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Updates for September 2nd

17 Aug - Georgia Judge Dismisses Terrorism Charge Against Cop City Defendant

Report on the recent dismissal of domestic terrorism charges for Stop Cop City defendant Jamie Marsicano.

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via It's Going Down

DeKalb County Judge Gregory Adams yesterday dismissed Cop City defendant Jamie Marsicano's state Domestic Terrorism charge following a hearing earlier this month. Judge Adams held that the Georgia Attorney General's Office violated Marsicano's Due Process and Speedy Trial rights by leaving their case unindicted for more than two years after their arrest at a music festival in March 2023. As a result of the unresolved charge, Marsicano has endured significant personal and professional hardship, including being denied a license to practice law, despite passing the bar exam earlier this year.

In dismissing Marsicano's charge, Judge Adams highlighted the prosecution's intentional delay of the judicial process, ruling that "The Attorney General's Office appears to have delayed this matter in order to gain a tactical advantage over the defense."

"We are relieved that the Court reached the correct decision for Jamie, but it is unacceptable that the State could do this to them for over two years," reflects Marsicano's attorney, Xavier T. de Janon. "We will continue to zealously fight the remaining Fulton County RICO charges."

"My team's aggressive, participatory, and political defense got us this huge win," says Marsicano. "No one is free until all of us are free, so we all need to keep supporting all Cop City defendants, especially the most vulnerable."

Judge Adams dismissed the Domestic Terrorism charge without prejudice, meaning the Attorney General could refile the charge within 4 years of Marsicano's arrest. The dismissal of Marsicano's charge in DeKalb County follows the Attorney General's dismissal of all 15 money laundering counts against three Atlanta Solidarity Fund organizers nearly a year ago.

On March 5, 2023, Marsicano was arrested with 22 others while attending the South River Music Festival in the Weelaunee Forest, in the area where the City of Atlanta was building Cop City, a controversial militarized training facility for police. All 23 people arrested, including Marsicano, were charged with Domestic Terrorism, but none of them have ever been indicted on the charge.

Despite the dismissal, Marsicano remains one of 61 Cop City defendants indicted on August 29, 2023 under the Georgia Racketeer Influenced and Corrupt Organizations (RICO) Act in a case that alleges a sweeping conspiracy based entirely on people's political views. All 61 defendants have plead not guilty to the RICO charges in Fulton County Superior Court and are currently awaiting trial.

The RICO case brought by Georgia Attorney General Chris Carr has been plagued with problems, including a number of evidentiary issues. In addition to violating several discovery deadlines, the Attorney General's Office violated multiple defendants' constitutional rights in July 2024 by sharing attorney-client privileged communications with prosecutors, police, and every RICO defense team. A couple of months later, in September 2024, the prosecution was forced to drop money laundering charges against three bail fund organizers known as the Atlanta Solidarity Fund 3.

Over 170 people have been arrested so far during protests against Cop City. The facility was completed this year despite mass opposition from Atlanta residents, including a multi-year campaign with a wide range of tactics from environmentalists, abolitionists, students, teachers, anarchists, Indigenous activists, faith leaders and many others. A 2023 ballot initiative petition effort to put Cop City to a direct vote by Atlanta residents collected over 116,000 signatures, more than double the votes that Mayor Andre Dickens received in 2021, but local officials refused to verify the signatures.

17 Aug - Another Person Arrested in Connection to Prairieland Protest

Press release from the DFW support committee on the growing wave of repression of anti-ICE activists in Texas.

MORE:

Another person was arrested last week in connection with the Prairieland Immigration and Customs Enforcement (ICE) Detention Center protest on July 4, 2025, bringing the total number of arrests in the case to 17. Susan Kent was arrested by the Johnson County Sheriff's Office on August 7 and is currently being held on a \$10 million bond at Johnson County Jail. Sixteen people arrested in connection to the Prairieland protest are being held at Johnson County Jail on bonds of up to \$15 million. One defendant is being held separately at Federal Medical Center, Fort Worth. Kent is being accused of engaging in organized criminal activity and hindering the prosecution of terrorism, but the state has released no information regarding the arrest and the probable cause documents have not been made public.

Most people currently in custody have no formal charges and have no legal representation more than a month after the incident. No progress has occurred in any of the cases, and no hearings or legal proceedings are currently scheduled.

The July 4th demonstrations outside of the ICE Detention Center were a typical immigrant solidarity protest that has since turned into a massive federal investigation. During the planned "noise" demonstration at the facility, ICE agents called the local police. When an officer from the Alvarado Police Department arrived, an altercation occurred, after which the officer claimed to have sustained a minor injury. Police arrested 10 people near the scene, including some blocks away, on the basis that they were dressed alike, and seven more were arrested in subsequent weeks. During that time, local and federal agents have terrorized friends and family members of those arrested at the protest, serving no-knock warrants, conducting house raids, making arrests at traffic stops, and engaging in widespread surveillance. Multiple people arrested were not even at the protest.

The DFW support committee, a group of family and friends of defendants in this case, released a statement today, repudiating the arrest of Kent, one of its members, and connecting it to a wider pattern of state repression against anti-ICE protestors.

"We denounce this escalation by the state in its desperate attempts to criminalize people showing solidarity with those being kidnapped by ICE, and to undermine dissent against rising authoritarianism," says the statement. It goes on to say, "We are devastated at Susan's arrest, but we are not deterred. We call on those who support resistance and seek a freer world to stand up against this brutality and repression."

The expansion of this case was also alarming to experts on political repression. Meagan Knuth from the National Lawyers Guild said, "We're seeing a rise in these sorts of cases against protestors from North Texas, to Spokane, Washington, to Portland, Oregon, but as we've seen in Los Angeles, once these cases go to court, they have been dropped for lack of evidence."

Members of the support committee also expressed concern for Kent's well-being while in custody in Johnson County Jail. "We've seen horrific treatment of the defendants while they've been in custody," said Stephanie Shiver, defendant Meagan Morris's wife. "People have been kept in forced isolation, subject to incessant, degrading strip searches, even for those who haven't left their cells in days, barred from

communicating with family or attorneys,” continued Shiver. “Someone was even forced to clean another inmate’s feces off the walls of their cell.”

