



Guilt by Association

**How the Prosecution of the
RNC 8 Threatens Dissent
and all Political Organizers**

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The Ramsey County Attorney in St. Paul, Minnesota, has revealed the government's trial strategy in its now almost two year effort to prosecute eight anarchists from the Minneapolis based RNC Welcoming Committee: blame all eight defendants personally for each act of property damage or violence which occurred during the Republican National Convention on September 1, 2008 – despite the fact that the defendants themselves were sitting in the Ramsey County Jail as a result of their pre-emptive arrest on August 30, 2008.

GUILT BY ASSOCIATION

Writing that probable cause exists to support prosecution of the RNC 8, the Government asserts that the RNC 8 are responsible for a window broken at Macy's because the person who was convicted of that act was an overnight house guest of three of the RNC 8 – along with dozens of others not convicted of any crime – before the convention started. Additionally, the Government holds the RNC 8 responsible for property damage caused by two activists from California, who were among hundreds that attended RNC 8 presentations in California urging people to protest in St. Paul. One activist had literature in his backpack written by the RNC Welcoming Committee when he was arrested.

In a more inflammatory vein, the State asserts the RNC 8 is responsible for "molotov cocktails" made – but not used – by David McKay and Bradley Crowder, both of whom were convicted in Federal Court of that offense. For Ramsey County, two facts support the claim that McKay and Crowder "conspired" with the RNC 8 to use dangerous weapons. First, McKay and Crowder attended an RNC 8 meeting in Texas – again with many others convicted of no crime. Second, at that meeting they watched a satirical video produced by the RNCWC, "We're Getting Ready," in which an empty bottle with a rag is lit on fire and tossed into a BBQ grill by a "black bloc anarchist."

Cover art by Ricardo Lewins Morales



An anarchist chef tends a BBQ grill lit by a depiction of a "molotov cocktail" in a satirical video produced by the RNC Welcoming Committee. Ramsey County officials claim the film is a "training video," instructing other co-conspirators around the country in techniques of fighting with the police, making molotov cocktails, and disguising one's identity. Judge for yourself at <http://www.youtube.com/watch?v=j6PLwOt0Bl8>.

The Government's position of "guilt by association" sidesteps all the evidence in the case to date. The criminal complaint against the RNC 8 states the conspiracy ended on September 1, 2008. The testimony in the cases involving McKay and Crowder was that the making of the molotov cocktails was not planned ahead of time and only occurred after September 1, 2008, following police raids on the first day of the 2008 RNC that angered McKay. During a probable cause hearing on May 13, 2010, Sgt. Jay Maher of the Ramsey County Sheriff's Office acknowledged that he was not aware of any evidence that either McKay or Crowder had any personal contact with the two members of the RNC 8 who attended the meeting in

Texas, that they had ever discussed with any member of the RNC 8 any plans to commit property damage or violence at the convention, or that McKay and Crowder had any contact with the RNC 8 other than attending that single meeting in Texas seven months before the 2008 Republican National Convention¹. Further, over two almost full days of testimony, Ramsey County deputies Chris Dugger and Marilyn Hedstrom both testified that during their year long infiltration of the RNC 8 – which included attending hundreds of meetings and close, personal relationships with some members of the RNC Welcoming Committee – that they never once heard any of the RNC 8 plan violent acts, damage to property or endorse the use of dangerous weapons.

MEET THE INFORMANTS

Perhaps even more threatening to the principle of freedom of association and political thought protected by the First Amendment is the role of government informants in the investigation. For instance, the only three individuals convicted of any acts related to making the “molotov cocktails” to which the prosecution in the RNC 8 constantly refers were all deeply involved with FBI informants Andrew Darst and Brandon Darby.

Darby, paid over \$21,000 by the FBI for his services, had for years, claimed to be a progressive political activist. He now rants on an internet blog much like Rush Limbaugh on the radio - claiming that the mainstream United for Peace and Justice coalition organized “extremist” demonstrations at the 2008 RNC, that the U.S. Justice Department has been “hijacked”

¹ Maher was the lead investigator who traveled the country conducting surveillance of the RNC Welcoming Committee. He took thousands of pictures and organized investigative traffic stops of individuals and groups including Code Pink, Sisters Camelot (a free food bus), the Campus Antiwar Network conference in Iowa City, IA, the Coalition to March and Stop the War, a permaculture bus parked at the site of a farmer’s market organized by the City of Minneapolis, Students for a Democratic Society, and others.

by the extreme left, and that the left represents a “culture of hating America [that] has metastasized (sic)” like a “cancer running through the body politic.”

