UNDERSTANDING THE RICO CHARGES IN ATLANTA

A Sweeping Indictment Seeks to Criminalize Protest Itself

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"alleged" to call that claim into question. Georgia prosecutors are attempting to repeat a lie until it becomes true.

In 2020, DHS was one of the federal institutions that Donald Trump relied on in his bid to subdue protests, notably in Portland, Oregon. It is hardly known for hesitance to support repression. The fact that there is apparent friction between Georgia state prosecutors' representation of DHS and statements from DHS itself only illustrates how far Georgia state prosecutors are prepared to go out on a limb here.

There is a third well-known RICO case in Atlanta—the prosecution of Young Thug, Gunna, and Young Slime Life, which cites lyrics, social media posts, and clothing as evidence of criminal racketeering. In both cases, prosecutors are interpreting the Georgia RICO statutes so broadly as to justify defining people as criminal conspirators on the basis of a constructed narrative about their ideas and identity.

In the tortured phrasing of the prosecution, "violent anarchists attempt to frame the government as violent oppressionists." In pressing these charges, the Georgia state government is affirming its commitment to violent oppression, starting with anyone they suspect of speaking up against their violence.

It is hardly certain that this RICO case will succeed. But if it does, it will have massive repercussions for other social movements around the United States. Whether or not it succeeds, it marks a new low for the use of judicial harassment to target dissent. Anyone who does not desire to live in a totalitarian society should put their weight behind efforts to support the defendants and resist this attempt to set a new precedent for state repression.

"Defend the Atlanta Forest is made up of three primary ideologies," the text continues—an "anti-law enforcement ideology," "protection of the environment at all costs," and "an anarchist ideology." It is ideas that are on trial here.

Without citing sources, the prosecution attributes the most outlandish statements to "the organization" as a whole—for example, "Tortuguita died trying to kill a cop in defense of the Weelaunee forest." This statement directly contradicts the narrative about Tortuguita's murder that prevails throughout the many movements that seek to preserve the forest.

Early in the indictment, fully five pages are given over specifically to the three defendants accused of association with the Atlanta Solidarity Fund. Their names recur over and over throughout the indictment. In addition to criminalizing "anarchism," opposition to police, and concern for the environment that all of us depend on for survival, another of the central goals of the prosecution is clearly to set a precedent for criminalizing the legal support of people arrested for protest activity.

Likewise, the indictment explicitly frames "distribut[ing] flyers," "occupy[ing] a treehouse," and being present in a forest "with camouflage, camping gear, and living supplies" as overt acts advancing a conspiracy.

The indictment repeats a previously debunked assertion about the supposed "terrorist" status of the movement to defend Weelaunee forest, claiming that

> The United States Department of Homeland Security has classified the individuals as alleged Domestic Violent Extremists (DVE).

In fact, according to DHS themselves,

> The Department of Homeland Security does not classify or designate any groups as domestic violent extremists.

To justify the "terrorist" label, the indictment cites a DHS bulletin—but this bulletin simply echoes the earlier claim of Georgia prosecutors that the defendants are "domestic violent extremists" while adding the qualifier

Since the beginning of 2023, prosecutors in Georgia have threatened to charge activists protesting against a planned police militarization facility known as "Cop City" with violating the Racketeer Influenced and Corrupt Organizations (RICO) Act. Last week, Georgia Attorney General Chris Carr indicted 61 people on RICO charges in Fulton County.

In indiscriminately lumping together scores of arrestees, many of whom have ostensibly never met, into a fabricated conspiracy case, the prosecution is attempting to criminalize protest itself. This case represents politically driven repression aimed at suppressing all forms of activism and dissent, in the style of Vladimir Putin. It should be of interest to anyone who is concerned about civil liberties such as the freedom to protest or the freedom to advocate against police brutality and authoritarianism or in favor of preserving the environment.

