

KIM FORDE-MAZRUI: Welcome, everybody. Thank you very much for joining us today. My name is Kim Forde-Mazrui. I'm on the law faculty here. And I run the Center for the Study of Race and Law, which is one of the principal sponsors of this event. I also thank our co-sponsors.

And this is part of the University of Virginia's University wide commemoration of Dr. Martin Luther King Jr. And every year, we come up with a different theme. And this year, our theme is "Why We Can't Wait," named after Dr. King's book. And the two events we're doing today fit that theme very well. The first event we are doing is the presentation of the Gregory H. Swanson Student Award. It's named after the first Black UVA student in any school. He was also in the law school.

Gregory Swanson, who could not and did not wait to go to law school, even though it was 1950 and segregation was still lawful. He applied and was rejected because Virginia law prohibited integrated schooling. But he sued in federal court in downtown Charlottesville and won. And he attended successfully for the subsequent academic year.

Under the leadership of Dean Risa Goluboff, we have begun annually commemorating Gregory H. Swanson. Including with a student award to a student that reflects the character traits of Gregory Swanson, especially courage, perseverance, and commitment to social justice. So that's the first event that we are going to have. And that'll run probably 10 to 15 minutes. And then the longer event, [INAUDIBLE] versus Kessler, a case slaveholding white supremacists accountable, will run from about 5:15 to 6:30.

And this also includes people who could not wait. Courageous social justice warriors who decided they could not wait to protest, and stand up to white supremacists and neo-Nazis. And to sue and hold them accountable in court. During that event, the main initial time will be my posing them questions. But we hope to have some time towards the end for some questions from the audience. And please submit them through the Q&A function rather than the chat function. And then, my colleague, Megan Durkee will cull through them to try and get ones we haven't answered already to feed them to me through the chat. And then I will pose them to the panelists. So without further ado, let me hand it off to Dean Lisa Goluboff for the Gregory Swanson presentation. Thank you.

RISA GOLUBOFF: Thank you, Kim. And Hello, everyone. I'm so glad to see you all here. I'm thrilled that you're here and thrilled to be with you all. As Kim said, these events are part of the University's Martin Luther King Jr. Commemoration. And I want to thank Professor Forde-Mazrui for spearheading them. And also thank our panelists today whose experience and work remind us that we have not yet achieved the kind of equitable society Martin Luther King imagined. And that lawyers and the law can and must play critical roles in bringing us closer to such a world.

My role today is to present the Fifth Annual Gregory H. Swanson Award. From the first time we gave this award, we did so at the MLK commemoration on purpose because Gregory Swanson belongs in the historical narrative of our law school, our university, our Charlottesville community, our Commonwealth, and our nation. And so an MLK Day commemoration is the appropriate moment to tell his story, and make sure that we never forget it or him.

So before the award, I want to tell you a brief version. A little longer than Professor Forde-Mazrui though of Mr. Swanson's story. He was, as Kim said, the first Black law student at UVA, at the University of Virginia, and in fact at any University in the former Confederacy. We celebrated him for the first time in 2018. His story had always been one of shame and failure. And as such, it had been excluded. That's how people had thought about it. And no one had wanted to tell it.

Mr. Swanson had received his first law degree at Howard University. And hoping to procure a job as a law professor at the historically Black Tyrrell Law School in Washington DC, he applied to UVA for an advanced degree in LLM. The law school faculty voted to admit him. But the University refused for the reasons that Kim said. He sued with help from the NAACP. And there was an oral argument here, in federal court, which was then the post office and now the library. And you can see a plaque hanging there.

The University admitted him after the court case. And Swanson believed that his admission to UVA Law School would be quote a triumph in the struggle to break down segregation and discrimination, or to bring about equalization and education facilities. It was hard for him here. He was the only Black student at a white University in a segregated white Southern town. He was isolated and excluded from much of the University's all white social life.

He also found some support among some students, and some faculty, and from the local YMCA. And with dignity and courage, he made the most of his education. He took eight courses over the academic year even though he was not required by the program to take any. And he took advantage of all that the University had to offer and would allow him to take advantage of. He told his story and stood up for civil rights-- not only here, but around the Commonwealth-- as a frequent speaker at Black churches, for the NAACP, and in written editorials.

There are many myths circulating about Mr. Swanson's departure from UVA. That he left early. That he failed to get a degree. Or that the University outright refused to grant him one. But they are all false. It turns out the reason was much more prosaic. The yellow line program was a new one from the mid 1940s. And it was pretty poorly organized. Very few students received their MLM after their required year in residence.

They took coursework and then we're supposed to finish their thesis while practicing. It's not a great model because it's pretty hard to write a paper while practicing law. That was especially the case for Mr. Swanson because he represented a Black man accused of rape and was ultimately put to death at the end of that year. And because he's so often spoke about civil rights, he played a prominent role in civil rights organizing he set up a private practice. He was a busy person. Moreover, the Trail Law School had closed. And he no longer needed the degree to teach, which was the reason he had come here in the first place.

So Mr. Swanson completed his year in residence, and left the law school with every intention of finishing his thesis like so many others. And he found his life and his career taking him in unforeseen directions. Also like so many others. In other words, there is so much success in Gregory Swanson's own story.

Success in using the law to do justice in the best traditions of our profession. Success in changing the face of this University and this law school. Inspiring other Black students who quickly followed him to UVA and in prompting other universities in Virginia to integrate after his successful lawsuit. Success in helping to make us the diverse institution we are today. Success in navigating a situation that would have cowed a lesser man or woman. In other words, success in changing the world.

We commemorated Gregory Johnson, for all of that in 2018, 2019, 2020, and '21. And we do so again today. As may already be clear from the ambivalence of this story, today is not purely a celebration. A commemoration is a different thing. It's something more sobering with a quality of contemplation. The history we mark is not all joy in life. And there is much regret in the story. I have been telling. But telling this story enables us to remember it so that we can repudiate parts of it.

Repudiate our past as a segregated University and law school. Our past of exclusion and rejection. At the same time, telling the story and especially telling it today with our Martin Luther King commemoration where we honor not only King himself, but also all those who have made and continue to make the world a more just and equal place, enables us to honor Gregory Swanson and embrace him as part of our national history and our civil rights history, the history of this University, and this law school.

He was the client determined to integrate the University. The lawyer who brought the lawsuit to make that happen. And the person who lived that integration firsthand with dignity and grace. Telling the story reminds us that we remake history every day in part through the stories we tell about ourselves and our past. We get to shape who we are as an institution, and who we want to be in the future.

We have chosen and we choose every day to be the institution Gregory Swanson saw in us, and helped bring us closer to becoming. That is an ongoing process that we continue to pursue. And we strive every day to be worthy inheritors of Gregory Swanson's legacy.

We created the Gregory Swanson Award to link our past to our present and our future. Presenting the award provides an opportunity to tell the story, so that his name is one we will all know. One Of the people who made this institution who we are. And to make his legacy live in new generations of UVA Law students. And finally, to honor members of our community today who are following his path and his footsteps. I am delighted to honor Gregory Swanson and his legacy by announcing the recipient of our fifth annual sponsored award who you can already see who it is.

Recognizing this student for his courage, perseverance, and commitment to justice. I am delighted to present the 2022 Gregory H. Swanson Award to [INAUDIBLE] Rambert Tyree. Rambert and I decided that we would do this together even though it meant wearing masks. But we thought it would be better to be here in the same room.

So I could share with you so many of Rambert's achievements. He is a member of the Raven Society. He is a former member of both the Black Law Students Association Executive Board and Mock Trial Team. He's a pro bono volunteer with the ACLU of Virginia. I could go on. There is so much to celebrate about Rambert as a leader in the tradition of Gregory Swanson.