The statement goes on to connect the continued arrest of protestors in North Texas to the pattern of family separation seen in the national wave of detentions by ICE saying, “The Prairieland defendants are not terrorists. The real terrorists are the ICE agents kidnapping people off the street, destroying families and communities.”

Statement from the DFW Support Committee:

We are aggrieved to report that the Johnson County Sheriff’s Office has arrested another member of the Dallas-Fort Worth community in relation to the July 4th Prairieland ICE Detention Center protest, bringing the total number of defendants in the case to seventeen. This person, Susan Kent, was also a member of the DFW Support Committee, the defense committee for the Prairieland Defendants. Like the rest of the defendants, their bond amount is set to an absurd and prohibitive \$10 million. We denounce this escalation by the state in its desperate attempts to criminalize people showing solidarity with those being kidnapped by ICE and to undermine dissent against rising authoritarianism.

From the beginning, this case has been rife with inconsistencies, unbelievable accusations, and violence against the defendants and their loved ones. We do not know the state’s allegations against Susan, but we believe this arrest is part of the state’s attempt to terrorize the residents of Dallas-Fort Worth. To arrest someone well over a month after the July 4th event signals the state’s dogged attempt to tear through this community. Susan was actively working to support the defendants, to advocate for them to get the best legal defense possible and encourage them to exercise their constitutional rights. Forcing this person to endure the same horrific conditions as the defendants they were working to support fits the state’s tactics of repression in this case: brutalizing defendants’ family members, conducting violent raids, subjecting defendants to solitary confinement, incessantly strip-searching defendants, and other cruelty, such as forcing a defendant to clean feces off the walls of their cell. This case is emblematic of the outrageous arrests happening around the country, including in Spokane, Washington, and Portland, Oregon, as well as the unnecessary federalization of police in Washington DC, all while legal cases against protestors in Los Angeles are falling apart due to lack of evidence. These actions by the state are not meant to seek justice or truth. They instead intend to terrify us and fracture solidarity among our movements. But we won’t let them succeed.

Our friends and loved ones sought to show support for immigrants and ICE detainees facing brutal violence at the hands of the state. The Prairieland defendants are not terrorists. The real terrorists are the ICE agents kidnapping people off the street, destroying families and communities. We are devastated at Susan’s arrest, but we are not deterred. We call on those who support resistance and seek a freer world to stand up against this brutality and repression.

For more information about the Prairieland defendants and how you can help raise funds for their defense, please go to dfwdefendants.wordpress.com or donate to the crowd fundraiser at givesendgo.com/supportDFWprotestors.

20 Aug - FCC Backtracks on 2024 Order to Cut Prison Phone + Video Rates by Half

On June 30, the Federal Communications Commission announced a two-year postponement of a rule to lower the price of phone and video calls in prisons and jails.

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via Prison Legal News

As *PLN* reported, the FCC voted in 2024 to approve the regulation, which was set to go into effect nationwide later this year and promised to rein in predatory price gouging by prison telecom companies. Along with curbing the kickbacks paid by companies to corrections systems, it would have capped phone rates to 6 cents per minute in state prisons and to no more than 12 cents per minute in local jails; rates for video calls were reduced to 16 cents in prisons and a maximum of 25 cents per minute in jails. [See: *PLN*, Oct. 2024, p. 1].

In a statement announcing the postponement, the Trump-appointed FCC Chair Brendan Carr said that the price caps had led to “negative, unintended consequences,” such as making fees “too low” to cover

“required safety measures” and not allowing enough time for states to find alternative revenue sources. In a separate statement, FCC Commissioner Anna M. Gomez strongly criticized the decision, writing that the agency, instead of enforcing a bipartisan law, is “now stalling, shielding a broken system that inflates costs and rewards kickbacks to correctional facilities at the expense of incarcerated individuals and their loved ones.”

According to the Prison Policy Initiative, the 2024 order was expected to save millions of dollars each year for incarcerated people and their loved ones. Under the current rates, family members have reported spending upwards of \$500 per month and working multiple jobs to be able to afford calls to their incarcerated relatives. By backtracking on reducing costs by approximately half, the FCC has deprived these families from much-needed economic relief.

One group, in particular, has been vocal about keeping the old rules and rates intact: a cohort of sheriff’s departments that receive kickbacks and commission from telecom companies they sign exclusive contracts with. Most notably, in February of this year, the sheriff of Baxter County, Arkansas, John Montgomery, said that detainees at the local jail would no longer have access to any phone services at all beginning on April 1 due to the policy shift. As The Arkansas Times reported, Baxter County contracts with Securus LLC for phone services and the company sends a percentage of the fees it collects to the sheriff’s office each month. The new FCC rule would have eliminated that commission.

In April, a coalition of 11 attorneys general representing New York, California, Illinois, Massachusetts, and other states filed an amicus brief with the U.S. Court of Appeals for the First Circuit that directly challenged Carr’s rationale for the postponement. Providing affordable phone rates, the document argued, was entirely feasible without sacrificing facility or public safety. Additionally, the deeper connections afforded by cheaper phone calls reduce recidivism and help with reintegration—facts that, as the attorneys general highlighted, the FCC itself recognized in its 2024 order.

20 Aug - Update on the trial against compañeros Aldo and Lucas Hernández

Chile: On Monday, August 4, the third week of the trial against comrades Aldo and Lucas Hernández began. Both were detained in connection with the investigation into the explosive attack against the National Gendarmerie Directorate.

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via Dark Nights

During these more than 10 days of trial, the evidentiary phase has continued, with various witnesses and experts presenting testimony that supports the prosecution’s case presented by prosecutor Claudio Orellana. Specifically, last week saw the testimony of gendarmerie officials who were at the scene on the day of the explosion. Part of the routes taken by the individuals who planted the device, at least one of whom has been identified by the police as Aldo, have also been revealed, although no material evidence has yet been presented to reliably prove their involvement in the incident.

