

Speaker 1 ([00:00:00](#)):

Well welcome everyone. My name is Micah Schwartzman. I'm the director of the Carr center for law and democracy at the university of Virginia school of law. Thank you for joining our program today, focusing on the landmark federal lawsuit against the white supremacist, responsible for the attacks on Charlottesville in August, 2017, before introducing our speakers. Let me say a word about the Carr center, which is a non-partisan legal Institute, whose mission is to promote the understanding and appreciation of principles and practices necessary for a well functioning, pluralistic democracy, including civil discourse, civic engagement, and citizenship, ethics and integrity in public office and respect for the rule of law. I also want to recognize our co-sponsors at the Miller center and the UVA Jewish studies program, who who've helped to make this program along with, uh, integrity first, uh, for America to make this program possible. We have a terrific group of speakers today.

Speaker 1 ([00:00:55](#)):

Uh, let me briefly introduce everyone. We're fortunate to have with us, uh, Robbie Kaplan and Karen Dunn, who are the lead litigators in the lawsuit that we'll be discussing? Robbie Kaplan is the founding partner at Kaplan Hecker and think, and a distinguished commercial and civil rights litigator she's perhaps best known for representing Edie Windsor in the landmark case United States against Windsor, in which the Supreme court struck down a key provision of the defense of marriage act landing. The first major victory in the battle for marriage equality. Karen Dunn is a partner at Paul Weiss where she's widely recognized as one of the country's top trial lawyers and experts in crisis management. She previously served as assistant us attorney in the Eastern district of Virginia as associate white house counsel under president Barack Obama and as senior advisor and communications director to former Senator Hillary Clinton and their work on the Charlottesville case.

Speaker 1 ([00:01:46](#)):

Robbie and Karen had been partnering with Amy's Patomic who is executive director of integrity. First for America, a nonpartisan group dedicated to holding accountable. Those who threatened long standing principles of democracy, especially civil rights and equal justice. Amy joined IFA after serving as communications director and senior policy advisor to the New York attorney general and his communications advisor and spokesperson for the New York city mayor from the university of Virginia. I'm very pleased to introduce Ian Solomon, who is Dean of the Frank Batten school of leadership and public policy trained as a lawyer. He served as legislative counsel to then Senator Barack Obama and was later confirmed unanimously by Congress, as us executive director for the world bank before joining the Batten school, Ian lectured at the Yale law school and at the university of Chicago law school and led his own international consulting practice focused on conflict and collaboration.

Speaker 1 ([00:02:40](#)):

Our discussion today will be moderated by Risa Galvan, who is Dean of the university of Virginia school of law. A distinguished legal historian. Risa is the author of two award-winning books on civil rights history, the last promise of civil rights and Vagrant nation police power constitutional change, and the making of the 1960s in 2017 at the request of the university's president, she chaired the Dean's working group, which was established to lead UVA's response to the events of August, 2017. With those introductions, I'm going to turn things over to Risa to begin our conversation about the trial of white supremacists, which will take place in Charlottesville, uh, this fall RESA,

Speaker 2 ([00:03:20](#)):

Thanks so much Micah, and thank you to everyone for joining this conversation. Thank you, especially to our panelists. Uh, and to all of those of you in the audience, we invite you to submit questions for the panelists throughout the program, using the Q and a function at the bottom of your zoom screen. And we will get to as many questions as we can. Um, I imagine that people who are viewing this are in very different positions. Vis-a-vis what they know about what happened on August 11, 20 and nine, August 12th, 2017, uh, some who know a lot and maybe even were here at that time, uh, and others who probably know only what they saw or read on the news. So, um, let's set the stage first by talking about what happened here before we get into the lawsuit and its meaning. So Amy, can you start us off by describing what happened on those days here in Charlottesville?

Speaker 3 ([00:04:11](#)):

Absolutely. And thank you so much for having us and, and, uh, everyone for joining so many people I see turning in and we're really grateful for the interest. Um, I think for most of the countries, certainly not for many folks on this call, but for most of the country, it's easy to forget that white supremacists were so involved and so empowered that they could attack an American city attack the campus like UVA and violently target people. But of course, that's exactly what happened nearly four years ago. And as we've seen in the nearly four year, since it wasn't an isolated incident, but really a flashpoint in the alarming rise of violent extremism in this country and around the globe. And so the cycle of white supremacist violence has really extended from Charlottesville to Pittsburgh to Poway we'll pass out to the us Capitol, certainly. And it also ties directly into other extremism we're witnessing record level hate crimes, for example, and so much else.

Speaker 3 ([00:05:02](#)):

And so I think unite the right is sadly a perfect lens through which we can both explore the crisis of extremism and also the tools we have to fight back and hold these extremists accountable, especially at a moment when accountability has really been lacking. And so to understand how we do that, I think we need to understand exactly what happened four years ago and, and sort of get on the same page in terms of those facts. Some of you, as you said, Risa, some I have experienced it personally lived through it. Some of you may have just seen it on the news. Um, I think it's important to make clear from the start that unite the right was, uh, created, uh, sort of a guise, uh, from protesting the removal of Confederate statues in Charlottesville that already some statutes that of course just came down a few weekends ago finally.

Speaker 3 ([00:05:48](#)):

And the leaders of the white supremacist movement in America, most of whom were not actually from Charlottesville except for a couple, um, including one who is a defendant in our lawsuit organized what was called unite the right, but as we'll talk about today, it was really never intended to be a peaceful protest about the removal of Confederate monuments. Rather it was a meticulously planned weekend of violence first on Friday, August 11th, I think regardless of if you're an at UVA community member or not, you remember viscerally the images of neo-Nazis carrying Tiki torches, which were specifically chosen to evoke the Nazis and the KKK ascending on campus chanting things like Jews will not replace us in blood and soil surrounding a small group of peaceful counter protestors at the Thomas Jefferson statue kicking punching, beating them up for on few. And with torches, a number of our plaintiffs are UVA community members and were students at the time and one who was a black undergrad said he thought he was going to die that night nearby and interfaith gathering had to shelter in place.