But I want to focus more on the clear throughline of the many letters written in support of Rambert's nomination. That in his leadership, he is dedicated to the success of others. He is someone who works to make UVA Law a place where everyone feels an equal sense of belonging. One of two head peer advisors, Rampart oversees the dozens of student peer advisors who work with our 1L transfer and LOM students.

Our peer advisor program is one of the most visible ways we work to instill a sense of belonging in our newest students. That has been an especially critical role this year under Rambert's leadership as we return to fully in-person operations after almost three semesters of hybrid and remote learning. This is a role that seems like it was designed especially for Rambert.

In his position, he has helped strengthen our community at a programmatic level. Building bridges between RGAD and LOM students providing valuable feedback on new student orientation. And ensuring that the peer advisors themselves, whose own law school experiences had been shaped by the pandemic, had the support they need to in turn support their advises as we knit our community back together during the stressors of the ongoing pandemic.

But Rambert perhaps makes the greatest impact through his one on one interactions with virtually everyone he meets. He is a quiet force for change marshaling resources and collaborating with others. Offering support to friends in need. And helping his fellow students troubleshoot problems. He advocates for the needs of others. And as Assistant Dean Sarah Davies put it, speaks wisely, confidently and with great care for all of us. Assistant Dean Mark Jefferson describes Lambert as someone who quote, "Not only assumes good faith on the part of his colleagues, he unfailingly extends it."

As his co-head PA, Megan Ringer wrote, Rambert is someone who quote, "Actively listens to everyone he speaks with. Gives them space to say what they need. And takes his time to respond." Rambert does not back down or compromise his morals. And his top priority is ensuring everyone feels like they belong. Megan's nomination letter, which was co-signed by 45 of this year's peer advisors, also notes, quote "Rambert does not want anyone to feel like an outsider. And that objective is always manifest in his words and actions."

Professor Richard Schragger wrote of Rambert quote, "He is committed to the various relationships in which he is embedded. His family, his section, his University, his law school. These kinds of connections are the focus of almost every conversation I've ever had with Rambert. Remarkably self-effacing, Rambert is also well aware of the challenges that Black lawyers face. He is attuned to the burdens of history, and the need to pursue social justice. But Rambert is remarkably without cant. He has no time for posturing. His attitude is one of reflection and consideration. He is willing to give many the benefit of the doubt. He seems to see the best in people.

I have been lucky enough to Rambert since he was an undergraduate at the University of Virginia. He is a [INAUDIBLE]. And that is exactly what I see in my own interactions with him. I learned from his wisdom, his empathy, and his own unique and thoughtful vantage point on the world in every conversation I had with him. For the many ways Rambert strives to ensure that UVA Law becomes a better version of itself, one in which every member of our community has an equal sense of belonging and an equal opportunity to flourish, I am honored to present this year's Gregory H. Swanson Award to Rambert Tyree.

RAMBERT Thank you so much. Thank you.

TYREE:

RISA Say a few words.

GOLUBOFF:

RAMBERT Wow. Thank you so much. I'd just like to say briefly that I'm so sincerely honored and humbled to receive this recognition. And I'm so grateful for each and every person that took the time to think enough to me to share such sincere and kind words. Before I go, I'd be remiss if I didn't acknowledge that although we've come so far in the 70 years since Gregory Swanson's fight, there still remains so much more work to be done towards pursuing those aims of equity, and justice, and educational access for all.

So I really hope that as we all go through this event and presentation, I hope that we leave inspired, impassioned, and leave with the true passion for working towards accomplishing those aims in our lifetimes. It cannot wait. Thank you so much.

RISA GOLUBOFF: Thank you, Rambert. That was beautiful. And I couldn't agree more. It's up to all of us to look forward as well as back, and to continue to strive. So congratulations again. I am now pleased to hand things over. Oh, I also have some flowers for you. And then I [INAUDIBLE].

RAMBERT TYREE: Thank you so much.

RISA GOLUBOFF: I'm now pleased to hand things over to Professor Forde-Mazrui, who will be moderating tonight's panel on the Sines v. Kessler case. Kim?

KIM FORDE-MAZRUI: Thank you, Dean. And a big congratulations, Rambert. Thank you for not waiting to be a force for change. OK. So let's turn to our longer event. The panel on the Sines versus Kessler trial. Let me remind you again that you can put questions in the Q&A.

So most people here are familiar with what happened. But let me set the stage nonetheless with a very brief history. As you mostly well know, in August 2017, hundreds of white supremacists and neo-Nazis invaded Charlottesville with intent to commit violence. They called it amongst themselves the Battle of Charlottesville.

On August 11th, they stormed our campus carrying tiki torches, and attacked and injured students and other defenders of our University grounds. On August 12, they invaded our downtown and injured many people, including James Field driving his car into a crowd of peaceful protesters. Killing Heather Heyer and severely injuring 19 other people. To those of us in Charlottesville, for those who were there, for those who have studied or work here, August 12th-- August 11, 12 remains very important to us. Understandably.

That said, we should also recognize that it's not unique. White supremacy and neo-nazism have been common features, including violence caused by them throughout American history. And including to the years and even just months before the August 11, 12 event here. But August 11, 12 still is very important in its own unique ways. It for one thing emboldened the White supremacist movement partly because there was little accountability very few criminal charges were brought. And also because the head office in the land proclaimed support for the people of the White supremacist movement.

Of course it's also the same event that motivated the current occupant of the White House to run for the president. And there is not too complicated throughline from August 11, 12 2017 to January 6 2020. It's also important for what this case stands for, which is that people don't have to take it. In this case stands for again peaceful, courageous social justice warriors standing up in protest. Standing up through the court and legal system. To say that we will stand up to you, and we will hold you accountable even where others have not.

And that's why I'm so honored to have the panelists we have today. I'll just introduce them briefly by their role in the trial. And then perhaps they can tell us a little bit more about themselves when I posed some questions to them. It starts with the plaintiffs. Three of the plaintiffs we have here out of the nine are Devin Willis, Marissa Blair, and Elizabeth Sines whose name is in the title of the case.

And then we have lead co-counsels Roberta Kaplan and Karen Dunn. And then we hope to have an expert witness on anti-Semitism, Deborah Lipstadt. She had something come up, so she's going to try to make it at some point during the presentation to talk about her role in the trial. So let me begin with the plaintiffs. And let me turn to Devin first because he was there on the first night. Devin Willis, thank you so much for being here. And how are you? And what are you doing now? And I hate to ask you the question, but what were you doing on August 11, 2017.

DEVIN WILLIS: Yeah. Let me thank you. Let me begin by saying, first of all, plaintiffs and counsel it's so good to see you all again. And thank you Professor Kim. And thank you, Liz, for helping this event come about. At UVA, as an undergrad, we heard about Gregory Swanson all the time. And I also happen to Rambert personally. He's an amazing guy. And totally worthwhile recipient of this award. So just puts a smile on my face.

And so as Professor Kim mentioned, yes, my name is Devin. I'm from Fredericksburg, Virginia. Small town between Richmond and Washington DC. And I had a very ordinary background. In the summer of 2017, I was an undergrad at UVA going into my sophomore year. And things were going pretty well. I had gotten an internship at an environmental sort of urban planning nonprofit. And so I stayed in Charlottesville that summer. And that ended up being a really, really crazy decision.

I was involved with my University's Black Student Alliance. And most people who are 18 and 19, I was really passionate about campus activism. And of course I knew who the alt right were. And at that time, their popularity was really beginning to become alarming. And so I had gone to several protests that summer. And on August the 11th was like a turning point because yeah, I went to a protest. A nonviolent demonstration at the North Plaza of the University.

And then me and very good friends of mine, and fellow student activists we were assaulted and attacked. And that was probably the scariest evening of my life. And I'm very happy that nobody was hurt too badly that evening. But it was really scary and traumatizing.

And then it aged really badly because the next day things got a lot worse. And I also happened to be there as well. I was working on a panel, The People's Action for Racial Justice. We had a permit in McGuffey Park to organize a safe space. So I was downtown again for that. And people were extremely close to me were hurt. And people who I had known in the community from that summer, and people who I met later on, we were all horribly affected. And that is how I got here. Thank you for having me.

