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www.afgazad.com

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By Patrick Martin

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Jury acquits all six defendants in first trial of Inauguration Day protesters

A Washington DC jury has acquitted all six defendants of all charges against them, in the first trial of the victims of mass arrests by police during the inauguration of President Trump last January 20.

The so-called J20 defendants faced sentences of as long as 50 years in prison if they had been convicted on the seven counts each one faced, including two of rioting and five of destruction of property. Instead, the jury delivered not-guilty verdicts on all 42 separate counts. Judge Lynn Leibovitz previously dismissed one of the most serious charges, felony inciting to riot, for all six defendants.

The six included Jennifer Armento, 38, of Philadelphia; Oliver Harris, 28, of Philadelphia; Brittne Lawson, 27, of Aspinwall, Pennsylvania; Michelle Machio, 26, of Asheville, North Carolina; Christina Simmons, 20, of Cockeysville, Maryland; and Alexei Wood, 27, of San Antonio, Texas, a freelance journalist who was live-blogging the inauguration protests.

The verdict was a shattering setback for the government's case, which was an antidemocratic frame-up from beginning to end. Prosecutors readily conceded in statements to the jury that there was no evidence that any of the six defendants had committed acts of violence or property destruction. They nonetheless insisted that merely by remaining in the demonstration while scattered acts of violence took place, all six were guilty.

Outside the courtroom, the defendants hugged each other and their attorneys and supporters, many of them in tears. Defendant Jennifer Armento said the verdict “shows the country that the jury was unwilling to do what the government wanted them to do, which was criminalize dissent.”

“People won’t be afraid to show up and go protest and get in the streets and not be worried that they’ll get mass arrested like we did,” said Michelle Machio, one of the six acquitted defendants. “This sets a really strong precedent that that’s not ok and you can’t criminalize dissent.”

The prosecution case was prepared exhaustively, using the defendants’ cellphones, confiscated by the police during the arrests, as well as the video record of Alexei Wood’s contemporaneous live-blog, which allowed prosecutors to track his movements throughout Inauguration Day (but showed Wood doing nothing more than recording and commenting on the actions of both the police and protesters).

The prosecution was aided by Judge Leibovitz, who allowed the questioning of jurors about their political views on President Trump during jury selection. Multiple potential jurors were removed when they voiced sympathy for the anti-Trump protests, or said they would not “give greater weight” to police testimony than to the testimony of the defendants.

The judge is notorious as a hard-line sentencer, but also for pushing for speedier processing of cases, which apparently worked against the prosecution strategy. Prosecutors initially divided the nearly 200 defendants into four categories, with a handful of those linked to specific acts of violence in the top category and targeted for the first trial.

When procedural obstacles threatened to delay any trials until next year, Leibovitz insisted on a trial starting in late November with six defendants whose attorneys volunteered to go first. The result was a group of six defendants drawn from the fourth category, those most distant from any individual act of violence, and including two volunteer medics.

The US Attorney’s office issued a statement reiterating the claim that a riot occurred on Inauguration Day and that the remaining defendants would be held collectively responsible, based on a “rigorous review for each defendant.” This strongly implies that the remaining 166 defendants could still face trial.

The trial as a whole was a milestone in the attempt to destroy the constitutional rights to free assembly and free speech. The mass arrest of more than 200 people was itself unconstitutional, and was ordered by the Obama Justice Department, not Trump, who was

not yet exercising presidential authority when police surrounded protesters, in a tactic known as “kettling,” grabbing all who could not escape.

Under the Trump Justice Department, prosecution was conducted with aggressive attacks on constitutional rights, including demands for the email, Facebook and cellphone records of the groups coordinating the J20 protests. Prosecutors also made use of an undercover video made by the ultra-right Project Veritas group, which has infiltrated liberal and antigovernment groups, using heavily edited and even doctored videos to cause scandal.

Defense attorneys introduced evidence from the Twitter accounts of several of the arresting officers showing anti-Semitic, racist and homophobic remarks, as well as political attacks on groups the police characterized as “anarchists.”

Sara Kropf, the attorney for Brittne Lawson, the cancer nurse, said in her closing argument, “This is about politics. This is about police and local prosecutors who work for the Department of Justice. And we know who they report to,” she said, referring to President Trump. “All the government proved was that these individuals showed up and walked as protesters,” she said. “And that is not a crime.”

Brett E. Cohen, the defense attorney for Alexei Wood, told the *World Socialist Web Site* that the verdict was a “major victory for journalists and people trying to exercise their First Amendment rights. Mr. Wood came to the demonstration intending to cover it, and he leaves Washington eleven months later the same way he came, innocent of any crime.”

Cohen explained that the prosecution was based on “guilt by association,” and that the judge had denied any challenge to that theory on constitutional grounds, although she did agree that the prosecution had failed to prove that any of the six defendants had engaged in inciting to riot, dismissing this charge.

The decision to prosecute more than 200 people on multiple felony charges carrying up to 60 years in prison was grossly over-charging, he indicated. “The whole thing was ridiculous,” he said. Normal practice for most of the defendants would have been “restitution, community service, get out of town. That would have made sense.”

The American Civil Liberties Union of the District of Columbia, which supported the defense, issued a statement calling for dismissal of charges against all the remaining defendants. The organization has filed a civil suit against the unlawful mass roundup, pepper spraying and detention of hundreds of nonviolent demonstrators.

“Today’s verdict reaffirms two central constitutional principles of our democracy: first, that dissent is not a crime, and second, that our justice system does not permit guilt by association,” the ACLU spokesman, Scott Michelman, said.

“For nearly a year, these people have been under the cloud of felony charges that have turned their lives upside down, subjecting them to the anxiety and expense of defending themselves against charges that should never have been brought. No one should have to fear arrest or prosecution for coming to the nation’s capital to express opinions peacefully, no matter what those opinions may be.”