Speaker 3 ([00:06:50](#)):

It was meant to be a safe space for Charlottesville community members to come together knowing that white supremacists were descending on the city. And of course two became unsafe because of the violence and the hatred at the core of what we were witnessing the next day, Saturday, August 12th was the day that was intended to be the protest of the removal of the Confederate monument. But of course, as again, we'll talk about, it was always really intended to be violent, always intended to target people based on their race, their religion, their willingness to defend the rights of others. It was a Saturday. And so the synagogue right in downtown Charlottesville was marketing Shabbat as it does every Saturday. Um, and these neo-Nazis this time marched on downtown and ultimately surrounded the synagogue, carrying semi-automatic weapons, chanting things like seek Heil, talking in their online chats about torching, those Jewish monsters.

Speaker 3 ([00:07:45](#)):

The Sunday I had to evacuate congregants and tourist rolls out the back and the detail that always gets me no matter how often I share it is that the synagogue was home to a tourist role saved from Nazi Germany decades ago. And in America in 2017, that Torah was once again under Nazi threat. And that just sort of guts me no matter how often I share it. Um, the violence continued. These extremists charged a line of interfaith clergy who were peacefully counter protesting and fitting. One of our plaintiffs referenced death blissful way and the day culminated in the car attack that we all said, we know quite well at this point in which James Fields drove his car into a crowd of peaceful counter protestors, killing head or higher injuring. So many inputting a number of our plaintiffs. When we know we're going to speak about, um, later on today, um, and what became clear very early on in the days, Korean at the right through leaked online chats and other evidence was that this violence, again, wasn't an accident. It was planned meticulously and advanced down to discussions of heating process protesters with cars, which is of course precisely what happened. So again, that's not an accident, that's not a clash between opposing sides. That's a racist, violent conspiracy. And that's something that we have laws that are meant to protect against. And it's precisely those laws that we're using at IFA and partnership with Robbie and Karen and our incredible legal team to hold accountable. The two dozen Nazis, white supremacists and hate groups directly responsible for orchestrating what happened.

Speaker 2 ([00:09:12](#)):

Thank you, Amy. Uh, it is, it is chilling to hear it recited again, no matter how many times you you've seen it or heard it. Um, so now that now that we have that kind of baseline of reminder of what happened, I want to shift to think about the lawsuit. Um, and I wonder Ravi or Karen, can you, can you talk about the case that's at the center of, of, of this work science versus Kessler? Um, I'll note signs, Elizabeth sines was a law student at the time, one of many members of the law community who were involved as legal observers or protesters or, or medic drivers. And she's the name plaintiff, but so can you talk about the lawsuit? How did it come about and why in your view, does it matter? Why is it important?

Speaker 4 ([00:09:58](#)):

And Karen can improve on what I say she always does. Um, uh, first of all, let me begin by saying, I think I'll have the honor of putting Liz signs on the stand, uh, at our trial that's beginning on October 26th. Um, I think the easiest way to tell a story is just how it happened and what actually happened is that I had just opened, uh, my new law firm called now Kevin Hector, and I think, uh, July 1st, 2017, but we didn't have an office for the first month. Um, and we moved as I recall, and to our new office space in the empire state building on August 7th, 2017, uh, things were very different at Capitol hacker. Then we had, I think four attorneys, six employees, total, we were working was really a startup. We were working

on fold-out desks and chairs. And that first Monday, which I think was the 13th, um, after what had happened, I decided that it's kind of ridiculous now to think about it, but I decided that we were all going to watch the coverage about what happened in Charlottesville over lunch.

Speaker 4 ([00:11:03](#)):

And I was, we were going to order a pizza, not really, uh, ordering pizza, kind of a thing, but I didn't know that at the time. Um, and as we were watching the really unbelievably horrifying coverage, um, it immediately occurred to me, uh, that something needs to be done about it. And I was very, very worried, uh, that the then attorney general, I mean, I say Jeff Sessions who did not have a particularly good record on civil rights, uh, was not going to use the civil rights division of the department of justice. The way I personally believe it should be used to build a large scale investigation here, uh, and that someone needs to do something. In fact, I think that Monday was the day that Trump made the very fine people on both sides statement. Um, so the next thing I did, um, is called someone who I think a bunch of people listening and on this panel already know Dahlia Lithwick, um, who's an old friend.

Speaker 4 ([00:11:59](#)):

Um, and one of the foremost writers on the Supreme court is everyone knows I wasn't calling her for her legal knowledge at all. I was calling her because she lived in Charlottesville and I said, I had this. I mean, she'd lived there for quite some time. And I said, I had this idea thinking about bringing a case about Charlottesville. What do you think? Um, and so she said, I think it's a great idea. I'm actually moving, we're in the process of moving to New York right now. Um, but I think it's a great idea. We'll put you in touch with some folks, um, and you'll see what you think. And I think it was 48, 72 hours after that we were on a plane to Charlottesville. Um, and we met, uh, in a town with a whole bunch of people, many of whom became our plaintiffs most notably, uh, the Reverend Seth whisper way.

Speaker 4 ([00:12:41](#)):

Um, and a whole bunch of others. We toured the area. I don't have to tell people listening that the town was still very much in a state of shock, uh, that we, these white, uh, almost two-story Mercedes-Benz that many of the, uh, people in Charlottesville had used to drive around and to kind of come to the city. They were still driving around town and people were understandably petrified about that. Um, and so we met with a whole bunch of folks. Can you explain what we were doing? We explained that we wanted to Sue the folks who are truly responsible, the organizers of what had happened. Um, and that's where the case started. You can't bring the case, obviously without plaintiffs. So that's where we got our core group of plaintiffs, uh, other soon joined soon thereafter. Um, and then the next step was I got back to New York city.

Speaker 4 ([00:13:30](#)):

And then I think that almost the next, very next thing I did was call Karen Dunn. Uh, the reason I called Karen is because I knew a she'd been a prosecutor in Virginia and B I knew she had an expertise or had some experience in dealing with what I knew was going to be big issue in this case, which was the interplay between the first amendment and the civil rights statutes. We ultimately sued under the KKK act of 1871, um, which we, uh, is one of the few civil rights statutes, which governs private conduct as opposed to governmental conduct. Um, but I knew that one of the big defenses that our defendants would w would make is that this was all free speech. And so I called Karen, she immediately signed on and then I'll let her take it from there.

Speaker 3 ([00:14:15](#)):

Well, so as always, there's nothing to improve upon because Ravi, uh, gets, uh, uh, just right. And, um, I guess the only, you know, reset, you could ask your next question. I can answer that because Robbie ended up perfectly. So, yeah.