KIM FORDE-MAZRUI: Thank you for your courage, and for your willingness to share your story with us. Let me turn to Liz Sines. How are you doing? And tell us about August 11, 12 for you.

ELIZABETH SINES: Hi. I'm great. Again, my name is Liz Sines. I graduated from the Law School in 2019. And I am now an attorney in Baltimore. In August of 2017, I had just returned to campus to begin on grounds interviewing-- or on campus recruiting. If you're not familiar, it's pretty much like a ton of interviews and a career fair to get my job for the following summer.

So I had just returned back on campus. I'd finished up all my interviews. And then on August 11th, I saw on Twitter that there were people on campus who were going to have a torchlight rally. So I went to campus. I counterprotested the torch light rally. And recorded the white supremacists attacking counterprotesters including Devin as he just said at the Jefferson statue.

And then the next day, on August 12th, I counter-protested downtown and survived the car attack.

**KIM FORDE-
MAZRUI:**

Oh, wow. Thank you. Thank you for all that you have done. And Marissa Blair, how are you? And tell us about August 12th

**MARISSA
BLAIR:**

Yeah Hello, everyone. It's an honor to be here with you all this evening. As Kim said, my name's Marissa Blair. And I'm one of the plaintiffs represented in Sines v Kessler. I'm currently living and working here in Charlottesville using my voice and actions to continue to support and uplift people and organizations here in Charlottesville. As it relates to my experiences on August 12th, I was working but not living in Charlottesville at the time. So I traveled to Charlottesville on August 12th, and met up with close friends who I planed to attend the rally with. One specifically Heather Heyer.

Our purpose for attending the event and counter-protest was to be present, and to show we were going to stand against bigotry, racism, and hate in any form. And to stand in solidarity with the members of Charlottesville, and those who came to denounce the ideologies of the Unite the Right rally. Our strategy was to peacefully counter-protest those ideologies propagated by the Unite the Right.

And when we got there, we found this group of what I will always call the happy people. We wanted to show up and spread love, and joy, and compassion. And to let it be known that we wouldn't be silenced by fear, or intimidation, or hate. That we would show up with smiles on our faces and loving our hearts to support people no matter what.

When we did find those happy people-- and just to give you an idea, I always say they exuded joy and happiness. The group was cheerful. You could see people smiling and hugging. People were handing out water. They were crowns and rainbow flags. There weren't any supporters of the Unite the Right in sight. So my friends and I chose that group because in the days before COVID, who wouldn't want to be a part of that group? We weren't in the group for long before we made our way up Fourth St-- now known as Heather Heyer Way.

When James Alex Fields drove his car through this peaceful happy crowd, it was complete chaos and terror. And I will spare you the details of that aftermath. It's no doubt you've been made aware of the tragedy that followed. In the end, the result of the attack was that one of my friends, Heather Heyer, lost her life. And countless others were physically and emotionally scarred for the rest of their lives. So I was honored to be a plaintiff in this case with Devin, and Liz, and our other co-plaintiffs.

**KIM FORDE-
MAZRUI:**

Well, thank you so much, Marissa. And so sorry for the loss of your friend, Heather. Well, thank you for the plaintiffs. And let me turn to the attorneys beginning with Robbie Kaplan. What brought this case about? And what were you hoping to accomplish with it? And could you also explain a little bit about the role of Integrity First of America. I think you-- there you go.

**ROBERTA
KAPLAN:**

It would help if I unmuted myself. So while you just heard from the plaintiffs their stories of what was happening on August 11 and 12, 2017, I was here in New York City then at that time. I had just started a month earlier my own law firm which is now Kaplan, Hepburn, and Fink. And we had, I don't, maybe six full time employees. And we had moved into our new offices in the Empire State Building that week. The week it happened was our first full week in the office.

And so that next Monday, I decided kind of naively in retrospect that I would have everyone at the firm kind of watch the coverage at lunch. We would order in lunch for everyone-- I think pizza-- and we'd watch the news coverage of what had happened over the weekend. Naively because I had no idea when I ordered that pizza how incredibly disturbing it was going to be-- and I do recall that at least one paralegal who had a huge role in happened to put together the case-- actually ran out of the room in tears kind of watching the coverage of what had happened on that Saturday afternoon.

That, I think, was also the day that-- I heard you referenced this professor-- that I think Donald Trump made the statement about there being very fine people on both sides. And when I heard that, I thought to myself that something needed to be done here. And that I was two things. One something to be done. And two, I was very concerned that the department within the Department of Justice that has been assigned historically and traditionally to do that were the Civil Rights Division would not do what needed to happen. The reason for my concern is that the attorney general at the time, Jeff Sessions, did not exactly have a terrific record on civil rights. And I just was concerned that they wouldn't focus on it again. Sadly, that turned out to be the case.

So immediately I thought, OK well, if the government's not going to do something, I guess I will or at least will try. And I did a couple of different things at that point. I called up my friend, Dahlia Lithwick, who I'm sure everyone on this Zoom knows. She's a brilliant lawyer and a brilliant commentator about the Supreme Court. I didn't call her for any of that. I called her because I knew she lived in Charlottesville. And I said, hey, Dahlia, I've got this crazy idea about bringing a case about Charlottesville. What do you think? And she said, great idea. Let me put you in touch with some folks when you come down.

And I think within about 78 hours of that call, I was down in Charlottesville. I think Devin, I met with you that weekend. I'm pretty sure I did. That first trip. It was intense. We met with a whole bunch of people. But it became very clear to us that there were a lot of people out there that were horribly damaged physically and psychologically. And that a lawsuit needed to be brought.

But the second thing that happened is someone to this day-- I don't who they are. But someone to this day managed to get into the Discord servers that the organizers of the Unite the Right used to organize the rally going back really to that sprint. And they released not all of the messages. We now have all of the messages. But they released a lot of the messages publicly on the internet. And it was kind of, for law students, listening to this it was like getting discovery free complaint, which you almost never get.

But we had a huge trove of information that we used to determine who to sue, and what to say about the conspiracy, how the conspiracy was formed, how it was organized. And I'm not sure had we not had that it-- let me put this way. Had we not had those texts in messages it would have been much, much harder.

And then the third thing I did because I'm a very wise person sometimes is that I called my friend Karen Dunn. And said, hey, I'm thinking about bringing this case about Charlottesville. I need someone with your expertise because I knew Karen had been a prosecutor in Virginia. I knew she had experience litigating issues involving the First Amendment. I said would you like to do this with me?

Karen and I knew each other. We didn't actually each other all that well at that point. We do now having lived together for 70 years in trial in Charlottesville. But I said, you want to do this with me? Her immediate response was absolutely. Let's get let's use IFA. An organization known as Integrity First for America to help fund our security and other costs. And let's do this.

So that's how the case began. The only other help I guess we needed was a legal help to have a legal theory. And so for that we had to go all the way back primarily-- and I'm sure we'll talk about this more-- to the KKK Act 1871 because it's one of the very few federal civil rights laws that pertains to private conduct. And so, obviously, the defendants that we sued in this case, the 24 defendants were private groups and private individuals. And that statute prohibits racially motivated violence in the words of Judge Moon or essentially a conspiracy to commit racially motivated violence.

So that's all the pieces came together. In terms of what we wanted to accomplish, knocking wood, but I think we accomplished what we wanted to do. First of all, to get justice for our plaintiffs. First and foremost. To tell the story historically of Charlottesville, which happened every day in that courtroom for four weeks. To bring awareness to the dangers of organized and rising white supremacy in this country, which I think frankly is worse now than it was four years ago when we filed a lawsuit.

But even though I think we're all very happy with the verdict and how it came out-- as I'm sure we'll talk about more-- there is still so much so much more work that needs to be done on this for as evidenced by these stories that seem to come out almost every day.

