Dear Attorney General Carr,

We urge you to withdraw the indictment of Stop Cop City activists, solidarity movement organizers, and 2020 racial justice protesters under the Racketeering Influenced and Corrupt Organizations Act (RICO). As national and local civil liberties, human rights, and environmental organizations, we are concerned by the political decision to prosecute a diverse and decentralized protest movement as a criminal conspiracy. The indictment threatens political organizing, protected speech and press freedom,¹ and the right to protest writ large.

If successfully prosecuted, the indictment could set a precedent for criminalizing the type of movement building that civil rights, labor, and other movements have traditionally engaged in to effect social change. Some of the people charged under RICO never met each other, nor coordinated any particular actions. The offenses alleged, including occupying a forest, flyering, and giving false names to police officers are very different types of actions, undertaken with separate objectives and degrees of civil disobedience. Just as it would have been nonsensical to prosecute Morehouse students arrested during civil rights movement sit-ins as conspirators with the organizers of the Montgomery Bus Boycott, this indictment takes the absurd leap of collapsing diverse protests into a masterminded conspiracy simply because the protests share similar goals. By the logic of this indictment, every movement for social change would be a target for criminalization.

In absence of evidence supporting a conspiracy, the RICO indictment instead concocts a conspiracy theory based on ideological affinity. Because no tangible evidence links Molotov cocktails allegedly thrown at the Georgia State Patrol Headquarters in 2020 to protests against the Atlanta Public Safety Training Center proposed over a year later, the indictment instead relies on alleged beliefs held in common. Political ideology, including anarchist political sentiment, is protected under the First Amendment. The indictment treats anarchism, and anarchist organizing, as intrinsically dangerous, suspect, and subject to prosecution.

The decision to charge Atlanta Solidarity Fund organizers is also troubling. Nonprofits and mutual aid organizations routinely provide support to protesters. The alleged offenses committed by organizers with the Atlanta Solidarity Fund include reimbursement for restrooms during an organized week of protest, rain tarps, and camping gear to sustain civil disobedience in the form of occupation of the South River Forest. Throughout the history of civil disobedience and protest for political change, organizations have supported protest by providing for the material needs of protesters. Money-laundering, charity fraud, and RICO charges are intended to dissuade others from supporting the Stop Cop City movement.

The RICO charges are consistent with other prosecutorial decisions to intimidate the political movement into silence through overcharging, selective prosecution, and lack of predictability. As in previous local decisions to charge protesters who might otherwise face only minor charges with domestic terrorism, charges under RICO represent selective use of rarely invoked statutes to intimidate activists and silence political dissent.

In an emblematic example, the RICO indictment includes three people arrested for distributing flyers on the sidewalk. These activists believed they were acting within the parameters of First Amendment-protected activity and took steps to ensure they were acting within the law, including posting flyers on the outside of mailboxes rather than within mailboxes, which they believed could violate postal laws. Police arrested the three activists for the content of the flyers, charging them with felony intimidation of an officer of the state because the flyers called one of the state troopers involved in the killing of environmental activist Manuel “Tortuguita” Terán a murderer. We assert that distributing these flyers is purely First Amendment activity. The three activists spent almost four days in jail and now face up to twenty years in prison if convicted under RICO. Overcharging activists under RICO seems intended to deter protest and instill fear among activists.

As national and local civil society organizations who rely on the First Amendment to do our work, we are profoundly troubled by the decision to prosecute activists and organizers under RICO. Overcharging alleged offenses as a conspiracy chills First Amendment-protected activity and casts political speech as intrinsically violence prone, casting aspersions upon the Stop Cop City movement as a whole. As a matter of democratic necessity, we urge you to drop this selective prosecution of political dissidents.

If there are any questions about this letter, please contact Cody Bloomfield at cody@rightsanddissent.org.

Signed,
Defending Rights & Dissent
18 Million Rising

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Adalah Justice Project
Alyssa Rodriguez Center for Gender Justice
Amazon Watch
Amnesty International USA
Amplify Resonance
Arab Resource & Organizing Center (AROC)
Black Political Cultivation AZ
Brave Technology Co-Op
Carceral Tech Resistance Network
Catalyst Project
Center for Constitutional Rights
Center for Human Rights and Privacy
Center for Public Integrity
Central Ohio Freedom Fund
Central Valley Islamic Council
Chainless Change, Inc.
Civil Liberties Defense Center
Climate Defense Project
Coalition for Civil Freedoms
Columbus Safety Collective
Community Justice Project, Inc.
Community Movement Builders
Demand Progress
Direct Action Everywhere
Divest/Invest RGV
DRUM - Desis Rising Up & Moving
Democratic Socialists of America - Rio Grande Valley
Equality Labs
Equity and Transformation
Fight for the Future
First Amendment Coalition
Forest Keeper
Foundation for Individual Rights and Expression
Freedom BLOC
Freedom of the Press Foundation
Freedom To Thrive
Friends of Big Ivy
Friends of Human Rights
Grassroots Global Justice Alliance
Greenpeace USA
Habari Ummah
Institute for Policy Studies Climate Policy Program
InterReligious Task Force on Central America
James and Grace Lee Boggs Center to Nurture Community Leadership
Jewish Voice for Peace
Jewish Voice for Peace - Bay Area Chapter
Juvenile Justice Coalition
Lavender Phoenix
Law Office of Moira Meltzer-Cohen
March for Our Lives
Movement for Black Lives
Muslim Advocates
Muslim Justice League
Muslims for Just Futures
National Coalition Against Censorship
National Lawyers Guild
National Lawyers Guild Mass Defense Steering Committee
National Lawyers Guild, Detroit & Michigan Chapter
New Voices for Reproductive Justice
NLG-Madison
Oakland Privacy
Ohio Families Unite Against Police Brutality
Ohio Families Unite for Political Action and Change
Ohio Women's Alliance
Oil and Gas Action Network
Organizing Black
Palestine Legal
PEN America
Project South
Queer Crescent
Rainforest Action Network
Respond Crisis Translation
Restore The Fourth
Right to the City Alliance
Rising Majority
RootsAction.org
Secure Justice
Showing Up for Racial Justice
South Texans for Reproductive Justice
South Texas Environmental Justice Network
Surveillance Technology Oversight Project
Texas Youth Activist Alliance
The CLEAR Project
The Love We Don't See
TSU- Texas Staff Union
US Campaign for Palestinian Rights
Women Watch Afrika, Inc.
Yalla Indivisible