Speaker 2 ([00:14:31](#)):

So, um, so Karen, why don't you tell us who, so who are the plaintiffs, um, who are the defendants and, uh, what is it that they've been targeting? What are their tactics, how did they go about it and how does that fit into your theory under the KKK

Speaker 3 ([00:14:45](#)):

Act? Yeah. So that's a great question. First, I'll start, um, with the KKK act, um, which is a reconstructionist era statute, um, hard to believe that it has such salience in the year 20, 20 and 2021, but, um, not, you know, I think this was the first major civil lawsuit of its kind, uh, to rely on the statute, but there have been several additional, additional lawsuits in this mold. So the KKK act is unfortunately having something of a resurgence, um, in its enforcement. And it was, you know, originally designed to, uh, to protect the rights, um, of, uh, of people in the reconstructionist south. And so, you know, as, as others have said, you know, where we have alleged here is a conspiracy to do racially motivated violence, uh, which is not lawful under the laws of our country. Um, and so we're gonna set about proving that in our trial, which is, uh, set to start on October 25th.

Speaker 3 ([00:15:45](#)):

Uh, I'm sure we'll talk all about that. Um, the plaintiffs are a very brave group of people who, uh, each individually, uh, were injured in, in, uh, in particular ways, um, on the weekend of August 11th and 12th. And I think one thing just to mention is, you know, our plaintiffs really cover the landscape, um, both of their experiences in that weekend, uh, at the torch March, uh, on Friday night and, uh, the car attack on Saturday, um, and also, uh, sort of cover the landscape and walks of life. I mean, they're very different obviously. Um, you know, Elizabeth sciences was a student, um, Southwest Waway is, uh, is, uh, you know, a clergy member, uh, who was bringing together other members of the community, you know, clergy. Um, and then there were people who were there, uh, during the car attack that killed Heather Hyer.

Speaker 3 ([00:16:44](#)):

Uh, we have, um, two plaintiffs who've gotten actually a lot of attention, uh, for reasons I'm sure they don't prefer, which is, um, uh, if anybody has seen the very iconic bullets or winning photo of the car hitting a very, uh, large African-American male that was kind of like flying over the back of the car. Um, that's one of our plaintiffs, Marcus Martin. And, uh, he was in that position because he pushed his then fiance out of the way of the car. Uh, and she also is one of our plaintiffs and she tells a very heartbreaking story of just seeing his hat on the ground, um, and thinking that he died, uh, and, you know, the plaintiffs are really many of them quite grievously injured, uh, physically and in other ways, um, you know, and, and are ready to acknowledge that their physical injuries might one day heal, uh, in most cases, but maybe not all cases, but that'd be emotional injuries may never leave them, uh, from what happened in this case.

Speaker 3 ([00:17:51](#)):

Um, and so, you know, when I think about the plaintiffs and listened to them, and I think our jurors are gonna have this exact same experience, I mean, it is, it's very inspiring, uh, and very painful, uh, to listen to the stories of, of what happened and how they were just victimized, uh, you know, innocent people, a part of the community. Um, and then, you know, the defendants, uh, are, you know, sort of a who's who of the leadership of the white supremacist in you Nazi movement. And one of the things that really distinguishes this lawsuit is that, you know, we did not make allegations against people here and there who were at these events. I mean, there were plenty of people who attended these events. Uh, plenty of people who marched that we did not make allegations against. We really are allegations really stuck to the leaders and the organizers of the events on August 11th and 12th.

Speaker 3 ([00:18:47](#)):

And so, um, there, you know, uh, Richard Spencer, Matthew Heimbach, Jason Kessler, uh, you like, uh, Klein there. These are people who really played lead roles in organizing the events. Um, and so that's very important. And then we also made allegations against, uh, the groups that supported these events and, and put resources behind these events and helped, uh, you know, make sure that the events were meticulously organized and that the violence that was intended was carried out. And so I think, um, another thing that makes this suit very interesting, uh, and not standard, uh, what we've seen unfortunately, is that we really try to, uh, to talk about and bring justice to not just the individuals, but the groups, uh, that supported the violence that happened that weekend.

Speaker 2 ([00:19:39](#)):

Thank you, Karen, uh, Ian, from your perspective as a, uh, um, uh, the leader of a school on leadership and public policy, um, what is the value of a lawsuit like this one? Why, why bring these cases, um, uh, at a more global level than making the plaintiffs themselves whole?

Speaker 5 ([00:20:00](#)):

Great. Well, thank you, Risa. I'm really grateful to everybody on this, uh, zoom, both the panelists, as well as the people listening. This takes courage, this work, and I'm grateful for your courage and taking this on, um, the three things that I think of why this really matters to institutional, and one much more personal for me. Um, institutionally facts have to matter. Truth has to matter. I think we've seen a lot of facts and assaults on facts and denialists throughout history trying to spin a very different story about what happens then what actually happened. I think part of the purpose and the things that I think is so important about the work is creating the evidentiary record. What actually happened that day. Let's tell the story, let's record it. Let's validate it in the way, validate things here in a court of law and create that record to make it not impossible for those who want to deny it, because they'll still try but much harder to deny what actually happened.

Speaker 5 ([00:20:57](#)):

And I think it's about standing up for truth, right? We see now whether it's assaults on Corona virus, whether it's on critical race theory, whether it's the Holocaust deniers, whether it's climate change, pick your thing, people want to just bury things and tell a very different story. And I think as members of a, of an intellectual community as educators, we have to be standing up for truthfully want decisions to be made on the basis of reality, right? We want our public policy to be grounded in what we believe is actually true. So I think the first reason this is so important is because we have to stand up for the truth and record it and build our democracy upon the truth as best we can. The second is accountability. We

want to reduce the likelihood that something like this will terrorize the Charlottesville community or any community America ever again.

Speaker 5 ([00:21:55](#)):

And that is both finding ways to make it clear that there are consequences for criminal activity. Um, and there are institutional and, and civic consequences when you violate the norms of the community and the laws of a community. Finally, I, I was not in Charlottesville at the time. Um, and in 2017, I came later, um, but my FA I'm Jewish, I'm black. I live on the lawn right next to where those Tiki torches were marching. I want our community to reaffirm certain sets of democratic values. So a lawsuit like this also as a way of articulating what we think is important. We think law matters. We think safety matters. We think violence should not be tolerated. We think violent plans to target particular communities is not acceptable. So I think this is also important for it states what this country and what our legal system is grounded in, which is against this sort of activity.

