes of poverty and the so-called War on Drugs. The injustice of the criminal legal system extends far beyond the repression meted out against the J20 defendants, with one key difference being there isn't national media attention to put a spotlight on this kind of daily "misconduct" in the average criminal case. Yes, the prosecution lied about evidence, and that's a disgusting abuse of power, but we also reject the idea of "good" or "ethical" prosecution in a system designed to lock people in cages or keep them captive through other repressive institutions like parole/probation, electronic home monitoring, and living with felony records."
>
> -Defend J20 Resistance

In the beginning of July, the US Attorney's office conceded total defeat after a year and half of persecuting the J20 defendants, dropping the charges against the remaining 39 defendants (albeit without prejudice). Against all odds, the defendants had won.

HARM REDUCTION

It is encouraging that people stuck together, that most people didn't plea, that *no one informed on anyone else*, that people were willing to risk trial even when their best legal and personal option might have been to take a plea deal.

Yet it should not be lost on us that this victory took place on a stage crafted by the state. Facing decades in cages, defendants engaged in this struggle because they had no other choice. And while the charges were mostly bully tactics aimed at trying to expand the definition of conspiracy and liability, the danger was very real. Others got involved in this struggle because they could see the broader implications if the state won. Fundamentally, this was a matter of movement defense.

The victory took place after the much of the process-as-punishment had already been meted out. The J20 charges distracted hundreds of people from engaging in other forms of social struggle for up to a year and a half. They confined a large number of presumably brave and capable people to a state of torpor in which many did not risk engaging in street actions because of the potential impact that could have on their pending cases.

It's lucky for everyone that the case ended the way it did. It would have been a long and draining process to sustain the level of organizing through dozens of trials or to do ongoing prisoner support.

OTHER OPTIONS

Defendants and supporters discussed several other legal strategies that were not ultimately employed, including a collective non-cooperating plea agreement aimed at minimizing the risks facing the defendants in the worst positions. The idea of seeking a "global plea" for all defendants surfaced again and again without gaining much traction.

Let's be clear: *all* engagement with the legal system is harm reduction. There is no justice to be found in the justice industry. While we achieved certain goals

with the strategies we employed, we should evaluate our achievements in the context of our larger aim of building a revolutionary movement that can ultimately overthrow the prevailing order. Avoiding prison time is not the same as winning freedom for all. We must not let the state intimidate us into narrowing the scope of our ambitions or abandoning our original goals.

THE STATE AND ITS AMBITIONS

We can safely assume that at least some of the state's functionaries thought these charges would stick. This is borne out by the fact that the original charges were expanded rather than dropped in the superseding indictment. There's no doubt that prosecutors wanted to use the threat of 75 years in prison to force people to take pleas, but they also aimed to establish a different reading of collective liability.

It was hardly unusual that the J20 case targeted participants in a black bloc. The state has been carrying out mass arrests at summit protests and criminalizing militant tactics for decades. But this was a broader and more ambitious extension of the use of conspiracy laws. In fact, if the prosecutors had limited themselves to charging a few specific individuals with property destruction, they might have secured convictions and prison time.

The indictment cited defendants as co-conspirators on the grounds that they concealed their faces, wore black, moved as unit, and chanted the same slogans. It cast the black bloc as a coherent *ideology* rather than simply a *tactic.* The prosecution aimed to synonymize "black bloc" with riot, implying that anyone wearing black near a bloc is participating in a riot. This new use of conspiracy laws echoed the ways that conspiracy and anti-mask laws have recently been used elsewhere around the world, notably in the Locke Street case in Hamilton, Ontario.

While many people compared this mass arrest to the World Bank arrests in 2002, the state repeatedly referred to Carr, a case involving a much smaller mass arrest in 2005 that occurred the evening of the second Bush inauguration in 2005, following an "Anti-Inaugural Concert." In that case, a court ruled that the police had broad authority to arrest an entire crowd if it was "substantially infected with violence" and if they couldn't distinguish who was doing what.

The authorities weren't just seeking convictions. This is most evident in the way they played their hand: typically, when the cops carry out a mass arrest, they press serious charges against a few arrestees they are sure they can

convict while ticketing or fining everyone else. The aggressive persecution of everyone arrested that day reaffirms that the top priority of the administration was to set a tone from day one that resistance would not be tolerated, even if that meant risking a loss in court.

"The charges themselves were the punishment." We heard this time and time again from those deep in the case. While it's not clear how high up in the government the order to pursue these charges originated, the J20 ordeal was clearly designed to make protesters conclude that it's not worth it to protest. If we don't want that lesson to sink in, we have to use the J20 case to mobilize *more* protest and organizing than would have occurred otherwise, and ensure that it costs the government more than it intimidates people.

THE STATE PLAYS DIRTY

The state's overreach extended far outside the courtroom. They demanded vast troves of website data by issuing a warrant to DreamHost, the company that hosted DisruptJ20.org. The Department of Justice initially demanded that DreamHost turn over nearly 1.3 IP addresses on visitors to the site. It should be noted here that site administrators for DisruptJ20.org intentionally *didn't* store this data, but DreamHost did. The initial warrant also sought all emails associated with the account and unpublished content such as drafted blog posts and photos.

This prompted much outcry from the Electronic Frontier Foundation and similar groups. The DOJ also seized information from Facebook regarding the DisruptJ20 page and two J20 protest spokespersons via warrants complete with accompanying gag orders that barred the targets from being informed for seven months. Judge Morin eventually ruled that DreamHost could redact all identifying information before handing over data to the court and put additional limits on the Facebook requests, allowing Facebook to redact the identifying information of all third parties.

The government extracted terabytes of personal data from any defendant's cell phone that was not protected by encryption. At the same time, the prosecution requested a rare "protective" order to keep defendants from sharing police body camera footage with the media—complicating efforts to prepare a defense and shielding law enforcement from public exposure.

Seeking to bully people where it imagined them to be most vulnerable, the prosecutor's office offered "wired" plea deals to defendants it presumed to share romantic relationships. In a "wired" plea, both defendants have to