KIM FORDE-MAZRUI: OK. Thank you. Thank you for putting this case together. And I hope all the law students who are watching can be as inspired as I am. Karen Dunn, tell us about how you got into this case.

KAREN DUNN: Well, first of all, professor, thank you so much for having us. It was also a joy to see Dean Golubuff. And congratulations to Rambert. That was a wonderful, wonderful award.

So as Robbie said, I had been a prosecutor in the Eastern District of Virginia. And I had worked on cases actually that were not dissimilar to this. Although not under the Ku Klux Klan Act. But about white supremacist violence planning on the internet. And I had also represented the owner of Comet Pizza. Everyone in DC will remember this. This was the conspiracy theory that revolved around accusing members of the Hillary Clinton campaign of running a child sex ring in the basement of a pizza place in Washington DC. And that led to an individual driving from North Carolina with an AR 15, and firing a shot inside a family oriented pizza place.

So I had a history of litigating in this space. I had admired Robbie from afar. We had a very long distance mutual admiration society. And as she said, when she said you want to sue some Nazis with me? I of course said, absolutely. That's truly an offer you can't refuse.

And I do think that it was evident that there was a need for justice to be brought to the situation. But not just that. I think bringing order to the chaos, which is what we often rely on our institutions and on our courts to do. And so I joined together with Robbie to work on this case. And as Robbie was talking, sort of all the memories were flooding back where we were working on the complaint for some reason I remember in a hotel in Charlottesville. And we're very thankful that there had been this leak of all the planning chats, or at least some substantial part of the planning chats, for August 11th and 12th.

And I still believe, it sounds like Robbie agrees, that without those chats which laid out in excruciating detail, including awful pictures, and images, and cartoons what was planned for the weekend of August 11th and 12th. And if we hadn't had that evidence at such an early stage in the case, we might not have even made it past the motion to dismiss.

Our complaint was very long. In fact, so long that the judge commented it might be too long. But the reason it was that long is because it was really the first place that much of the story of the planning, the premeditation, the motivation for what happened on August 11th and 12th was put together in one document. And so I think even just when we filed that complaint it was very validating to get that story out. Integrity First for America posted it on their website. So people had access to information that they never would have had to evidence in this case.

And I know that we'll talk about it. But one of the things that was very important about the trial that we had-- and I think that probably all the plaintiffs would agree with this-- is that if we finally heard the stories of what happened. The plaintiffs, who are so brave-- the three here tonight and then obviously the six others-- told their story on the witness stand, which none of us who didn't do it can even really imagine how hard that was.

And we got to show the jury and the public how what happened on August 11th and 12th was anything but an accident. How it was meticulously planned down to the details. And what was planned and talked about by the organizers really came into real life, into real horrible life, on the streets of Charlottesville on that violent weekend.

**KIM FORDE-
MAZRUI:**

Wow. Thank you. It's fascinating to hear about the educative function of a trial in addition to holding the particular defendant's liable. Let me turn back to the plaintiff. Liz, your name is in the lawsuit. How did you get involved and why? As Karen just mentioned, it takes a lot of courage to have to participate in a trial going against such hateful people. So what did you think about, and how did you decide to join it? Yeah. Absolutely.

**ELIZABETH
SINES:**

Funny story actually. I was talking with Anne Coughlin not too long after the events of August 12th. And I guess I've never really followed up to know exactly what was behind the scenes. But Anne Coughlin is the person who eventually let me know that this trial was being put together. So for those of you who don't know, she is a professor at the law school who I have an incredible amount of respect for. And so she was telling us-- and I say us because my friend, Leanne, was also with me the night of August 11th, the day of August 12th, and during this discussion.

And she was telling us about the lawsuit and the claims. And I found it really inspiring. And I wasn't interested in joining a First Amendment suit. But when I heard civil conspiracy, again, I just finished my first year of law school. And so it was such a new idea to me. But when Ann explained it, it just made sense to me. And I really thought that it would be successful. I knew of both Robbie and Karen.

And of course, it just kind of made sense. I really trusted the attorneys who were leading the case. I really believed in the claims. And so really I joined the lawsuit for the same reason that I kind of protested. I felt no community is really important to me. And I love Charlottesville. And I loved being a student at UVA. And it felt important. It felt like I was in a position to be able to stand up and use my voice to speak out against this hatred. And I felt like I should do that in any forum or in any way that I could, whether that be counter protesting or joining this lawsuit.

And I knew that there would be people who couldn't join this lawsuit. Who didn't feel comfortable for safety concerns. And again, that was all made very clear to me. But I felt like I should. And especially as a white person who had counter protested, I felt like I had a duty to lend my name, and lend my support, my videos, and my testimony to attorneys that I really respected in a case that I really believed in.

KIM FORDE-MAZRUI: Well, thank you for doing so. Marissa. Marissa after the experience you had, what do you think about in deciding whether you wanted to go through this experience?

MARISSA BLAIR: So I joined the lawsuit initially after being approached by another one of our co-plaintiffs. It was an initial meeting that I went to with a few of the attorneys just to hear them out. At the time, there were still a lot of confusion and mental processing that was still being done by myself, the Charlottesville community, and the world even. No one had, to my knowledge, pieced together what the events were leading up to that led to this violence.

So I attended the initial meeting with an open mind knowing that exactly what could be done if anything. At that meeting and the countless others we had over the years leading up to trial, what was uncovered for lack of better words blew my mind. The descent on Charlottesville even at the initial stages we learned it was no accident. I was familiar with white supremacist groups and hate organizations that were present at that moment in time. But when I learned the planning that took place prior to the event like the ones Karen just discussed on the dark web, I was speechless.

I had for a long time been that person who sees the world through rose colored glasses. I've always been attracted to law, and politics, and social justice. So when I decided to go to the counter-protest at the Unite the Right, I was naive to believe that everyone, no matter how contentious our beliefs were, would still share that same sense of humanity I had. And I will always believe in citizens First Amendment right to free speech, the right to peacefully assemble, the Second Amendment right to bear arms. I get and respect that.

What we don't have and what the attorneys mentioned in our initial meeting is that we don't have those freedoms to intimidate, or harass, injure, and even kill people because they don't agree with you. So with the amount of information that was presented to me at the time of the meeting, that was exactly what the leaders of the Unite the Right rally had intended. The defendants in the case wanted to cause chaos and poke a sleeping bear in a sense. And they were ready to have a full out war when it happened.

I think we can all agree no one likes a bully. And I knew I had to use my voice with what I experienced that day on August 12th to show up for my community, and show them that we weren't going to be intimidated. And that they were going to be held responsible. And ultimately, I wanted the story to be told in Charlottesville. It was so much going on that people were saying this happened and that happened.

So ultimately, I hope the true factual story of Charlottesville will be told. And the defendants will be shown for the hate that they actually represented. And to have justice served. And as Liz stated, the attorneys and our legal team, they were very trustworthy and empathetic from the start. So it was very easy to feel calm and security when we were around them. So that's why I ultimately decided to join.

KIM FORDE-MAZRUI: Wow. Well, thank you for showing up and sharing your voice. Devin, how about you? Why did you join the trial? Did you have any concerns? What were you hoping to accomplish.?

DEVIN WILLIS: Thank you. Thank you. It's a really good question. And I'm still struggling to think of the most fullest answer I can with this brief amount of time. But I'll do my best. So I joined the case in about October I believe, if I'm not mistaken. And that was a really, really rough time for me personally because like so many others, I was not processing anything. I was completely in shock. Very deeply traumatized. You could ask anybody who knew me at the time.

And me and other people who were in student activism spaces-- like on the Black Student Alliance or in other adjacent groups, the Minority Rights Coalition-- we're all 18, 19, and 20 years old. So we had our energy just like impossibly divided across having protests every single night, and writing demands, and doing xy and z. And I was very much into that because I thought that was the way that I could feel that what the tragedy that took place wasn't for nothing. Or wasn't just as senseless as it was.