Speaker 2 ([00:22:55](#)):

Thank you. Um, so I, you know, I'm thinking one of the ways that, um, rights were conceived of in the reconstruction era, where the KKK at comes from is, is that the idea of the safety and security of the person that people should be secure in themselves. And that, uh, that the KKK act gets name, obviously, but as a response to a KU Klux Klan, um, that this was meant to protect people, uh, in that way. And, and, um, I'm curious, you know, Amy mentioned, uh, in your, in your opening remarks, uh, the tree of life, synagogue, killings, and the Capitol. And, um, and I'm curious, how do we think about the events of August 11th and 12th? Just elaborate on that a little bit. How do those events fit into, uh, trends with, with far right extremism and the larger fight against, uh, far-right extremism and, and what kind of dots do you really see between what happened in Charlottesville and, and those other, those other instances. And that's a question for anyone

Speaker 3 ([00:23:56](#)):

I can start, and I'm sure others have plenty to add. Um, I think there's both a direct line that runs from Charlottesville through those other horrific attacks directly to the Capitol. And of course the broader wave of extremism and hate crimes that we're seeing today. And I can talk about that in a second, but I also think it's not just these anecdotal attacks that all of us know, sort of in our gut are indicative of a larger crisis, the facts all back it up hate preps at record levels, their deadliest, ever levels of putting to the FBI in 2019, the department of Homeland security under president Trump said that white supremacy is the most pervasive and lethal threat to this country. Domestic terror is at the highest ever level since 1995, which was the year of the Oklahoma city bombing. So again, it's not just anecdotal, it's not just those of us who have seen these attacks and know sort of in our gut that we're witnessing a crisis, the stats call back it up.

Speaker 3 ([00:24:48](#)):

And we can't just from Ian's point, we that's the truth. That's the fact, and we need to treat it as such, no matter how many people are out there trying to muddy those facts and make clear that this is some sort of crisis on both sides. Um, but to your question specifically, there is really this direct line that runs from Charlottesville through the broader cycle of white supremacist attacks. We know, for example, the tree of life shooter who killed 11 people praying in synagogue nearly three years ago, communicated with some of the Charlottesville leaders on gab before his attack, the Christ church attack in New Zealand two years ago, that shooter donated to two of our Charlottesville defendants, Richard Spencer, and

Andrew England, and their organizations, and then painted onto his gun, a white power symbol that was popularized by a third defendant. Matthew Heimbach price church was live streamed on Facebook and in turn inspired, the poli kabod attack two years ago, the El Paso Walmart attack, which we're just coming up on the two-year anniversary of a few days before the unite, the right anniversary.

Speaker 3 ([00:25:45](#)):

And of course the capital attack, which in so many ways really followed the Charlottesville playbook. Um, the three of us Robbie cannon and I were not bed. And the aftermath of that, um, that's available on our website that really looks at all the ways the Capitol tech followed the Charlottesville playbook from the use of social media to plan and inspire violence to the use of supposedly free speech instruments like flagpoles as weapons to the ideology. That's really at the core. When you hear something like Jews will not replace us, it speaks to a very specific white supremacist ideology. The Jews being the puppet masters, orchestrating a white genocide, orchestrating the replacement of the white race through support for black communities, brown communities, immigrants, refugees, anyone who doesn't fit into this narrow bile definition for what these white supremacists want this country to be. And that ties directly to this idea of the country being stolen, stopping the steel that we heard at the Capitol.

Speaker 3 ([00:26:39](#)):

It certainly evolved over the last few years, but it's important that we also see that direct line here, this echoes of replacement theory and other far right conspiracies in the halls of Congress just six months ago, um, that helped fuel in interaction and connecting those dots, understanding how this cycle works in which each attack inspires. The next one is so crucial to breaking the cycle. And I think specifically to our case, it's also really indicative of the power of a case like this, because we know that these defendants are really at the center of a movement. And so by taking them on holding them accountable, bankrupting dismantling them through the large financial judgements or plaintiffs can win a trial this fall. You can have impacts that extend well beyond Charlottesville, and it makes clear the consequences for this sort of violent hate. Thank you,

Speaker 2 ([00:27:28](#)):

Amy. Anyone want to add anything to that?

Speaker 4 ([00:27:31](#)):

I think I would only add that that Saturday or that Monday I referred to earlier when we were kind of sitting in my office, watching the TV coverage. I knew at that point that I was seeing something very new and different, um, in American history and certainly in my lifetime in American society. Um, I don't think I, I know that I didn't fully fully appreciate that in a way I do now, uh, the way that so many of the issues that arose in Charleston became patterns in the following year. So the use of social media, uh, to organize events like this when the KKK act was passed, of course, people would put on white robes and hoods and meet in the forest to plan their lynchings, uh, today, uh, they, all they need is a hashtag, um, the blaming of Antifa this horrible specter, supposedly of Antifa as being the cause.

Speaker 4 ([00:28:27](#)):

And this is only being self-defense to Antifa is something that we had seen over and over and over again, since Charlottesville, um, in the black lives matter protests and, and also on January 6th, um, the idea that, uh, which is going to be one of the prime defenses in this case was defendants that were just



joking. We didn't really mean it when we said we wanted to run over protestors. It was just a joke. Um, you hear people on January 6th talk about tobacco. We were just tourists in the Capitol that day, we were just being tourists. Um, and of course, for people in Charlottesville who know this too well, Mike really well, uh, the incredible kind of rallying cry of civil war statutes and this kind of incredible passionate intensity, uh, that was, uh, both manipulated and motivated by this desire that we are doing red. We're getting rid of our culture by somehow I desire some people to want to take down a certain civil war factors. All of these things, if you look at the four or five years since Charlottesville, all of those, these things came up again and again, and again and again, um, I, that wasn't true, but it certainly is. Yeah,

Speaker 5 ([00:29:45](#)):

Yeah, totally different reaction. Oh, sorry, Karen, that this was not new enough. This is actually a pattern throughout American history of intimidation and violence for political purposes, terrorism, um, the long history in this country. Um, so it brings back, I think, deep trauma in many communities across the country, this is not actually a new trend. We thought it had been buried. We thought a lot of work had been done to dismantle and make progress and no longer tolerate this. And then in the past few years, I think some signals in a different direction suggest this might be more tolerable and might not be enforced and might not be prosecuted. Um, and now we see the consequences of it, but this force has been around for a long time. And I think we want to return to a pattern of making this more unacceptable, more know, and, and hopefully eventually squash it out of our political system altogether. I agree. Completely.