The following days are expected to follow a similar pattern, with testimony revealing police conjectures intended to establish the guilt of our comrades in the acts of which they are accused. The investigation carried out by the southern metropolitan prosecutor’s office and entrusted to specialized personnel such as OS9, GOPE, and LABOCAR. The call is to not forget or stop paying attention to the situation and the process our comrades are going through. This trial will be lengthy, as the penalties sought by the prosecutor’s office are outrageously high, and for this reason, it is the duty of those in solidarity to show up in the streets for our comrades in prison.

Aldo and Lucas to the streets!

21 Aug - Mumia’s eyesight endangered

An independent expert ophthalmologist has confirmed the progression of his eye disease by analyzing Mumia's most recent eye exams.

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She reports that he needs surgery and medically necessary treatment "immediately" or faces the possibility of "permanent blindness."

Mumia's vision has plummeted from 20/30 with glasses in 2024 (near normal) to 20/200 today—legally blind—because the Pennsylvania Department of Corrections (PA DOC) failed to adequately monitor his vision and delayed his urgently necessary medical treatment and surgery. The PA DOC has known since at least March of 2025 that Mumia needed eye surgery. Exams from 2024 – 2025 showed a sharp deterioration, demanding immediate intervention. Despite knowing the urgency, they waited until July to act and then pushed surgery off to an unspecified date in September.

Mumia believes he now suffers from "diabetic retinopathy" stemming from a diabetic coma that he endured after being given an improper and unmonitored dose of steroids for a skin disease in 2015. Mumia asserts that the PA DOC is "slow-walking [him] to blindness" in 2025 – another egregious case of the prison's medical neglect, medical harm, and inability to treat Mumia's medical needs.

Court records already document this pattern: (a) negligence in monitoring lab reports that led to the diabetic coma, and (b) deliberate denial and delay of his hepatitis C treatment that left him with cirrhosis.

August 22nd - The Killing of Anas Al-Sharif

We have heard just hours ago, just moments ago actually, about the Killing of Anas Al-Sharif, a correspondent for *Al Jazeera*, who was killed in Gaza in a tent, with four colleagues. This was called, proudly, by the Israeli Offense Force, "a targeted assassination" and they claimed that he was "a hidden member of Hamas as were his four colleagues." Well, they don't count. They were with him, and for being with him, this brave and talented journalist was slain with four other journalists. Being a journalist in occupied Palestine is a capital offense, it appears.

Telling the world about how Zionists are killing children and women, and old men trying to get a mouthful of bread in this mass starvation event, is a capital offense. Telling people what is happening in their homeland, is a capital offense. What about "free press?" What about the right of journalists to tell the stories about the communities in which they live and where they suffer and where they die?

I don't wanna hear about a First Amendment. I don't wanna hear crowing by corporate media that knows how to bend its knee and bow to fake kings but cannot tell the story of the suffering of nearly a million people. I am deeply proud to share my voice on behalf of Anas Al-Sharif and his colleagues and for the struggle in Palestine which moves us, even though we're miles and miles away and united by the beats of our hearts. With love, not fear, this is Mumia Abu-Jamal.

August 26th - Mumia's Vision: A Message for the Movement

Dear friends, brothers, sisters, comrades, supporters, and family – last but not least.

I have been reluctant to talk about my eye problems. The reasons may have eluded some, but I explain that, you know, in the context of being in prison any sign of weakness is to be avoided at all costs. These are, unlike many other institutions in society, heavily male, and therefore "gender conscious" in a way that society is not. Weakness brings predation.

So, I kept it quiet. And I kept it quite simply because I wrongly believed that once I got examined and once it was clear that this was a real visual contextual problem that I would get a rather quick response. Boy, was I wrong! I was, as the saying goes, as wrong as two left feet. What I got was evaluation after evaluation after evaluation after evaluation – literally.

It was only when I went outside and those prior evaluations were repeated by a noted ophthalmologist that the ball began to roll. And even then, the ball rolled exceedingly slowly.

I have been, for all intents and purposes, unable to read, unable to write, unable to see anything more than the masthead of a newspaper and not even its headlines; blurry television burst of color. The “television” is my radio now.

I have been in that state for the better part of eight months and counting. I would never have guessed this, but this is where we are. And so, it took those kinds of conditions and the analysis of the evaluation I told you about, to move us, when we should have been moving quicker, earlier. I apologize for my delay.

I thank you for your patience, but our patience is nearing an end. We are working, we are moving and we are trying to resolve the situation and hope, hope that it is not too late. Seven months, eight months of being in the shadows and in the darkness, is eight months too many.

23 Aug - Political violence.

Chile: Words from anarchist compa era M nica Caballero

MORE:

via *Dark Nights*

Political violence can be understood, from an anti-authoritarian perspective, as an aggressive response that seeks to break, attack, or fracture each of the components that make up domination.

This response could be limited to damaging the symbols of authority, thus leaving a powerful propaganda message, that is, one that manages to capture each of the motivations behind the action and, ideally, causes the violent response to be repeated or spread, or at least part of it.

As I said earlier, it is possible to attack symbolically, understanding that the current system of oppression can be seen represented in different elements or physical objects, or even in people.

For example, we have the case of Sante Caserio, who stabbed French President Sadi Carnot. From my perspective, he did this because the president represented political power, which at that time had led to the deaths of his comrades Ravachol, Vaillant, and Henry. His action sought to be a direct attack on those who publicly upheld power in the territory dominated by the French state in the 1890s. In addition to carrying out revenge, Sante wanted there to be no doubt about his motivations, which is clear in his cry: “Long live anarchy!” At the time of his arrest, as well as in his court statement.

Currently, we understand that the capitalist, heteropatriarchal system of domination is intertwined with complex social and cultural relationships, in addition to material structures and the people who sustain them. Consequently, and from an anarchist perspective, I have (and have held for several years now) the following questions:

How could a decisive qualitative leap be made that goes beyond attacking the symbolic? Is it really possible to “hit where it hurts” the capitalist system, in a world where relations of domination have reached a network of networks throughout the world?