And so it was actually just older students and older friends who encouraged me to take interest in the trial. They were like, we know this firm. This is the right group here. And I had face to face with Robbie and people like Rachel Glickman. And just talking to them, you know their hearts were in the right place. And that they could take some of the burden that I didn't have the capacity for. I'm like, I can't do anything about Richard Spencer or this person right now. I was stuck in my world. And so it was really amazing to have people who out of the goodness of their hearts just came and took on some of that burden. And were pursuing that fight legally. So I think that's how it came. I felt like I could not burn the candle at both ends. And the support was welcome. The legal support was very welcome.

KIM FORDE-MAZRUI: Wow. OK. Thank you. Thank you. OK, well. We're calling this panel "Inside Sines versus Kessler. So next question is about the actual duration of the trial. Think I'll start with Karen Dunn, and then Robbie, and then move to the plaintiffs. So I was going to just ask tell us about the experience of the trial. Any observations you want.

I got a question in the Q&A that I think fits in well with this. So Barbara Rutty is asking, was there anything surprising? Kind of an aha moment about the trial whether negative or positive or both if you like actual during the trial as opposed to the planning or the outcome that you'd like to comment on? So let me start with Karen. What was the running this trial like? And were there any surprising aspects to it?

KAREN DUNN: Yeah. I mean, how long do you have? This was a case where-- I mean, I've tried a lot of cases. And there's never been a case like this one. And there never will be another one like this. This was an entirely unique experience. And the truth is actually it's so nice to see Devin, and Liz, and Marissa who we haven't seen since the trial. Because the only people who really understand what we went through in those four weeks are the people who are in that room together. Every day for hours in our very COVID secure courtroom.

So the first thing to understand about the trial is that the court was entirely locked down. Nobody from the outside was allowed in other than the parties, the lawyers, and the jury. And obviously the judge and the court staff. There was a pool reporter in the gallery, and some press downstairs a couple of floors below. But that's really it. And obviously, the marshals were there to keep us all safe.

So, it was a very close knit experience. On the defense side, we're not just the defense counsel. But also two of the defendants who are some of the most notorious members of the alt right represented themselves. Richard Spencer, who was the leader of the Alt right in 2017, put on his own defense. And Christopher Cantwell, who hosts a podcast where he has 10 to 20,000 radical extremist listeners. Some of them, many of them, armed for his own testimony.

He also represented himself. And he views himself as very impressive and amusing entertainer. So we lived in this courtroom all together that I have come to describe as a bubble of hate and violence. And every day we would listen to-- and for Robbie and me repeat out loud through our witness examinations and through opening and closing-- the worst possible things you could imagine saying. Incredibly violent video played over, and over, and over again.

And I think one of the things that to me was so surprising, and I've said this before, is that things when you first heard them were so were so shocking you thought you would never recover having witnessed it or heard it. When you hear it over, and over, and over again for days and days, you start to realize like, oh, this is just becoming part of our daily lexicon. This is like a normal way of speaking here.

And I noticed this in myself. And frankly, in the rest of the trial team. And we started to feel like the jury is becoming desensitized to these things. And one example is Richard Spencer went on this unbelievably racist, violent, terrible rant the night of August 12th after the car attack. And the rant was leaked out to the public. And so we played an opening. We played it during his cross-examination. And then he got up in his own defense and played it again.

And so in closing I said to the jury, why do you do that? What do you think? You haven't heard it enough? He doesn't think you've heard this enough? And so we said to them this is a strategy to desensitize you so that when you go to deliberate you think of the evidence in this case as no big deal. As something you've heard a lot before.

And we specifically said to them please don't be desensitized when you go to deliberate. But day after day being exposed to extreme levels of hate and violence, even to people who are involved in this case because we care so much or because the plaintiffs who went to protest the hate and violence, it really has an effect on you. And that was something that I found personally very interesting. I think Robbie and I are pretty good compartmentalizers. We focused on winning the trial. But I think most of the trial team was having trouble sleeping. Would have nightmares. Probably still haven't recovered. And we weren't even there on August 11th and 12th.

So I mean, look, there were a lot of really wonderful things that we didn't expect. But this, to me, was at the top of the list of things you could not have prepared for.

KIM FORDE-MAZRUI: Wow. Woo. All right. Thank you. Robbie, do you have any observations about how the trial went from your perspective?

ROBERTA KAPLAN: Yeah. Well, first of all, let me say how proud of I am of myself for fixing the filter on my camera. And I apologize for that early. Thanks, Devin. So I, as per usual, agree completely with Karen. I mean, it was a really, really intense experience. And I think there were a number of factors that went into that. One was COVID, and the fact that the courtroom itself was so isolated. So that every day-- oh, there's Deborah.

Every day in the courtroom it was lawyers for the plaintiffs, one or two plaintiffs who may be testifying. Some of whom had to wait downstairs. We had a bankruptcy court and we used downstairs our work room. The defense lawyers. Two of the proceed plaintiffs. Also some defendants would show up who were represented. The judge and the court staff. And then the 12 jurors, who were sitting really where the audience sits in the courtroom kind of separated with a seat or two between them.

And so the courtroom is windowless. And as Karen said, the whole courthouse is locked down. So to say that it was a tense atmosphere-- and I'm curious to hear what Deborah thinks-- I think would be an understatement. On top of that, you had conduct particularly from the pro se defendants but I'll say now was in my view shocking. Chris Cantwell, the shock jock entertainer for example, played videos, especially of August 11th, over, and over, and over again. In slow motion, and then rewinding it. And then forward winding it to a degree that I frankly have never seen in the courtroom. And again, I think his goal was desensitization. Get some kind of crazy conspiracy theories of his own.

But that degree to which people were just sitting there watching these horrific things happen over and over and over again from every possible angle was extraordinary. Then you had, frankly, I'll say it kind of the what I think is unfair questioning of our plaintiffs. Devin is the best example. I think his direct exam in total was an hour, an hour and 15 minutes. And Chris Cantwell mostly, but the other defendants as well, cross-examined him I think for close to six hours.

And then you had words they used. Like *Mein Kampf*. The book *Mein Kampf*. Came up almost every day at trial as if we were talking about *The New York Times* or the latest bestseller. We would talk about *Mein Kampf*. And so kind of The surreal Alice in Wonderland nature of it was astounding. At some point, I really want to get to Deborah because I want to hear what she has to say.

But at some point, I kind of develop my own method of objecting. Because the defendants would say things that were so crazy that rather than just making a formal objection, I would kind of look up at the judge, put my hands like this, and be like judge, Canaanites? They just asked a question about the Canaanites. And he would grant the objection.

As Karen said, I highly doubt I will ever see another courtroom atmosphere like this for all the factors that were combined. I don't think I ever will. And it's a tribute to our clients and these plaintiffs who have the bravery to go through it. And why we got the verdict we did.

KIM FORDE-MAZRUI: OK. Thank you. Yeah and you mentioned of *Mein Kampf* is a good segue. We're going to bring in Deborah Lipstadt, who just was able to join us. Thank you so much for making it. I you're extremely busy.

DEBORAH LIPSTADT: It's all right. My pleasure. And I'm sort of jumping in the middle of a conversation. I see Karen. I see Robbie. I see other people. Some of whom I met in Charlottesville. I've been called twice in my life. Once as a defendant, and once as a witness. And it's enough for me. I'm done.

But it was a very strange atmosphere. First of all, they took my phone away. So that already was-- you could have nothing. And then after testifying, I had to sit by myself for about 20 minutes. We had a short break with no phone, no human contact. It was a strange. It became very surrealistic. But I think once I got into the witness box or on the witness stand, whatever we call it in this country, and Robbie was questioning me, I went into teacher mode. And it was in a way very good that the jury was in where the gallery would be, or the audience would be because I could look directly at them. And that was the only way I could do it was go into teacher mode. And explain.