Speaker 2 ([00:30:46](#)):

Go ahead, Karen. Yeah. The only

Speaker 3 ([00:30:48](#)):

Thing I would add is, um, you know, we got an enormous gift in this case, which is, um, this, the violence that happened in Charlottesville, uh, as Amy said, was no accident. And it was planned in exquisite detail on a chat platform called discord. And there was, uh, you know, w what we think of, uh, is a group of people that released a lot of these chats publicly under the name unicorn riot. And so that was the evidence that we were able to access because it was public that formed the basis of our complaint in this case and our complaint, which I assume is on the IFA website is still, I think, the most thorough Chronicle, um, including pictures and the chats that were there of the events that took place much of which is going to be evidenced in our case. And at least from the way that I think about this, it, it relates to where Robbie and Ian are both saying, which is when you look at the actual evidence of the actual facts and the chats and the pictures of the communications, um, among the defendants, what you see is not something that is about speech, what you see as not something about what is protected under the law.

Speaker 3 ([00:32:04](#)):

It is very revealing about the fact that the motivations were about racially motivated violence and that the plans were for racially motivated violence. And that in fact, then the execution was about racially motivated violence. And frankly, without that evidence that we had at the complaint stage, which is so unusual, um, as anyone who's ever written a complaint knows to have that much access to evidence directly on point out the complaint stage. Um, you know, we might have been in a very different position early on, um, but it makes it much easier in this case to not fall into the trap that somehow the

first amendment is a defense here. And we were very successful at the motion to dismiss stage because there's great law in the fourth circuit, uh, that, uh, violence is not protected first amendment activity. And that is what is at issue in the case. And the court said, uh, that if that trial, we prove the facts that we have alleged, um, this conduct is not legal under our laws. And so I, to me, that is really what, um, what differentiates this, uh, and makes it a case that has the strength behind it, um, of something that you know is never not, of course not legally protected.

Speaker 2 ([00:33:25](#)):

This is a really interesting conversation that I would say, Robbie, I don't know that you have to withdraw. I think both things can simultaneously be true. And Ian seems to agree, right? That, that obviously racism and white supremacy have a very long past and acts of terrorism have a very long past, and there was a sense of continuity here, but also that there was, there was some kind of radical discontinuity as well that you were pointing out. And I think is part of why. I mean, I think that the loss of life and the injuries are a big reason why the, what happened in Charlottesville garnered so much attention, but I also think it was a new form or a renewed form. Uh, that was, uh, that was unexpected, especially because the articulation of what publicly was said was going to be happening in Charlottesville was peaceful protest. And this was so far from that, um, that I, I think, uh, I think that combination as well, I would add to your list. Robbie is under the mantle of peaceful protest, um, uh, doing violence and, uh, and, and that, that has become a playbook and that has become new, but it was a renewed, uh, twist on, on the continuity is that I think Ian was talking about,

Speaker 5 ([00:34:38](#)):

Perhaps we can also make it a turning point and make it a place of discontinuity based on the lawsuit, based on the actions we take, based on what you try to do with your students. Recent. I do with mine that this let's, let's not let this be a longest Orical trend in just another part in this process, but a real moment of change.

Speaker 2 ([00:34:57](#)):

Robbie, did you want to add something to, I agree, a hundred percent and

Speaker 4 ([00:35:00](#)):

You don't know it, you know, we're going to post some experts with the trial, of course, and experts on white supremacy, United States, but interestingly enough, I'm Deborah Lipstadt, the renowned Holocaust expert is going to testify as well. And she's going to testify about how many of the words that were used in shows for that. We can go all the way back to Nazi Germany and were intended to invoke those memories and to explain to the jury how they did, at least for people understood it. And so the jury will understand it as well.

Speaker 3 ([00:35:31](#)):

If I can add one quick Emmy to both Ian and Rob these points, I think obviously there is this long history here of black people in this country, Jews and of so many other communities targeted by these white supremacists. I'm the granddaughter of Holocaust survivors. And I think so often about how that informs my work here. And I think there's, it's easy enough to draw parallels to those really dark times in our history, but to Ian's point about breaking that continuity, breaking that cycle. Um, we live in a country that is based on a rule of law that has a justice system when we have to fight like crazy to protect it and to improve it and make sure it works equitably fairly for everyone, but we can use those tools to take

action. You can use those tools to break that cycle, and that's a hundred percent what this case is all about, about what AIFA is. Work is all about to use the tools we have to ensure that there's real accountability and justice, particularly at a time when it has been so lacking.

Speaker 2 ([00:36:28](#)):

So I want to turn more toward the case and its, uh, and its potential impact. So, um, we've talked a little bit, uh, here and there about the potential for money damages and possibly substantial money damages. But my understanding is there have already been effects, uh, on the defendants. And I'm curious if you could talk about those and then also, um, and this is, uh, one of the questions that we've had from the audience. Um, what, uh, what do you, what do you envision, you know, how, how, how consequential would money damages be, uh, and, and would it be substantial enough to have further impacts on the, on the groups involved you want me to start?

Speaker 3 ([00:37:09](#)):

So I think to that point, there have been very real consequences for these defendants even before trial. And that has been heartening to see. And I think it makes clear that if you were going to float court orders, if you were home to flout the rule of law, there will be consequences even before we get to trial and Robbie and Karen and our team have been tireless in holding the defendants accountable to their discovery obligations. Um, and to making sure that they can't just fly out there, the accountability here, um, I'll, I'll say a few things first, there have been very specific financial and evidentiary sanctions won against these defendants five figure financial sanctions, one against key defendants like Mandarin America, Matthew Heimbach, Elliott Klein, two defendants, including Klein and Azman DOR Ray have bench warrants for their arrest. And Klein has already sat in jail for contempt of court, uh, in this case.

Speaker 3 ([00:38:01](#)):

And most recently our team has won, uh, evidentiary sanctions or adverse inferences against four different defendants, which will have, I think, extraordinary impacts at trial and really speaks to how the egregious ladies defendants have withheld or destroyed evidence over the last three or so years of discovery in this case. Um, but there's also sort of the less official impacts that we've sort of seen play out as well. Richard Spencer in court last summer talked about how this case has been financially crippling and how his deep platforming from social media sites, as a result, this lawsuit, as a result of his role in Charlottesville has made it hard for him to go about his business defendants, like we to the south. So they couldn't open a new headquarters because of this case. Um, and others have really talked about how they didn't want to return to Charlottesville for what they build Charlottesville 3.0 in 2018, because they didn't want to be sued again.