The answers to these questions have changed as I have come to understand how domination has developed and persisted, and I have tried to act on these answers by shaping the many ways in which we can destroy everything that prevents the full development of each individual.

On the long road of how anti-authoritarian political violence is exercised, the successes and failures must necessarily be a collective learning experience for those of us who stand on the same side.

Among those of us who have found ourselves in anarchist/anti-authoritarian “action,” we constantly meet new comrades, just as we painfully say goodbye to many others.

23 Aug - Anarchist Detained and Threatened with Deportation

Belgium: Anas Hmam is an anarchist activist, committed to the struggles against colonialism and racism, in particular for the Palestinian cause, in Brussels.

MORE:

via *Abolition Media*

He has been detained in a closed center for undocumented migrants in Belgium for almost a month and a half. He is threatened with deportation to Morocco, where he risks being arrested because of his anarchist political commitment. Initially imprisoned in the closed center of Bruges, he was transferred on 16 August to the 127bis closed center in order to isolate him from the revolt movement that took place last week, of which he is accused of being one of the “leaders.”

26 Aug - Newly Revealed FBI Document Confirms Collaboration Between DC Police and Discredited Far-Right Group Project Veritas

On January 13, 2017, a week before Donald Trump was set to be inaugurated as the 45th US president, law enforcement officers from the Joint Terrorism Task Force in Washington, DC, sat down with three Project Veritas operatives and their lawyer, Benjamin Barr, to discuss their infiltration of a number of public planning meetings for Inauguration Day protests.

MORE:

by Kris Hermes (*Unicorn Riot*)

A newly uncovered document from the Federal Bureau of Investigation (FBI) confirms the January 13 meeting and the relationship that law enforcement had with the widely discredited alt-right disinformation group. The FBI document, referred to as a “302,” was obtained through discovery in 2018, but never disclosed publicly until now. The 302 details discussions law enforcement had with *Project Veritas* and the information-sharing they engaged in.

A hard drive of video footage taken with hidden button-cameras that *Project Veritas* provided to law enforcement, including the FBI and the DC Metropolitan Police Department (MPD), would be at the center of a lengthy legal case, and the source of significant controversy that continues today.

Project Veritas actually met with law enforcement at least twice in advance of the inauguration and provided video footage to the FBI and MPD, pointing to a working relationship or collaboration with the far-right group. Instead of being transparent about the source of the video footage, police and prosecutors hid that relationship and then lied about it to the grand jury, DC Superior Court, and defense counsel, in a legal case brought against people protesting Trump’s first inauguration.

The US Attorney’s Office (USAO) in Washington, DC, used the *Project Veritas* footage as key evidence to indict and prosecute more than 200 activists for numerous felonies including conspiracy to riot and property destruction, all of which could have resulted in decades behind bars. For its part, the USAO kept the existence of the FBI 302 document and the January 13 meeting with *Project Veritas* secret for more than 16 months, long after the first trial had concluded.

The only reason all of this has come to light over the past year is because the lead prosecutor, former DC Assistant US Attorney (AUSA) Jennifer Kerkhoff Muyskens, was charged with misconduct by the DC Bar for concealing and altering the *Project Veritas* video footage, which was central to their conspiracy prosecution.

The disciplinary case against Kerkhoff Muyskens is currently playing out in the DC Court of Appeals, and the Board on Professional Responsibility is expected to issue a ruling any day. But the case is focused on

how Kerkhoff Muyskens deceptively altered the footage and concealed it from the court and the defense, not how she obtained it. The DC Bar investigation never plumbed the depths of the relationship forged between *Project Veritas*, her office, MPD, and the FBI.

The FBI document disclosed by *Unicorn Riot* confirms a hidden web of lies that reveals not only the J20 prosecution's willingness to break the law in order to gain criminal convictions, but also how law enforcement eagerly partnered with *Project Veritas* in an effort to skirt policies established to restrict police surveillance and infiltration.

Inauguration Day 2017: A few broken windows, extensive police violence, and mass arrests

For most objective observers, the story began with the protests on Inauguration Day, January 20, 2017, colloquially known as J20. Thousands of people protested the inauguration of Donald Trump in Washington, DC and across the country. An antifascist, anti-capitalist march that started at Logan Circle that morning and snaked through the streets of downtown DC targeted corporate storefronts, resulting in a few broken windows at businesses like Bank of America, McDonald's, Starbucks, and Wells Fargo.

However, before the march even got started, MPD Commander Keith DeVille referred to the gathering crowd as "anarchists," setting the stage for a violent crackdown. Just a few minutes after the march left Logan Circle, without issuing a required dispersal order first, DeVille declared the demonstration a "riot" and ordered the arrest of everyone present. By declaring the demonstration a riot, MPD triggered the authority to act violently and criminalize protesters.

Equipped with hundreds of thousands of dollars of riot munitions, MPD attacked the march using copious amounts of chemical and projectile weapons. After about 40 minutes, MPD officers surrounded and arrested more than 230 people, including protesters, journalists, legal observers, medics, and bystanders.

The Alleged DeploraBall "Plot"

A day before Trump's inauguration, on January 19, 2017, police claimed to have foiled an alleged plot to disrupt the "DeploraBall," an unofficial inaugural ball organized by alt-right Trump supporters.

MPD said it had obtained video footage secretly recorded by *Project Veritas* at a December 18, 2016, meeting with three inauguration protest organizers. The video shows protest organizers discussing plans to use a stink bomb to disrupt the DeploraBall. But, on January 16, three days before the DeploraBall, protest organizers with the Antifascist Coalition publicly announced they knew they were being infiltrated and recorded, and that everything said in the December 2016 meeting was a ruse.

The location of the meeting itself should have signaled to *Project Veritas* and the police that the plot was contrived. Protest organizers suggested meeting at Comet Ping Pong, the same "Pizzagate" location that had been shot up just weeks earlier by a man who believed the debunked online right-wing conspiracy theory that the pizza shop doubled as an underground child exploitation ring run by Democratic Party officials.