Because I think there was confusion. I mean, I know that even when Robbie, and Karen, and Alan, and everyone else who began to look at this material, we were surprised to find so much-- how anti-Semitism was sort of at the root of what was going on. And one of the mistakes we make in studying white supremacy and fighting white supremacy-- white nationalism, white power. Use the word. Whatever term. They're different, but we'll treat them as one for this.

We fail to recognize that the anti-Semitism is the foundation stone on which piles of racism is placed. It's not that the two are contiguous. But that they're interlocking with white replacement theory. Has that been discussed? The whole idea with the Jews will not replace us. I remember right afterwards--

**KIM FORDE-
MAZRUI:**

We did not discuss that. So please--

**DEBORAH
LIPSTADT:**

Oh, OK. Well, as many of you know, you've seen the clips when they marched across the campus chanting, Jews will not replace us. You will not replace us. Jews will not replace us. People called me the next day and said, what are they talking about? Replace? What is that about? And what it goes to and you can understand the whole fight for white supremacy without understanding this replacement theory.

What it essentially argues-- and you can hear it sometimes sadly on Fox News in a more cleaned up version in recent months. It argues that there is a plan afoot to destroy the ruling power of white Christian primarily male dominance in society. To do it in Europe. To do it in North Africa. And the way it's going to be done, the way it is being done, is to flood the European continent. To flood North America with Black people, with Brown people, with Muslims. But says the white supremacist, white nationalist-- and I'm going to put this in air quotes so if anybody is just listening-- these people, these Black people, these Brown people, these Muslims. They're not smart enough. They're not talented enough to be engineering this destruction of millennial old civilization on their own. They aren't capable of that.

There must be someone behind the scenes who is directing them to do this. And the people behind the scenes are not doing it simply to-- they're not doing it to advance Black people and Brown people. Those are the puppets. But they're the puppeteers. They're the puppeteers who are doing this for their own benefit.

Now then they go looking for a group. Who is wealthy enough to be pulling this off? Who has the power to be pulling this off? Who has the malicious, nefarious smarts to be pulling this off? Who knows how to work behind the scenes to make evil things happen?

So the conspiracy theorists either starts out looking for the Jew in this. Or with this kind of template, that's the template of anti-Semitism ends up as the Jew. So the Jew is the puppeteer. And the Black person, the Brown person, the Muslim person is the puppet. So when people talked about in this country the Soros controlled invasion from South of the border of immigrants, Soros has become the Rothschilds of the 21st century. It's a code word for Jew or Rothschild. Just recently someone was talking about in COVID. How it's all a product of the Rothschild bank, et cetera, et cetera. Which is not a Jewish bank but that's facts. We're not interested in facts we're looking at mythology.

So when they were saying Jews will not replace us, is that Jews are using Black people to try to replace them. To try to destroy the wonderful old Confederate society. To this wonderful white Anglo-Saxon Protestant society, et cetera, et cetera. And I have to say, and the judge didn't let me phrase it this way, so I'm going to do it now. I don't shock easily. But I was shocked when I saw the degree of overt anti-Semitism mixed of course with the racism at this rally.

And B, it's really wrong to talk-- we do ourselves a disservice by talking about it as a rally. And I stress this for the jury. This wasn't a rally. This was a call to arms. This was a call to battle. And if you look at the many gigabytes-- and I'm sure Robbie and Karen can tell us precisely how many that you got on discovery of material-- this was a call to arms. It wasn't let's just go protest some statues. Let's just go make a fuss on a nice summer day in Charlottesville, Virginia. This was Unite the Right.

And we saw it again-- something just came up here. We saw it again on Sunday-- or Saturday or Sunday-- in Washington DC at the anti-vaccine rally. First of all, the crowd roared its approval when lines comparing vaccine mandates to the actions of authoritarian regimes as Nazi Germany. And then there were comments such as where-- I'm just looking for it. Oh yes. A bus was parked besides the Washington Monument wrapped in arrest or exile signs. And displaying three pictures. Anthony Fauci, Bill Gates, and Jacob Rothschild.

So in other words, this is a Jewish conspiracy. And Fauci and Bill Gates is there for technology. But the Jews are behind this. It makes no sense. It's a crazy kind of thing. But it's there, and it's prevalent, and it's increasing. And we're seeing so much of it.

KIM FORDE-

Wow. That is fascinating and disturbing. It's making me not know whether I'm watching a Twilight Zone or a

MAZRUI:

horror film. But it's actually real. Well, thank you for that. Let me also turn to the plaintiffs. How was the trial for you? I know Devin was on the stand a lot. Maybe you can talk a bit about that. But let me start with Marissa.

Then go to Devin, and then Liz. Do you have any observations from the trial positive or negative, and how it went for you?

MARISSA

Yeah. In short, as short as I can get it, it was a long trial. My perspective was that it was surreal. August 12, 2017

BLAIR:

was one of the worst days for a lot of us. And when we finally reached that first day of trial, it was like reliving that day over and over again for the next three to four weeks. On some days I felt worse than others because you constantly hear the events from that weekend and leading up. Blatantly misconstrued or our words were twisted. And we witnessed other people being re-victimized in a court of law. I was in disbelief.

The defendants attempted to defend speech and actions that can be described as nothing less than illegal or repulsive. On other days, I felt powerful, and heard, and understood. I was able to tell my story to hear the co-plaintiffs tell their full story. And even to look into the eyes of some of the defendants, and be in the same room with them, and not feel like a victim. But be that strong, confident woman I had always been before August 12th.

Specifically, what was really powerful to me was the judge actually allowed the plaintiffs to be present in the courtroom when the closing and opening statements were given by Robbie and Karen. So that was extremely powerful. More powerful the second time around because I think the first time we were all just very anxious.

But the love and the empathy that we received from the legal team, from our friends, and family, and the community during the whole trial kept me grounded. And nevertheless, in the end, there was relief. Weight lifted off my shoulders. And to get to experience that day when the verdict was received with the co-plaintiffs and the legal team, it's indescribable. It was blissful. I cried happy tears. We were together and victorious. And in my opinion, without this trial, I think me personally I still would have felt distraught, and confused, and victimized.

So I'm very thankful for that experience. And I believe the trial in itself accomplished justice and accountability. In the world we live in today, where the internet and social media is a way for people to hide behind their identity, to be able to pitch a destructive narrative or create incitement and violence only to throw up your hands and say I didn't do it, it wasn't my fault, it's not going to be accepted I believe this trial will be used as it already has been as a stepping stone for individuals to be prosecuted for their incitement and intimidation. And I hope it'll make people think more before organizing events that they think are in secret just to achieve chaos and violence.

So I'm very thankful to have been a part of it. And I'm glad it's over in a sense. But I hope that ultimately it challenges people to speak up and be that voice before it's too late.

KIM FORDE-MAZRUI: Wow. Thank you. In addition to the educator function, it can actually be a sort of therapeutic function for victims to hold people accountable. Devin, how is the experience for you? And how do you feel about it?

DEVIN WILLIS: So many feelings. And I was debating which story I want to tell to answer this question. I think the first thing I want to say about my experience in the courtroom and for the month of November is that I'm like this is the first probably positive experience with a courtroom that anyone in my family has ever had. And so I was very, very aware of that the entire time that I was there. Like I I'm on the prosecution of the plaintiff's side, but it was stressful being in front of a judge and being in a legal environment that serious.

So I guess if you had told me four years ago that going to trial and testifying would be that transformative and not positive for me, I probably wouldn't have believed you. Those experiences made me really cynical for a long time. But I'm like most grateful for how much closer I feel to the plaintiffs. And also like legal client attorney relationship aside, the connections that me and other plaintiffs made with people on counsel were really human. And it was like just having people who cared support you. Not just like your lawyer representing you. So that was something that I really appreciated.