Speaker 3 ([00:38:54](#)):

And there's, uh, a lot that you can sort of glean from that in terms of the impact, a case like this can have, of course, the financial legal and operational consequences that are so important to make clear that you will face real consequences for being a part of this sort of racist, violent hate. Um, there's also of course, the deterrent effect that this can have, which I know has been mentioned and alluded to before. And we're seeing that again, even before trial, the impact a lawsuit like this can have actually holding these people accountable, um, has very tangible impacts, not just on them, but on others who are looking on and seeing these sorts of consequences.

Speaker 3 ([00:39:32](#)):

Okay. I can, yeah. The only thing I would add, I, I associate myself with everything Amy said, I mean, in particular it's extremely rare to get, um, uh, you know, for there to be civil contempt sanctions, uh, in a case, I mean that's highly unusual and yet it has happened more than once in this case. I mean, I used to be a federal prosecutor where of course under the criminal laws, people go to jail all the time and we actually, one of the defendants spend time in jail over his discovery violations that is not, um, a standard occurrence. Um, but I'm pretty old fashioned about this. I think that there is tremendous power in a jury verdict. I think it's, it's different than a judge telling you that what you did is wrong. It's different than the government charging you for something that's wrong. I think when a jury of real people from the Western district of Virginia get together and they review this evidence and they hear what happened and they're instructed on the law, they will return a verdict, uh, in favor of our plaintiffs. And I, to me, nothing is speaks more loudly than that, about, you know, what is consistent with our values and our laws as Americans.

Speaker 4 ([00:40:46](#)):

I think all I would add my whole career, I wanted to get adverse inferences. It's very hard to do, but, um, uh, but the facts here were so extreme. I think we had two or at least two, if not three defendants who lost their icons and toilets, it's amazing how that happens. Um, uh, there was just such overt disregard for the court orders and discovery orders that the judge ultimately said, okay, jury is going to be instructed to find certain facts, which is, again, this may be the pinnacle of my evidentiary career in terms of this case, but I think the jury is going to find all that very, very powerful.

Speaker 5 ([00:41:22](#)):

I think there's also an important value to the non-legal world of legal victories, right? In terms of motivating people to get involved in other types of, and other types of activism and other types of policymaking, when you see things happening, I think many who are discouraged and losing faith in elections. So they lose face faith in kind of lawsuits, but to see progress made, I think it has always been mobilizing and motivating to, to social movements. Um, and I, and a lot of the progress we're going to have to make here is going to be beyond the courts, but it can be reinforced by, by, by victories, in the judicial process as well.

Speaker 2 ([00:42:01](#)):

So, uh, one of the things that is true of this case, I think is, you know, we're, we're talking about it in the context of this incredible national conversation, right about extremism and the rise in extremism. And yet it's also playing out, as Amy mentioned, you know, this, the statues came down last week, right. And, uh, it's also playing out against a very local community here in Charlottesville, as well as in our region and, and the Commonwealth. Um, and you know, I'm curious how, how does that conversation, how does it translate from the national to local? And, uh, and how do you see the significance of this ongoing conversation here? I mean, to lots of people, this is called Charlottesville, right? And to those of us in Charlottesville, we don't call it that, right. Because you're also is so much more and yet it is still an important and enduring part of, of what Charlottesville is and the conversations we're having here at the university and in the larger community.

Speaker 5 ([00:42:59](#)):

Yeah. I think, you know, someone who's who who's moved to Charlottesville after the events of 2017 and many people discouraging me from going precisely because this is what Charlottesville stood for and stands for. Um, and just as for me to see the personally, there's still a lot of trauma across

Charlottesville from this event, but also the trauma that many people experience can help give all of us more empathy for deeper trauma for communities that feel like Charlottesville may never have been really safe for them. Right. And I think there's an opportunity now in terms of going from kind of this event, burning out for all of us to think about wow, many communities. Do you think about the native societies here in, in this area that basically have been obliterated, um, over death, over decades and generations, the enslaved population. This has not been a welcoming place, not been a safe place for many.

Speaker 5 ([00:43:52](#)):

So what are we going to do about that together? Um, and can this be an important reminder that this struggle has a long, a long history and that there are many people who continue to be victims and many people, as we saw who came to Charlottesville, didn't mostly live there, but came to Charlottesville who don't feel a stake at the moment in the future of this country. You know what, this is a real challenge for it. Maybe the most important public policy challenge we face. What do we do about the large part of this country that doesn't feel a stake in the law in non-violent solutions problems?

Speaker 5 ([00:44:33](#)):

What are we going to do about that? And I think, you know, is it going to be a large infrastructure bill if that ever can get through, is it going to be changing major hindrances, the political progress in our, in our political system, like getting rid of the filibuster, what is it going to take so that we can actually have a political system that feels like it delivers results for people? And it can be store that sense of a stake in the future because many people did we see cling to myths of the past. And I think we're facing now a bit of a struggle between those are clinging to the past and the future, but the future is scary. What are we going to do as leaders to make the future more promising, more inclusive and less scary for people?

Speaker 2 ([00:45:13](#)):

So that, that tees up. One of the questions in the, uh, in the Q and a, from one of the, um, uh, one of the audience members about kind of the limits of the law. And I'm curious, um, Amy, Karen and Roberta, Rodney, sorry. I was looking at your name on the, uh, on the, the zoom. Uh, you know, what, um, how do you see the role that this case is going to play? Not only with re in relation to the specific defendants and their organizations, but in this broader conversation, what are your hopes for the case? Where do you see the limitations and what else do you think, you know, if you want, you would need to be done to kind of get to where we're in is saying, we need to go.

Speaker 4 ([00:45:52](#)):

So my sense of this, and it's not my special specialty, for sure. I'm just aware, but my sense of this is that historically in this country, you know, every decade or so, a couple of decades, or so we have a trial, um, that serves a purpose far beyond the parties in the case. Um, if you go historically go back to this folks, Maki trial or famous trials like that in my, our own lifetime, I am like fine. The prop eight case, the trial that was going on in California while I was doing the Windsor case, I think really showed Americans in a very visceral way that the arguments against marriage equality were silly, uh, irrational. Um, I have long thought and I hope I'm right about this, that this trial has that same function, um, that there still needs to be. I believe I wake up call, uh, for Americans.