Despite the public statement by the Antifascist Coalition, police still arrested the three protest organizers caught on film and, most notably, the USAO used the *Project Veritas* footage to prosecute them. One Antifascist Coalition organizer was arrested on January 19, and their arrest warrant affidavit stated that an unnamed "witness" approached MPD on January 17 with "audio and video recordings" from the December 2016 meeting. *Project Veritas* was never mentioned in the affidavit, but it was already public knowledge that the video footage was from *Project Veritas*, based on reporting by the *Washingtonian*.

The newly disclosed FBI document, which details the alleged DeploraBall plot, also confirms that *Project Veritas* had relayed all of this information to the FBI and other law enforcement agencies as early as January 13.

Although they pled guilty to misdemeanors less than two months later, the three organizers and the alleged plot were quickly forgotten in the wake of Trump's inauguration and the early days of his presidency.

The Prosecutor and Police Lie to the Grand Jury

Soon after the inauguration and mass arrest, a grand jury began hearing evidence from AUSA Kerkhoff Muyskens and her witness, lead MPD detective Gregory Pemberton. Kerkhoff Muyskens and Pemberton wove a story that would convince the grand jury to indict more than 200 people, initially on a single count of felony riot, but eventually on at least eight felonies each.

Grand juries are supposed to act as a barrier against overzealous prosecutors, but in reality, they are designed to be the perfect prosecutorial tool. Ostensibly, federal grand juries investigate whether there is enough evidence to indict people for federal crimes, but the normal rules of evidence do not apply and the entire process is deliberately shrouded in secrecy. Prosecutors get to pick and choose what evidence is shown to the grand jury, there is no judge, and grand jurors only hear from witnesses chosen by prosecutors.

With vast subpoena powers, prosecutors are able to demand documents, physical evidence, and witness testimony. It was in this context that the J20 grand jury heard claims made by Kerkhoff Muyskens and testimony from Pemberton and a handful of other police witnesses.

Saying it's easy for a prosecutor to obtain an indictment from a grand jury would be an understatement, but Kerkhoff Muyskens and Pemberton went beyond the already-loose grand jury rules by lying to jurors in order to secure a sweeping indictment.

Because of their secretive nature, grand juries and their proceedings are almost always kept behind well-locked doors and transcripts are hardly ever revealed to the public. The J20 grand jury was no different. The transcripts were kept not only from the public, but also from multiple trial juries and scores of defense lawyers who were part of the case. Government prosecutors even defied a court order to turn over the grand jury transcripts to the defense and never did comply.

Earlier this year, however, in an extremely rare disclosure, the DC Office of Disciplinary Counsel (ODC) published a 7,500-page list of exhibits, which included grand jury transcripts used to investigate the misconduct allegations against Kerkhoff Muyskens.

A grand jury was convened by the government on two separate occasions to investigate the J20 cases—once in January 2017, then again in April 2017.

On January 30, 2017, early in their investigation, grand jurors were quick to question the source of the video footage that would eventually be used as trial evidence by the prosecution. Kerkhoff Muyskens downplayed the significance of the video and the role of *Project Veritas*.

"To the extent we would use any video — we'd be requesting unedited video," Kerkhoff Muyskens told the grand jury. "But they can't be trusted to provide unedited video," replied one of the jurors. "[W]ill you provide any — any kind of other confirmation that [it] hasn't been edited or distorted or biased, given their past credibility and problems with that?"

The following day, Pemberton testified to the grand jury that the Intelligence section of MPD was monitoring publicly available information about the inauguration protests as far back as early December 2016 and, without any reason why, Pemberton claimed that MPD believed the march from Logan Circle was "more than just a First Amendment assembly, that individuals were actually planning and conspiring to commit crimes."

When Pemberton was questioned about the *Project Veritas* video, he told the grand jury that the footage was “recovered by the Metropolitan Police Department from the internet regarding some activities, some sort of recruiting activities about [Disrupt J20],” the DC-based organization that planned protests against Trump’s inauguration. When asked about any additional *Project Veritas* footage, Kerkhoff Muyskens told the grand jury that, “This is all we’ve been able to find on social media one way or the other.”

It’s now known that Kerkhoff Muyskens not only lied about possessing additional videos from *Project Veritas*, she and Pemberton also lied about how they acquired the footage.

In early February 2017, prosecutors went through a process of identifying for the grand jury each of the more than 200 defendants, their images, what they were wearing, any property allegedly taken from them, and any social media profiles the police could compile. “Obviously, if there is any social media that we identify that we think is exculpatory, we will of course present it to you and let you know about it,” AUSA John Borchert told the grand jury. “That would be our obligation.”

While these kinds of assurances from the prosecution make it seem like the grand jurors received all of the evidence, prosecutors can and do withhold exculpatory evidence from grand juries, and have no legal obligation to share it with them, despite what AUSA Borchert said.

Unsurprisingly, and in spite of the strong skepticism some jurors had about the *Project Veritas* evidence, the grand jury returned a “true bill,” finding probable cause for an indictment.

The grand jury issued its first set of indictments in February 2017, charging 214 people with felony riot. Soon after, the DC Office of Police Complaints published a Report and Recommendations for the Police Complaint Board on February 27, 2017. The report raised questions about police conduct on Inauguration Day, and criticized the mass arrest and lack of warning before it happened.

The grand jury issued a second, superseding indictment on April 27, 2017, but three weeks earlier, on the morning of April 3, 2017, MPD raided the home of a Disrupt J20 organizer and seized thousands of dollars’ worth of personal property from their home, including computers, cell phones, art supplies, and personal items of sentimental value. Even though the organizer was not present at the antifascist, anti-capitalist march, they would be indicted with hundreds of others for their role in planning the protest. Because the organizer appeared in one of the protest planning meetings recorded by *Project Veritas*—the same key footage the prosecution would use in the J20 trials—the organizer would later be accused by the government of being one of the defendants at the center of the alleged conspiracy.

The superseding indictment charged the same 214 people with a minimum of eight felonies each: rioting, conspiracy to riot, inciting a riot, and five counts of property destruction. Approximately 100 people were also charged with assault on an officer. The maximum sentence, if convicted on all counts, would have been 70 years in prison.