And then there's some parts of the trial that were really surreal that I'll just never forget. Like this one time I walked into the bathroom behind Richard Spencer. And I'm just like peeing next to him, and I didn't realize until I was already there. And then I was so incredibly nervous. And I really was like fight or flight. Thinking of OK, what am I going to do if this guy does something?

And I guess I want to mention that on MLK Day, I'm especially realizing it now, being in their actual presence again four years later was really strange. And reminded me something really important about respectability politics, which is that Robbie, thank you so much for mentioning it. That crazy audio of Richard Spencer's crazy rant where he's just talking about people are supposed to be our slaves you're supposed to look up to me XY and Z. And all these foul things about him and those other defendants. And I know these things are true.

But their ability to hide behind respectability politics and put on a suit, and count on their whiteness or XY and Z to predispose you to liking them is so scary and surreal. And so it's just like being in the same room as them was a potent reminder that character has to come before appearance because our society is predisposed to thinking the best of people like that when we know they are slavers, murderers, and would have done a lot worse if they had the resources. So that's what I have to say.

KIM FORDE-MAZRUI:

Yeah. Thank you. Well said. And Liz, how about your experience? And what you feel about the trial?

ELIZABETH SINES:

I certainly agree with 100%. I guess the only thing I'll add-- and I think that everyone kind of alluded to this were two things. One, I had no idea how close I would feel to all of the plaintiffs. I love them. I truly would not have been able to get through the experience without them. And it was incredibly important for my healing process to have people who I felt really obviously understood what had happened on August 11th the 12th, and the months, or years after. But also what it was like to just be there during trial.

We certainly have bonded. I don't if anyone will get mad at me for saying this. We're like getting matching tattoos. We're very close. I have so much love and respect for them. That was really important for me. And the second speaking about the therapeutic aspect of the trial as well I obviously are so nervous to go in and be cross-examined by the people who have done such horrific and terrible things to people you care about people, to people that you loved, the community that you love. But the minute I sat down and started being cross-examined, it kind of hit me. Like this feeling of calm washed over me.

And I realized it allowed me to humanize the people. It allowed me to realize that they were just people. Like bad. Very bad people capable of unspeakable things. But still just a person. And one of the attorneys right before I went on said something that I will carry with me forever especially as an attorney in my own practice. He said, "Don't be nervous because you're not talking to them. It might be like there's one asking questions. But you're not talking to them like you're talking to the jury. Just your neighbors. And it really helped me just shift my perspective. And made the entire experience so much less intimidating.

So again, I love the plaintiffs. Loved my legal team. Especially the people who worked with me and prepped with me for years. I won't say their names on here, but they truly made the experience. A way for me to heal. When really it could have just been very retraumatizing.

ROBERTA KAPLAN:

Let me add one, professor, if you don't mind, one anecdote about respectability politics that Debbie mentioned. Because I don't think it's come out, but it's actually quite amazing. Richard Spencer, the very first day in the courtroom, had a canvas-- a white canvas bag-- that he was carrying. And in that white canvas bag was a very large kind of lime green stuffed animal. I think it was a dinosaur.

And every day as the trial progressed, the placement of that stuffed animal will become more and more prominent. So like the first few days, it was just on the floor. Then it kind of moved up closer to him. I think by the end of the trial it was literally sitting on the table where he was sitting in the courtroom. And that was clearly the goal. He wanted jurors to feel like, oh, I'm a guy who cares around my kid's stuffed animal. So I can't have done anything wrong. So Devin was completely on point when he made those comments and you really saw it in action in that courtroom every day.

KIM FORDE-MAZRUI: OK.

DEBORAH LIPSTADT: Can I jump in with something there just for a minute? What Robbie said.

KIM FORDE-MAZRUI: Absolutely

ROBERTA KAPLAN: There's the whole camouflage. I mean, he was trying to camouflage who he was with this stuffed animal. When I was there, it was on the floor. I kept saying, what is that do we there? Did someone forget the clean up or something? I don't know. But then it was explained to me what it was. But if you look, I just was doing a seminar for some Microsoft execs. And I showed them footage from the rally the night-- Jews will not replace us and then footage put together the next morning. And I said, look at what they're wearing. Notice how many khaki pants and white shirts. It looks like an advertisement for J.Crew catalog or Target I don't what quality they were.

But that's not by chance. This was designed that way. This was discussed. You have it in the email for the exchanges. I saw some of them. I don't know. Karen or maybe Robbie can. Don't wear anything with overt symbols. Don't wear anything that right away telegraphs who we are. The reason I picked up on it so quickly is years ago I started to study and write about Holocaust deniers. And Holocaust deniers are nothing but anti-semites. But they dress up their hatred and they dress up their pseudo claims, which have no basis in reality, in academic verbiage.

Their meetings sound like academic conferences. They publish footnoted books. It's the same racist anti-Semitic garbage that we've been talking about. But they dress it up so that people are fooled. You mentioned earlier the stuffed animal, and fooling the jury. They used to publish a journal called the Journal of historical review. I wouldn't be surprised it's in the UVA library. Many years ago when deniers were just beginning to change their outside appearance so to speak, and to camouflage who they really were, a Yale student wrote a senior thesis something on the Luftwaffe.

And his teacher said, this professor said, this is worthy of being published. So being a male and being the Yale he figured, OK, it's worthy of publish. He went to the library, and look through journals to see which journals he would submit it to. And he found this journal of historical review. New perspectives on history. It's a pure anti-Semitic denial journal. But when you first look at it, it looks serious. And he sent it. And they accepted it. And it was published.

And then they paid him. The fact that it was published quickly and they paid you made it clear that it was not a legitimate journal because no academic journal does that. But in other words, it's to trick people. If you don't see the Ku Klux Klan uniform, if you don't see a swastika, if you don't see the SS symbol, whatever. But you have symbols that people don't know, but it was sort of like for the cognoscenti you can think, oh, these are just people who carry stuffed animals. So I just wanted to jump in and build on that.

KIM FORDE-MAZRUI: Well, thank you. And while I have you Deborah, we only have about 10 minutes. But one of the questions that came in the chat is for you. And it's from Judith Kahn. And it says, how do we productively counter the narrative construct such as the replacement theory, especially when so few people understand it?

DEBORAH LIPSTADT: Well, I think we understand it, and we talk about it, and we explain it. And we show the ridiculous nature of it. It's not easy. We have to educate ourselves. We can't just say, oh, that's the anti-Semitism, that's racism. We've got to be able to figure out a way to get people to understand that. I mean, I've had people say to me, well after Charlottesville someone said to me well all they want is a white neighborhood. I like to live in the neighborhood. I'm Catholic. I lived near Catholics because we all go to the Catholic Church. And we have the same holidays and whatever.

And Jews just like to live in Jewish. I said, no, no, no. It's not the same thing. And I think we have to figure out ways of how to explain that. And it's hard to do it in a pithy kind of way. But we have to figure out. And we have to have our antennae up. And it's much easier to float through life not having to fight that battle. But I think we have to do that.

KIM FORDE-MAZRUI: OK. Thank you.

KAREN DUNN: Can I say one thing?

KIM FORDE-MAZRUI: Sure.

KAREN DUNN: Which is I think from the point of view of at least the jury in this case, and the case that we presented, one really distinguishing feature here was just how violent the conduct was. And I think people think a lot of things. There's a lot of discussion about ideology and speech. But one really key part of our case-- and the law is very clear on this-- which is that violence is not protected by the First Amendment. And so the way that we chose to present this case was to really focus on how violent the actions were that happened.

I mean, there wasn't just violence in the car attack. There was violence all day on Saturday. And Friday night. As Devin well knows at the Thomas Jefferson statue. And what we were able to do-- and I think the more that people understand this, the better. It's not just we'd like North America to be a white ethno-state, which is a shocking principle. It's that it is very much understood and accepted that the only way to have that happen is for there to be a race war, and to ignite the race war.