Speaker 4 ([00:46:46](#)):

One about what a incredible danger and threat this is right now, particularly with the ability of people to organize, you know, not in their own towns or their forests, but nationally, internationally on social media and to the loss of norms. You know, it, as much as I disagree with what the Nazis in Skokie had to say, they did for the most part protest peacefully to go from that to people using guns and lit Tiki torches and cars driving into protestors, but the just complete loss of what we all thought were norms. And as you said, he had perhaps mistakenly, I think we need to get back to that. And then I think there really has to be a wake up call. So I very much hope that this trial helps with that education process. And as people hear the testimony and see what will be proving and kind of see it all told, uh, in one story, I hope it has that impact, Amy.

Speaker 3 ([00:47:51](#)):

Um, I obviously, I wholeheartedly agree with Robbie and I think sort of to that point, obviously we know that that litigation on its own, isn't a silver bullet with a crisis as large as this one, but what it can do is really shine a spotlight on how these groups operate, the tools, the tactics they use. And again, to reinforce the importance of having these norms, making sure that the guard rails of our democracy and our rule of law are actually a firm that at a time when they have been flagrantly ignored. Um, and I think to that point that can really help inform a broader conversation on other steps that we need to take as a society. And it's not just limited to the federal government. For example, though, of course there is so much the federal government needs to do. And the Biden administration has been starting from two well below zero after four years of disinvestment in civil rights, work around fuel on the fire of extremism, um, and making sure that the federal government is actively investing just about a month ago, the Biden administration routes as four point plan to begin to grapple with the crisis of extremism, not just in terms of the obvious ways to do okay.

Speaker 3 ([00:48:58](#)):

And the department of Homeland security, but the ways in which white supremacy has sort of infiltrated parts of our military law enforcement, there's really so much to grapple with there, but it doesn't stop there. There's state and local governments that have crucial roles to play including, and especially when it comes to hate crimes, but so much more. Um, and of course, the ways as Ian began to speak to the ways in which so much else of our society and our government and inform the, the ideas and the, and the crisis that we're talking about here that not nothing is happening in a silo. It's all part of the broader societal rules we're talking about. Um, and of course the private sector, um, Robbie mentioned social media. You can't grapple with the crisis of extremism without being clear-eyed about the fact that social media has really become the Clarendon of the 21st century.

Speaker 3 ([00:49:46](#)):

And it's allowed these people to connect in ways they never have before. Um, not just nationally, but globally. And it's going to take a solution that recognizes that, um, the private sector actually acting, and if they won't, if they won't making sure that those in charge of regulation and those in charge of fighting extremism, aren't engaging them to make sure, um, that the cycle doesn't continue in that same way. And so it really is going to take an all hands approach, but negation is a crucial piece. The law is such a crucial piece, but it can't be the only piece,

Speaker 1 ([00:50:22](#)):

You know, uh, if we don't win more elections and protect voting rights to win the elections, the court's not going to be very useful to us as the tool. So we have a lot of it's all part of a continuum and the

political work required, um, to make sure that courts remain a viable path towards justice in this country is going to be critically important as well.

Speaker 2 ([00:50:41](#)):

So with my historian's hat on, uh, there's a question in the chat about the relationship between, uh, integrity first for America, uh, and, uh, and the litigation. And, you know, I know from my historian's hat, that litigation is the, uh, the result of a lot of different people are often in different kinds of organizations. And you know, that there's a complex, uh, uh, relationship here. And can you talk a little bit about the relationship between IFA and, uh, and the lawyers and, uh, you know, these, these kinds of cases are expensive. How does it get funded? And, you know, all of that, when you think about the role of litigation and social change is crucial to how social change and legal change happens. And, you know, all those cases that Robbie mentioned, they all have a story about how they came about and how they were, uh, uh, how they were executed, uh, through, through various kinds of collaborations and networks and organizations.

Speaker 3 ([00:51:37](#)):

Absolutely. So IFA was founded in 2017, recognizing that there would be major gaps in civil rights enforcement, in the sort of public interest work that has been so crucial to protecting communities. And of course, clearly that became clear and true very quickly, and tropes will happen the right happen that you'd say, um, within a few weeks of IFA really coming off the ground. Um, and it became the perfect centerpiece for our work, because what happened at the unite, the right was directly in line with everything IFA was meant to protect against. And so we are financially supporting this case. And what that means is that to your point, litigation is expensive, even when you have attorneys doing incredible pro bono work, donating time and money in the millions of dollars at this point, um, far beyond that, um, it's, it's, uh, has been no easy feat this case, or four, four years out when we go to trial, it'll be four years since this litigation was filed.

Speaker 3 ([00:52:38](#)):

Um, but even with incredible pro bono legal support, there are millions upon millions of dollars expenses. And in a case like this, largely for, for example, security, which is the biggest line item in our budget, because some of these defendants can't stop threatening us, Robbie, Karen, myself, or plaintiffs, and others, and you'll require important security at trial and have required various forms of security over the last few years, as this has been litigated, that's the biggest line item in our budget. Um, similarly though, evidence collection and other legit out-of-pocket expenses, it's not litigation, isn't cheap. It's one of the reasons having a government that's willing to do civil rights litigation is so important because, um, because it's really hard as private act of private plaintiffs to have the resources to do this. Um, and so when Robbie, Karen, our team, when court orders requiring the defendants to turn over phones, computer, or social media email accounts, we then have to scrape the evidence off of those devices, which are quite expensive, need to have deposition transcripts travel or hotels during trial, right?

Speaker 3 ([00:53:40](#)):

There are so many expenses that exist in a case like this. And so I have Faye is directly funding those expenses on behalf of the plaintiffs. So folks want to support this, please know we're a nonpartisan 501 C3 gifts are tax deductible. You can give@integrityfirstforamerica.org, which is also where you can read the lawsuit itself and a variety of other case documents. Like I put that link in the chat earlier to the case

documents. There's also a donate page on that button, if you're so inclined, we are grateful and appreciate the opportunity, um, to, to sort of flag that for you all. Um, and I think we had, I have, Eric is so incredibly honored to get to support these brave plaintiffs and to get to partner, but these, this incredible legal team, um, both me personally, I think there's, there's nothing else that I think would be as sort of personally meaningful in this moment for my own family history and my own background. But I think as a sort of human beings, we all are in awe of our brave plaintiffs who are, who took this incredibly horrific weekend, that they survived and childhood into this case, which has the potential to impact not just their own community, um, but really have impacts that extend well beyond Charlottesville.