Jury Acquits Six Defendants Despite Law Enforcement’s Lies and Manipulation of Evidence

Once the superseding indictment was filed by the USAO in April 2017, jury trials started to be scheduled, with the first one beginning on November 15, 2017.

None of the six defendants in the first trial were accused of damaging any property, but Kerkhoff Muyskens used conspiracy allegations and a novel legal approach called “Pinkerton liability” in an attempt to criminalize mere association and make all of the defendants equally culpable for the same broken windows.

Much of Kerkhoff Muyskens’s legal strategy rested on the fact that most demonstrators wore black clothing, a feature of black bloc demonstrations, and efforts to convince the jury of a criminal conspiracy

by characterizing the protest as a “sea of black masks,” a phrase she used five times in her opening statement.

More than three weeks into the trial, on December 11, 2017, Pemberton was asked by Kerkhoff Muyskens, on direct examination, how he acquired the *Project Veritas* video footage, and they both continued their charade.

“Part of the initial process of this investigation was trying to obtain and collect and download and preserve whatever evidence existed, much of which you’ve seen,” Pemberton told the trial jury. “It was obtained from the Internet or open sources,” continued Pemberton, who explained how part of his investigation was to locate individuals who had posted anything online that was “relevant or probative.”

Pemberton told the jury he “located individuals that had posted what appeared to be undercover video...of a meeting of individuals that appeared to be planning what occurred that day.” Pemberton said the video was posted by *Project Veritas*, and he learned about it in February or March 2017. Because the online footage appeared to have been edited, Pemberton told the jury he pursued the raw, unedited footage.

“They provided me with a hard drive which contained hours of video that they had obtained through their investigation,” said Pemberton. But when asked by defense counsel about his source, the lead detective couldn’t recall the name of the *Project Veritas* operative who gave him the hard drive, even though the footage would be central to his conspiracy investigation.

Kerkhoff Muyskens confirmed that the raw footage from *Project Veritas* was unedited, although she never offered the raw footage to the defense. Pemberton told the jury he had made only two edits to video of a January 8 protest planning meeting, which was evidence crucial to the government’s case. According to Pemberton, one edit was to remove the identity of the person who took the footage, and another edit was to obscure the identity of an undercover MPD officer at the same meeting as the *Project Veritas* operative.

It would be revealed months after the first trial had concluded that Kerkhoff Muyskens and Pemberton made additional edits to the footage in order to remove comments by the *Project Veritas* operative, indicating that a discussion of violence or property destruction did not happen at the January 8 planning meeting. These edits, meant to deliberately exclude exculpatory evidence, along with hiding the existence of additional hours of *Project Veritas* footage, would eventually form the foundation of Kerkhoff Muyskens’s ethical violations charges from the DC Bar.

Despite concealing evidence that would have helped the defense, Kerkhoff Muyskens was still unable to convince the trial jury that the six defendants were engaged in a criminal conspiracy and, on December 21, 2017, they were acquitted of all charges. Signaling a significant defeat for the Trump administration, the USAO summarily dismissed 129 cases shortly after the first trial.

The Government’s Deception Unravels and Subsequent Trials Collapse

The next three trials — one that started on May 14, 2018, another that started on May 29, 2018 and a final trial scheduled to start on June 4 — would overlap and each, in their own way, would cause the prosecution’s case to further fall apart.

Defense lawyers for the May 14 trial defendants convinced DC Superior Court Judge Kimberly Knowles to allow them to depose “Matt,” the covert *Project Veritas* videographer who recorded the January 8 protest planning meeting. A number of important revelations would stem from that deposition, which was attended by defense lawyers from the May 14, May 29, and June 4 trial groups.

According to one of the defense lawyers who met with “Matt” and the lawyer for *Project Veritas*, the group had rented a house to use as an operations center in DC. “There were eight undercover individuals and

members of management living and working out of that house covering the J20 events,” said defense attorney William Coffield, recounting the deposition at a pretrial hearing for the May 29 trial group.

“Between January the 8th of 2017 and January 20th of 2017, individuals with *Project Veritas* had at least two meetings with the FBI,” continued Coffield. “One at the house that was used as their operations center, and one at the Washington Field Office [of the FBI].”

Coffield went on to say that “Matt” told him *Project Veritas* provided the FBI with recordings of several planning meetings he infiltrated. Yet, in the interview with defense lawyers, “Matt” said he did not recall anyone talking about property destruction in any of the meetings he attended.

At the same hearing, a different lawyer startled DC Superior Court Chief Judge Robert Morin when she said that *Project Veritas* had also met with MPD in advance of the inauguration. To make her point, defense lawyer Rebecca LeGrand read from *American Pravda*, a book published that same year by *Project Veritas* founder and far-right activist James O’Keefe.

“As the inauguration approached, we had gathered a ton of material, disturbing enough to warrant sharing it with the authorities. Our attorney, Ben Barr, set up a meeting with the FBI for January 13th,” LeGrand read from O’Keefe’s book in court. According to the *Project Veritas* founder, there were four law enforcement officials in the meeting that day, “three FBI and one D.C. Metro, all casually dressed.” O’Keefe said they “greeted us like brothers in arms.”

A week before the hearing, defense lawyers for the June 4 trial group had demanded, then obtained through a court order, the uncut *Project Veritas* video, which the government had never before revealed to the court or turned over to the defense in discovery.

It quickly became apparent that the prosecution had edited the footage to conceal exculpatory evidence, which was likely done to improve their chances of getting convictions at trial.

In response, defense lawyers filed a motion seeking sanctions against Kerkhoff Muyskens and a dismissal of charges against the six defendants in that trial group. Lawyers for the May 29 trial group filed a similar motion, and a combined hearing was held before Chief Judge Morin on May 31, 2018.

At Morin’s hearing, it was discovered that the government had also failed to disclose 69 additional video and audio clips supplied by *Project Veritas* which were relevant to the case. This new information combined with the deceitfully edited footage caused Morin to sanction the prosecution team for failing to disclose evidence the defense was entitled to.