Meanwhile, the main informant in the RNC 8 investigation, Minnetrista, MN resident Andrew Darst, has been paid almost \$50,000 over the course of the investigation and continues to be paid \$1,500 a month by the FBI, eighteen months after his infiltration of the RNC Welcoming Committee came to an end. Darst was also charged with felony burglary and assault in Hennepin County, MN, on January 11, 2009. After the Hennepin County Prosecutor failed to even show up for his sentencing, during which Mr. Darst’s FBI handler was present, Mr. Darst avoided jail time and walked away with a misdemeanor assault conviction. Mr. Darst also had a trespass charge dismissed by the City of Roseville four months after the RNC 8 were arrested. None of the RNC 8 have ever been convicted of a crime involving either violence or damage to property.

Working for Ramsey County, not the FBI, Chris Dugger was a part-time informant in drug and gang cases when he began infiltrating the RNC Welcoming Committee. Now a deputy with the Ramsey County Sheriff Office, he attended Welcoming Committee meetings for over a year during which he talked publicly about “kicking cops asses” and how he “hated the police.” He testified that language like this was not used by any of the RNC 8. Dugger was paid almost \$18,000 as an informant on the RNC Welcoming Committee before being hired by the Ramsey County Sheriff in a full-time job. Dugger also had a domestic assault charge dismissed in Dakota County, MN, in 2007, during which time he was a police informant. Dugger was in fact recommended for the infiltration of the RNCWC by the Dakota County Drug Task Force.

Other evidence shows that an undercover operation run by the Bloomington Police Department created a group called

Indy-TACT which promoted itself as “red zone activists” acting with “red hot malevolence, determination and endurance.” The group’s manifesto begins: “Attention all Capitalists, Imperialists, Racists, Sexists, Homophobes and most of all—Republicans! The status quo has just been replaced by a new order of autonomy, mutual aid, and direct democracy! Indy-TACT, a group of Fort Wayne, Indiana anti-capitalists, anti-authoritarians, and anti-war activists are hoisting our “Freedom From Capitalism” flag in the fertile soil of St Paul as we stand in solidarity in our adoption of Sector 2 in St. Paul, Minnesota, the host of the RNC.”

JUSTIFYING POLICE REPRESSION

The politically motivated prosecution of the RNC 8 seeks to justify the investigation run by Ramsey County Sheriff Bob Fletcher at a reported cost of more than \$300,000 and climbing, in addition to thousands of hours of work by undercover police who infiltrated and surveilled the RNC 8 for over a year. Boosting his prestige and seizing the leadership of the police effort to stop the threat to “good public order,” Fletcher held a press conference immediately after the early morning house raids on August 30, 2008, during which most of the RNC 8 were arrested. Before the assembled media, Fletcher personally demonstrated how he believed the RNC 8 planned to riot during the 2008 RNC. At one point, saying, “Sending rocks for the cops,” he demonstrated how to use a bicycle inner tube as a device to launch projectiles at police – although not a single witness has ever stated that any member of the RNC 8 Welcoming Committee mentioned the idea of using inner tubes for such a purpose, or ever did anything with a bicycle inner tube other than use it on bikes they frequently rode around town.

A dozen bricks, out of 3,000 that had been in a backyard for months and were intended for a fire pit, were displayed by



Ramsey County Sheriff Bob Fletcher with the assistance of former Secret Service agent Tony Samec demonstrates how to launch rocks at police using a bicycle inner tube. Fletcher is in the garage at the Ramsey County Sheriff’s Department, surrounded by buckets of grey water, bricks, nails, and other common household items seized from the homes of RNC 8 members in early morning, pre-emptive raids on August 30, 2008.

Fletcher as tools of violence and destruction. Grey water, collected from sinks and used to flush toilets to save water, was described by Fletcher as urine that the RNC 8 intended to throw at police. The raids Fletcher launched on houses and political meeting spaces, his press conferences filled with false and incendiary accusations, and the hundreds of para-military Mobile Field Force riot police on the streets of St. Paul during the convention, all played a major role in creating the sense of confrontation and police repression which dominated the 2008 RNC.

CRIMINALIZING DISSENT



Police from departments around the United States, backed by over \$50 million in Federal funding, fire tear gas at peaceful protesters during the 2008 RNC.