Speaker 2 ([00:54:55](#)):

Thank you, Amy. So we sadly only have five minutes left and, uh, this has been an incredible conversation, but I want to offer everybody a chance to, um, uh, give some closing remarks. So, um, uh, I'm open to who wants to go first?

Speaker 5 ([00:55:13](#)):

I'll jump in. Um, so I'm down in Georgia today. And I just arrived here after driving through parts of Georgia and Tennessee and most of, of Virginia and reminded along the way by a fair number of signs and flags and other reminders of the enormity of the work ahead beyond the folks that, that, that, that visited Charlottesville with evil intent on, in 2017. And when I see that, if it can be discouraging, but I like to remind myself and listen to periodically to Maya Angelou still, I rise, you know, um, you may write me down in history with your bitter twisted lies. You may tread me in the very dirt, but still like dust dollarize. You may shoot me with your word. You may cut me with your eyes. You may kill me with your hatefulness, but still like air I'll rise. And I just want to encourage you to keep rising, to maintain the courage and everyone listening to this is going to take the work of all of us to keep rising. The work is hard. The work is long. Let's not get fatigued. We may be at a turning point. Let's make this attorney point for this country and for the people we care about.

Speaker 2 ([00:56:18](#)):

Thank you, Ian. Karen.

Speaker 3 ([00:56:21](#)):

Um, well, I, I would say two things. The first is, um, it's hard to really follow my Angelou and Ian Solomon. Um, but I can't tell you as somebody who, you know, now for years, we've been litigating this case, how heartening and important it is for us, um, to be able to speak to people who care about this, who have interest who have questions from who are supportive, it's really, um, you know, it helps us get through the every day of a difficult case. Um, and that is only going to be more so as we head into trial, which is always very intense, but in this case, uh, can be guaranteed teed to be even more intense. The other thing is, um, I want to say just a couple words about our fantastic legal team. Um, you know, Robbie and I are here on the screen, but the, we have a lot of fantastic lawyers.

Speaker 3 ([00:57:16](#)):

Who've worked their hearts out, um, every day for years on this case and, you know, pro bono. And I just, I can't even tell you how lucky we are to work with such stellar people. Um, they're great lawyers, but they're re people too. And are we were just talking about this day? Our legal team has a lot of humor. We have a lot of spirit, uh, Robbie and I are both a little crazy, so that's good too. And you know,



we are, we are really in this together. It is, it's, we're very, you know, unified and feel, you know, very fortunate actually to be able to take on such a righteous cause thank you, Ravi.

Speaker 4 ([00:57:56](#)):

Yeah, I would just echo what Karen said. Uh, my, our colleague Michael block was just, I guess last week at the federal prison in Illinois, deposing, uh, Cantwell, Chris Cantwell and the guard at the prison said he was ready, uh, to, to grab catalog. Cause Cantwell was so orally, verbally violent and so threatening to Michael during the deposition that the guard thought he was meant to do something. Um, so it's really an enormous credit to people like Michael and Jess from Karen's for moving, working so hard on this. Um, and I just can't wait to get back to Charlottesville. Um, I would like, um, my time in Charlottesville, our time in Charlottesville during this trial to be very different, uh, than that early week in August, 2017, when people were still in a really, in a state of fear, um, let's do justice here. Let's establish the power of our laws and, and I really can't wait for it to get started. Last comment, Amy

Speaker 3 ([00:58:51](#)):

Asking me to follow Ian Ravi and Karen is like the hardest task of my life, but, um, yeah. Um, I, I'll just echo what everyone said. I think it, I think we all feel very fortunate to be a part of this at a moment like this in our country. I wish we didn't. I wish I, if I didn't exist, I wish this case didn't need to happen. I would feel like the right hadn't happened, but if it did, if this is where we're at, I feel very personal and fortunate to be a part of this, to work with this incredible legal team to support these incredible plaintiffs and to try to win some justice and accountability at a time when it's really needed. And I had mentioned earlier, I'm the granddaughter of survivors of Holocaust survivors, and it's so easy to draw parallels to those dark times and to feel like we are repeating history.

Speaker 3 ([00:59:39](#)):

And there certainly is that continuity there as has been discussed by Ian and so many others, but we have the chance to really break that cycle to make clear the consequences for this sort of hate to put a line in the sand. Um, and it's not a silver bullet, but it can have a huge impact, um, in making clear just what you will face. If you were part of this sort of racist violence, accountability, the justice that has been so sorely lacking. And so that's really what this is about is that's what IFA is all about. And we're so grateful to the hundreds of people who turned out today to learn about this. Um, because as Karen said, it really is both what keeps us going. Um, and it's how we are going to actually break the silence cycle of extremism in this country, by people engaging in it and figuring out ways to tangibly and creatively fight back.

Speaker 2 ([01:00:28](#)):

I will say for my part that, uh, this is a really empowering conversation, you know, as the Dean of a law school, I, I teach my students about the law as a tool for justice. And, uh, this is just example one a and a, and I, I'm glad to be part of this conversation really honored to be here with all of you. And I will turn it over for Micah Schwartzman to close us out.

Speaker 1 ([01:00:52](#)):

I just want to say on behalf of the Carr center for law and democracy, the Miller center, the UVA Jewish studies program, and also our guests, uh, from integrity first from America. I want to thank you for this conversation, thanks to, uh, to Amy, to Karen, to Robbie in RESA, uh, for helping us understand what is happening, uh, in this litigation, what we can expect, uh, to, to becoming, uh, fairly soon in the fall with

the trial that will proceed in Charlottesville and also helping us to situate on all of the, these events since August and the litigation that's followed since then in the larger, um, national political landscape that we've, that we find ourselves in linking linking these events in this litigation to some crucial, uh, broader themes in our politics today. So I want to thank you for a terrific discussion, uh, thanks to our audience for, uh, for being with us. And I hope, uh, I hope you'll, uh, you'll find us again for future events, uh, with the Carr center, with the Miller center and with, uh, with other programs that are democracy related at the university of Virginia. Thank you.