As a result, all charges against the ten defendants in both trial groups were dismissed. Although Knowles refused to dismiss the charges against the four defendants in the May 14 trial group, the jury returned one acquittal and deadlocked on the remaining three cases, which resulted in mistrials.

Another outcome of the May 31 hearing was that Morin prevented the prosecution from applying conspiracy charges against any of the remaining J20 defendants, which essentially knee-capped the government’s case.

“The evidence concerning conspiracy and the conspiracy charge, because the Government did not disclose these videos and allow proper investigation, I’m sanctioning the Government from proceeding on that count or on that theory,” Morin told the prosecution. “You still have aiding and abetting,” continued Morin. “I’m not precluding that. But the conspiracy and Pinkerton liability flowing from that, the Government is prohibited from going forward.”

By July 2018, the government had dismissed all charges against the remaining J20 defendants and, in the end, no one was found guilty at trial. Defendants rightly considered this a victory, but hundreds of people

still endured untold harm—the trauma of decades in prison hanging over their heads, as well as the financial and social costs that come from dealing with criminal cases, like loss of employment, education, and housing—forever changing their lives.

Doxxing and Right-Wing Bias by MPD Witnesses Revealed in Court

Soon after the Inauguration Day arrests, MPD communications officer Rachel Schaerr provided a spreadsheet of defendants' personal information to the far-right website GotNews.com, resulting in online harassment and other problems for defendants, including at least one defendant who was fired from their job.

This type of exposure of personal information, known as doxxing, is fairly common today but we don't typically see evidence of police instigating the exposure. Nor do we typically see collaboration between the police and far-right groups which was exposed during the J20 cases.

In his investigation, Pemberton not only coordinated with *Project Veritas*. He also gathered footage from other right-wing groups like Rebel Media, Oath Keepers, and Media Research Center, whose "sole mission is to expose and neutralize the propaganda arm of the Left." Testimony from Pemberton and other police witnesses during the first J20 trial in November 2017 further exposed their political biases and connections between MPD and right-wing groups.

Pemberton was cross-examined about numerous white nationalist and far-right groups he followed on Twitter, or X, including the account of *Project Veritas* founder James O'Keefe. It was also revealed that Pemberton followed Trump advisor Kellyanne Conway, Donald Trump Jr., Breitbart, 4chan's /pol/, and other alt-right accounts.

The defense also asked Pemberton about his affinity for Trump and his antipathy toward Black Lives Matter, exemplified by Pemberton "liking" a social media post calling the movement "Black Lies Matter." In a social media post from April 2017, Pemberton said, "You know what I haven't heard in a while? Police shootings of unarmed black youth," then asking rhetorically, "Did they run out of funding for their false narrative?"

But Pemberton was not the only MPD witness with right-wing views. MPD Commander DeVille, who declared the J20 protest a riot, made derogatory comments about Holocaust survivors and LGBTQ police officers, for which he was disciplined by MPD Internal Affairs. In May 2018, during the second J20 trial, MPD witness William Chatman wore a t-shirt in court, displaying an image of a nightstick enlaced with a pair of handcuffs which read, "Police brutality...or doing what their parents should have?"

Police watchdog group Partnership for Civil Justice Fund (PCJF) sued the District of Columbia seeking public disclosure of the nature and extent of MPD collusion with right-wing organizations. The lawsuit demanded records that would show "whether the MPD has undertaken actions to illegally skirt its requirements under the law, including through use of proxy forces" that violate laws restricting police surveillance and infiltration of political groups in DC.

"Outsourcing illegal surveillance of political organizations doesn't make it legal," said Mara Verheyden-Hilliard, executive director of PCJF and a constitutional rights attorney. "The MPD cannot deputize right wing organizations to function as surveillance agents for the MPD," continued Verheyden-Hilliard. "When people are engaging in First Amendment protected activities, they should have confidence that the police are not functioning in collaboration with their political opponents. The public has a right to know."

The District stonewalled PCJF in its efforts to uncover evidence of MPD collusion with far-right groups and, in March 2024, the case was dismissed. However, as evidence mounts that collusion was happening in advance of the inauguration, questions about unlawful police use of surveillance and infiltration, and even perjury, must be addressed.

Brady Violations and Disciplinary Actions Against AUSA Kerkhoff Muyskens

The USAO deliberately kept secret the existence of the newly disclosed FBI document and the January 13 meeting between law enforcement and *Project Veritas* for over a year, and more than five months after the first J20 trial had concluded.

It wasn't until a hearing for the third trial group in late May 2018 that the USAO admitted to the meeting, once it was clear that the prosecution had withheld evidence. Despite Chief Judge Morin directing the prosecution, at that May 30 hearing, to provide defense counsel with a copy of the FBI 302, it has remained hidden from the public until now.

Contrary to the story Pemberton told under oath, that he had just stumbled upon the *Project Veritas* video, we now know that MPD and the USAO were aware and in possession of the footage in advance of the inauguration and long before Pemberton said he discovered it online.

Kerkhoff Muyskens supported and relied on that fabricated version of events to prosecute hundreds of people, at the same time as concealing crucial evidence helpful to the defense.

Withholding exculpatory evidence by the government is a common practice, but rarely revealed in routine court proceedings involving the people who are processed through the criminal legal system on a daily basis.

Despite prosecutors' obligation under a 1963 US Supreme Court decision in *Brady v. Maryland* to disclose exculpatory evidence in advance of trial, it's often difficult to prove when a prosecutor is in violation of Brady and, even when it is proven, it's rare for a court to impose sanctions. It's even rarer for legal ethics boards to charge and punish prosecutors for those violations. A study published last year of over 800 cases from state and federal courts found Brady violations had occurred in ten percent of the cases, and prosecutors were almost never referred to the Bar for discipline.

But in July 2024, the DC Bar's Board on Professional Responsibility charged Kerkhoff Muyskens with misconduct for her role in hiding and surreptitiously altering key video evidence.