So one of the reasons we make sure to publicly tell people that in the planning documents we saw documents where they said publicly we will call it Unite the Right. But privately, we're going to call it the Battle of Charlottesville. Because the Battle of Charlottesville, which by the way followed an earlier battle in Berkeley that happened in April, was meant to be a battle that was part of the larger race war. And so, to me, actually I mean I think we kind of could've proved this case in two documents that we found. We found two chats.

One was on the day that the Battle of Charlottesville was conceived by the primary organizer. And he said we're going to come to Charlottesville for the Battle of Charlottesville, and we're going to fight this shit out in the streets. And he said that. We're going to have a violent event in Charlottesville. It's going to be a battle. And it's going to be on this date.

The day before he wrote that-- and by the way, that was posted to the entire alt right event server. So the entire alt right knows it's supposed to come to the Battle of Charlottesville. The day before he writes that, he writes another post that says the alt right is a dangerous movement. And it's reliant on what he calls as racism bans-- so jokes about racism, racist jokes, banter-- to feed its chaos and energy. So you really only need these two pieces of evidence that were on the Discord platform for the whole alt right to see to what is happening. That the idea is to Marshal a dangerous movement, that is violent, that is fueled by racism although covered up in jokes, and the plan is to come for an actual battle on the streets of Charlottesville on a date that has been designated.

So actually, I think some of these things are complicated. This is not complicated. It's not complicated as a legal matter. And it's not really complicated for people to understand that there are people planning a war, which necessitates having a battle, many battles actually, in towns and in cities across America. And that was the plan.

DEBORAH We saw it on January 6th. We saw it on January 6th.

LIPSTADT:

ROBERTA Right. Was going to say, and they're still planning it. On that happy note.

KAPLAN:

DEBORAH I was going to say.

LIPSTADT:

KAREN DUNN: I'm sorry. Now we'll say something hopeful. Like, we won.

KIM FORDE-MAZRUI: Yeah. So actually, let me turn to a couple of legal questions. And I'll end with the one that's hopefully the most hopeful. One is a question someone named Nancy Buke or buck asked. How significant is it that you didn't win on the federal counts? How does that bode for future cases maybe in states that don't have state laws that would be adequate? And then, I'll throw out three questions and you guys can choose among them. I think they're more for the lawyers.

How do you feel about the audio streaming of it? Some might have thought that that would give them a kind of stage to grandstand. On the other hand, I wish they had kept the recording myself. So the federal KKK Act, audio streaming, and then the one that's hopefully more hopeful is going forward in addition to the expressive message of this, what kind of concrete accountability can come from this in terms of going against the defendants?

ROBERTA KAPLAN: So let me start with the KKK Act issue. To be clear, just so everyone knows, we didn't lose the KKK Act. The jury just couldn't reach a unanimous verdict on it. It did however reach a unanimous verdict on the very similar very analogous Virginia conspiracy statute. So what does that mean? Well, none of us had the privilege or maybe not the privilege of being in that jury room for those 2 and 1/2 days when they're deliberating. But I think it's fair to say that in high profile tax cases like this that juries want to leave. This was just before Thanksgiving. And I think we ended the Tuesday before Thanksgiving.

And I think what it most likely says is that there was, in my best guess, one juror who was kind of arguing with the others. And the way to get a unanimous verdict on everything else was to reach this compromise. And because they had a verdict on the Virginia Conspiracy statute, I think the jurors were comfortable that they had shown these defendants for what they truly were. I don't think it has any significance in any other case beyond that. As I said before, the Virginia Conspiracy statute is very similar. I think it's just an artifact of the idiosyncrasy of human nature, and of people sitting in a room together trying to hammer things out.

KIM FORDE-MAZRUI: Good. Thank you. Karen, did you want to comment on the audio streaming? And/or--

KAREN DUNN: So I actually have a pretty definitive view on the audio stream, which is, look, in the Kyle Rittenhouse trial, it's in state court. So everybody got to see what was going on. So we're in federal court. No cameras in the courtroom. And while I generally agree with no cameras in the courtroom I think it's much harder for the public to see what's happening. And I think in this case, it was great that we had this audio line, which dramatically expanded the number of people who could listen and who could hear what was going on.

I mean, we would get notes all the time from people who are listening on the audio line. And pre-covid, this just wasn't the case. You had a trial. And the people who saw your trial were the people who bothered to come, and show up, and sit there every day. And now we had people who could be at home and they could listen every day if they wanted to. So I thought this was fantastic because I think our view is let's just bring it to the open.

We're not at some great advantage having this all covered up and planned in secret. Let's have people understand what this is about. So I actually think-- and I would just apply this generally. I think the innovation, the COVID innovation, of the courtroom audio line is increasing access to proceedings for the public. And is raising awareness of not just our case, but how our courts work. And how our institutions work in a way that can be very positive in general for democracy. So I think it's fantastic.

ROBERTA KAPLAN: Let me add that-- if what the question was asking was about the several occasions when defendants did or said things on social media that were inaccurate or that were inaccurate about witnesses or their testimony or exhibits, suffice it to say we raised that with the judge. And every time, Judge Moon, to his great credit, found out about it he told them to cut it out. So there was some confusion on the line, and there was some craziness going on. But for the most part, the court was determined to monitor it and do the best they possibly could.

KIM FORDE-MAZRUI: OK. Thank you. And mindful of your time. If you wouldn't mind, just a couple of minutes on just have you been able to collect? Do you think you will? What other kinds of ways can this be used kind of concretely against these defendants and possibly others?

KAREN DUNN: I can start. And Robbie will finish because she loves talking about her legal experience in pursuing assets and leans on people's houses. The first thing I just would like to note is that in this case, we got a jury award that was not just compensatory damages against each and every defendant, but also punitive damages. The purpose of punitive damages under the law is not just to punish these defendants, but to send a message to any future possible defendants who are contemplating doing something similar.

So the jury in this case was very thoughtful about the numbers that they chose. The verdict form is very carefully considered with the numbers. And I think that the jury understood based on our closing arguments that the purpose was to send a message more broadly. And I think they did that. Secondly, this case has already served as a model for other cases that are being brought under the KKK Act. Some of which relate to January 6th. Others of which don't.

But there's now a template in the world, a legal template, about a case that can be successfully brought about racially motivated violence. And leveraging the law of conspiracy, which courts apply every day in different contexts to white supremacist conspiracy and other racially motivated conspiracies. So that, I think, is also helpful in the vein of accountability and then the third thing is that Robbie and I are really persistent and tenacious people. And we are going to pursue these defendants for what they owe. And Robbie can talk about that as well. But I think everybody should understand we're not done with these people.

KIM FORDE- Thank you, Robbie.

MAZRUI:

**ROBERTA
KAPLAN:** And so I don't have much to add other than to say when my son was little, one of the favorite books that we had that I read to him was called *A Dog Needs a Bone*. And there was probably a reason for that because when I get out something like this as you heard Karen say I'm like a dog with a bone. And Karen is exactly the same.

At the very beginning of my legal career when I worked at Karen's firm, at Paul Weiss, one of my very first assignments believe it or not was doing judgment enforcement in a partnership dispute between two brothers. So I knew how to do it then. And I will if I have to learn anything new, I will learn how to do it now.

But the law has very, very powerful mechanisms, including garnishing wages, putting liens on property, et cetera. Getting even most importantly, probably getting discovery about the defendant's assets which up to now, we haven't had that we will use to the full extent of the law. There's no question.

**KIM FORDE-
MAZRUI:** Well, that brings us to the end. And just on behalf of everyone on this call, which is a very significant number, and all the people in this community, and other communities that have benefited by all of the people on this panel's work and courage, just thank you very much Devin, Liz, Marissa, Deborah, Robbie, and Karen. Thank you for sharing the trial with us. And thank you for engaging in it. And thank you for your ongoing work.