The indictment does not seem to indicate that prosecutors have any previously unreleased information at their disposal indicating the existence of a conspiracy, in the sense that the word is ordinarily employed. Rather, they have brought new charges against those whose names they already had as the result of previous arrests, and are now clumsily endeavoring to frame them as participants in a cohesive criminal enterprise.

The defendants include 42 people already charged with "terrorism" for allegedly participating in the movement to #StopCopCity, many of them on the basis of actions as simple as entering a forest or posting to social media; three more people already charged with felonies for allegedly distributing handbills; and another three people charged last May with "money laundering" and other crimes for organizing legal support for activists. None of these previous charges has resulted in a single conviction.

The only thing that connects all of these indictees is that they all appear to have been arrested or detained at some point, however randomly, on suspicion of protesting against the government's plan to destroy the Weelaunee Forest.

A TALE OF TWO RICO CASES

Although the indictment took place in Fulton County, it is being prosecuted by the state Attorney General. This seems to indicate divisions within the authorities—but it is worth asking how deep these run.

The Fulton County prosecutor, a Democrat, already withdrew from all the cases related to the police training compound last June, citing irreconcilable differences with the state Attorney General, a Republican. The judge assigned to this new RICO case immediately recused himself from it today. Until now, judges have not recused themselves from cases related to the movement to stop Cop City even when they had clear ties to the campaign to build the police militarization center.

Fulton County now has two competing political RICO cases: one against Donald Trump, prosecuted by the county District Attorney, and one against those accused of protesting the construction of the police training center, prosecuted by the state Attorney General.

It remains to be seen whether there is any substantive conflict between local Democrat prosecutors and state-level Republican prosecutors in Georgia. Republicans would likely have pursued these charges even if Fulton County District Attorney Fani Willis had not brought her own RICO case against Donald Trump and his cronies, but now they will cite Trump's prosecution to rile up their base to support the use of RICO charges against environmental activists. For many Democratic voters, the use of RICO charges against Trump will only serve to legitimize the judicial system as a whole and RICO prosecution in particular, even as both are used chiefly against oppressed communities and protest movements. The fact that Republicans at the state level are pushing this case offers Democratic politicians plausible deniability so they can go on winning elections even if their voters disapprove of the criminalization of dissent. For their part, most Democratic politicians are just as dependent on police as Republicans, just as eager to see Cop City built, and just as eager to see protest movements rendered ineffectual.

Although the two RICO cases represent rival factions of the political class, the same grand jury that indicted Donald Trump is responsible for indicting those accused of "racketeering" for protesting Cop City. The court system is the central infrastructure for directing state violence;

though naïve Democrats may portray it as a check on the aspirations of autocrats, it naturally lends itself to all forms of repression targeting the oppressed, and that is the chief role that it will always play.

CRIMINALIZING IDEAS

As we explored in May (see "Atlanta Police and Prosecutors Target Legal Support Activists"), this is not the first time that corporations and police have frivolously used RICO charges to intimidate those who oppose their power grabs. For example, from 2016 to 2019, the company behind the Dakota Access pipeline brought RICO charges against the moderate nonprofit organization Greenpeace. All of those charges were eventually thrown out, but such prosecutions serve to intimidate and immobilize the targets, and they represent a continuous effort on the part of corporations and police to further subordinate the court system to their own agenda.

In a press conference announcing the charges, the prosecution maintained that Georgia law is written in such a way that people don't have to know each other to participate in a conspiracy; all that is necessary is that they work towards the same goal. This construes "criminal conspiracy" so broadly as to provide the grounds to implicate practically any participant in any social movement of the past decade in violating the RICO act.

In the indictment, prosecutors emphasize that the defendants are being charged simply for opposing the construction of the police militarization center:

> Defend the Atlanta Forest does not recruit from a single location, nor do all Defend the Atlanta Forest members have a history of working together as a group in a single location. Nevertheless, the group shares a unified opposition to the construction of the Atlanta Police Department Training Facility, construction companies associated with the project, and companies associated with construction properties in the around surrounding the forest.