According to Disciplinary Counsel Hamilton P. Fox III, who filed the charges against Kerkhoff Muyskens, the federal prosecutor violated the DC Rules of Professional Conduct in half a dozen ways, including "making false statements, offering false evidence," as well as "obstructing the defense's access to evidence and altering or concealing evidence," and "reckless or intentional dishonesty, misrepresentations, deceit, and fraud, which misled the grand jury, the defense, the court, the government, and disciplinary authorities."

The Bar investigation and charges were the result of ethics complaints filed in 2018 by multiple Inauguration Day defendants. At the time Kerkhoff Muyskens was charged, she worked as a federal prosecutor in Utah, but she eventually left her job over the controversy.

After multiple days of hearings earlier this year, the ODC filed its post-hearing brief in April, summarizing its arguments against Kerkhoff Muyskens. The former federal prosecutor could be disbarred and prevented from practicing law, but the ODC only recommended a six-month suspension of her license. The Board is expected to issue a judgment at any time.

"A six-month sentence for Kerkhoff Muysken sends the wrong message to countless prosecutors who skirt the rules of evidence and largely get away with it," said former J20 defendant Alexei Wood, who went on to successfully sue the District of Columbia and MPD. "A slap on the hand for Kerkhoff Muysken would allow these kind of Brady violations to continue to occur unabated," continued Wood. "A six-month

sentence would also fail to hold her accountable herself for the harm she caused hundreds of people as a direct result of her deception and lies. Kerkhoff Muysken deserves to lose her law license.”

A Lack of Consequence Ensures a Repetition of History

As light as the recommended punishment may seem to J20 defendants, Pemberton has faced even less accountability for his role in the misconduct, and has been able to steadily advance his career in law enforcement. In 2020, Pemberton was elected as Chair of the DC Police Union, and has been re-elected twice since then, a role he currently serves in.

An online biography of Pemberton from March 2024 even boasts about his record of being “selected to be the lead detective on a mass arrest of rioters that were arrested during the Presidential Inauguration and detailed to the US Attorney’s Office.”

Civil lawsuits based on constitutional claims were filed in earnest by former defendants following dismissal of the J20 cases and, in 2021, the District of Columbia paid \$1.6 million to settle them. While this was a significant win for the defendants, settlement awards are ultimately paid by taxpayers, not the police; and these particular awards were relatively small compared to previous settlements for abusive conduct and constitutional violations by MPD and the District of Columbia.

Even when hefty sums are awarded to plaintiffs, it often fails to curb the abusive conduct, based largely on historical examples of police and cities repeating the abuse, indicating a calculus is being made to prioritize violent control of civil unrest over the inevitable costs incurred in the years following the unrest.

The forms of state control over civil unrest have evolved over time, as police tactics change in order to find the most expedient ways to criminalize social movements. Former J20 defendant Michael Loadenthal published a research article in 2019 about the use of conspiracy charges and the specter of the riot to “depoliticize political action” and “criminalize confrontational protest tactics.”

And, while conspiracy and riot charges have been used throughout history, and still today, police and prosecutors have started using racketeering charges to criminalize routine political activity, which is broadening the state’s ability to crack down on what would otherwise be considered First Amendment activity.

The Stop Cop City cases are a good example of this expansion of state tactics, and something to prepare for in the months and years to come. In a movement that embraces a diversity of tactics, Georgia is using its own state-level Racketeer Influenced and Corrupt Organizations (RICO) Act along with state domestic terrorism charges against dozens of people who had little relationship to each other beyond the political goals of environmental protection and opposition to a police militarization facility.

RICO has typically been used by the federal government to prosecute “organized crime,” but the overly broad nature of the statute gives law enforcement wide latitude to go after political dissidents, among others.

The RICO indictment against 61 people reads like a manifesto on anarchism, and the Georgia Attorney General uses some of the same scare tactics about anarchists that were used in the J20 cases. But, that’s not where the commonality ends. Georgia prosecutors are also currently embroiled in evidentiary issues, which include repeatedly violating discovery deadlines and abusing evidentiary rules by sharing privileged attorney-client communication with police, prosecutors, the court, and defense counsel.

While the prosecutorial abuse in Georgia does not include Brady violations yet, it’s clear that prosecutors have skirted laws—like Kerkhoff Muyskens did eight years ago—in their zeal to convict political activists and criminalize social movements more broadly.

30 Aug - News on Hridindu Roychowdhury

All things relative, this is good news!

MORE:

Yesterday federal judge Petersen granted Hridindu's Grumbles motion—which in essence argued that use of civil contempt of court in the face of his unwillingness to participate in a grand jury inquisition was improper. As a result, the hearing scheduled for next week is cancelled and Hridindu will now be transported back to Marion to continue serving his BOP sentence. A small victory for Hridindu! It will likely take a couple of weeks before he is restored to Marion so hold your mail until further notice.

30 Aug - Updated version! Starting an Anarchist Black Cross group: a guide

Just in time for this year's International Week of Solidarity with Anarchist Prisoners, comrades have revised the zine Starting an Anarchist Black Cross group: a guide.

MORE:

You can download the zine as a pdf and as a booklet for printing: solidarity.international/wp-content/uploads/2025/08/ABC-Zine-2025.pdf

11-14 Sept – NYC Anarchist Book Fair

WHAT: Festival

WHEN: 6:00pm, Thursday, September 11th-7:00pm, Sunday, September 14th

WHERE: Various locations across Brooklyn and Manhattan (see schedule below)

COST: Varies, mostly FREE

MORE:

Visit anarchistbookfair.net for a complete schedule:

Thursday, Sep 11

Anarchist Comedy Show, 6:00pm, Starr Bar, 214 Starr Street, Brooklyn (\$10 suggested donation)

Friday, Sep 12

Music Festival, 4:00pm, The P.I.T., 411 South 5th Street, Brooklyn (\$10-20, suggested donation to benefit the book fair)

Saturday, Sep 13

Book fair, all day, La Plaza Cultural de Armando Perez, 674 East 9th Street, Manhattan (FREE)

Workshops/Presentations/Skillshares, all day, various locations (FREE)

Sunday, Sep 14

Workshops/Presentations/Skillshares, all day, various locations (FREE)