The last major prosecution of political activists for conspiracy to riot at a national political convention occurred as a result of the police riots which occurred in Chicago during the 1968 Democratic National Convention. The "Chicago 8" conspiracy trial resulted in an acquittal of all defendants on the conspiracy charges, and the dismissal of all charges on appeal. As the Seventh Circuit Court of Appeals recognized when it overturned the few convictions obtained by the Federal government, charges of conspiracy to riot necessarily "implicate the protections of the First Amendment because "...rioting, in history and by nature, almost invariably occurs as an expression of political, social, or economic reactions, if not ideas. The rioting assemblage is usually protesting

the policies of a government, an employer, or some other institution, or the social fabric in general. . . ." United States v. Dellinger, et. al., 472 F.2d 340 (7th Cir. 1972). As a result, any prosecution of persons for conspiracy to riot requires strict proof of their actual intent to do so. Otherwise, the Seventh Circuit noted, there is "the real possibility in considering group activity, characteristic of political or social movements, of an unfair imputation of the intent or acts of some participants to all others."

Forty years after the Federal Government failed in its prosecution of the Chicago 8 for conspiracy to riot, the Ramsey County Attorney is trying again to hold demonstration organizers responsible for the acts and intent of others with whom they may have associated. The prosecution of the RNC 8 poses a clear and present danger to all political activists and is an attack on the right to engage in political dissent in the United States. The essence of the government's prosecution of the RNC 8 is to hold them personally responsible and criminally liable for acts committed by others which occurred at a demonstration they helped to organize. The Welcoming Committee's public call to "Crash the Convention" by blockading delegates from arriving at the X-Cel Energy Center, combined with their refusal to specifically disavow and condemn tactics that went beyond marching with a permit or handing out leaflets, have been repeatedly cited by Ramsey County prosecutors as proof of their responsibility for any property damage caused by others. Such a prosecution means that anyone involved in a group which organizes a demonstration in which acts of dissent go beyond marching on a police designated route with a city issued permit, can be subject to criminal prosecution for any unlawful acts committed during the demonstration. Language which expresses outrage and anger at injustice is treated as an incitement to riot. The "chilling effect" of this

prosecution is clear – organize a demonstration and risk criminal prosecution for the acts of others.

As soon as public officials announced that the Republican National Convention would be held in St. Paul, Minnesota, they and the police knew that tens of thousands of protesters would also be coming to St. Paul. Based on past national political conventions, they knew that some of these protesters would engage in marches permitted and approved by the police, that some would march without permits, that others would engage in direct actions and civil disobedience, and that others might target property and symbols belonging to corporate America. Political activists, including the RNC Welcoming Committee, knew the same thing. While the Welcoming Committee did not get drawn into the police strategy of condemning certain activists as “good” and others as “bad,” neither did it seek to plan and carry out a strategy of property destruction or rioting with dangerous weapons – as charged by the government. Rather, the Welcoming Committee sought to work with a broad range of people, with different political beliefs and philosophies, and different opinions about how best to protest and resist the destruction of the planet and people. What happened in St. Paul during the 2008 RNC occurred as acts of resistance to the pillaging of the planet and exploitation of people carried out by corporations and their allies in government. Such demonstrations do not require a cabal of conspirators to organize and plan. But if the government succeeds in its prosecution of the RNC 8, we are all at risk. Those who plan and organize demonstrations will either risk being charged and imprisoned for acts which they neither planned nor approved, or accept a straight jacket imposed by law enforcement which limits protest to polite language and permitted marches. Reject the straight jacket, reject the Government attacks on dissent, and defend the RNC 8!



The RNC 8 are:

Luce Guillen Givins, Max Specktor, Nathanael Secor, Eryn Trimmer, Monica Bicking, Erik Oseland, Robert Czernik and Garrett Fitzgerald.

All were preemptively arrested prior to the RNC and have been falsely charged with Conspiracy to Riot and Conspiracy to Commit Property Damage act in response to their political organizing (the charge enhancement that included the “Furtherance of Terrorism” under the Minnesota version of the Patriot Act was dropped.

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Defend the RNC 8!

More information on the case and on Friends of the RNC 8/RNC 8 Defense Committee is at www.RNC8.org. Your financial support is needed to help cover legal fees and other expenses related to the trial. You can donate via PayPal online at the website. If you'd like to donate in the form of a check, make the check out to "CUAPB" and put "RNC 8" in the memo. If you plan to donate more than \$100 and would like your donation to be tax deductible, make your check payable instead to "National Lawyers Guild Foundation" (not CUAPB) and note "RNC 8" in the memo area.

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Thank you for your support!

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