



## THE CHARLOTTESVILLE VERDICT: TAKING ACTION IN THE FACE OF EXTREMISM

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**Joshua Holo:** Welcome to the College Commons Podcast: passionate perspectives from Judaism's leading thinkers, brought to you by HUC Connect, the Hebrew Union College's online platform for continuing education. I'm Joshua Holo, dean of HUC's Skirball Campus, and your host.

**JH:** Welcome to this episode of the College Commons Podcast, where we're gonna discuss one of the most pressing and interesting legal cases presented in recent months regarding the violence in Charlottesville a few years ago. We're gonna speak with Amy Spitalnick, who is the Executive Director of Integrity First for America, the civil rights non-profit that spearheaded the successful landmark lawsuit against the hate groups responsible for the Charlottesville violence. Amy has served as Communications Director and Senior Policy Advisor to the New York Attorney General and Communications Adviser and spokesperson for the New York City mayor. She frequently appears in national media and has been named a Woman in Power Fellow at the 92nd Street Y, a Truman National Security Project Fellow, and a City & State 40 Under 40 Rising Star. Amy Spitalnick, thank you so much for joining us on the College Commons Podcast.

**Amy Spitalnick:** Thank you so much for having me.

**JH:** I'd like to ask you to start by giving us a brief refresher on what exactly happened in August 2017 in Charlottesville.

**AS:** It's so easy to forget that just four years ago in an American city, neo-Nazi white supremacists and hate groups were so emboldened and so empowered that they effectively stormed that city and attacked people based on their race, their religion, or

their willingness to defend the rights of their neighbors, but that's, of course, precisely what happened. Under the guise of protesting the removal of a Confederate statue, these extremists planned a weekend of violence. First, many of us remember the images of Neo-Nazis with tiki torches marching on the University of Virginia, chanting things like, "Jews will not replace us," and, "Blood and soil," where they ultimately surrounded a small group of peaceful counter-protesters at the Thomas Jefferson statue, including a number of our plaintiffs, they kicked, punched, beat them up, threw fuel and lit torches at them. One of our plaintiffs, an African-American undergrad at the time, said he thought he was going to die. And nearby, an interfaith gathering had to shelter in place. It was so unsafe outside their doors.

**AS:** The violence, of course, continued throughout the weekend. On Saturday, August 12th where the local synagogue in downtown Charlottesville was ultimately surrounded by neo-Nazis who were carrying semi-automatic weapons, chanting things like 'Sieg Heil', talking about torching those Jewish monsters via their online chats. The synagogue evacuated Congregants out the back, violence continued throughout the day in which a peaceful group of clergy who had gathered to counter-protest hate were attacked by these extremists, and of course, de-culminated in the car attack in which James Fields drove his car into a crowd of peaceful counter-protesters killing Heather Heyer, injuring many others who had been peacefully protesting, including a number of our plaintiffs.

**AS:** And what's important to understand and what became crystal clear to the jury and I think to the world during the course of our trial earlier this year is that that violence was no accident, it was planned meticulously in advance on social media, via text messages, and in-person conversations and meetings. Every detail was discussed in advance from the mundane and then now, what to wear, what to bring for lunch, wear mayonnaise oil in the sun, to the vial and the violent, how would they "crack skulls", whether they could even hit protesters with cars and claim self-defense, and as the jury heard during trial, this entire weekend was really painted by the defendants and their supporters as a "racial holy war," an intentionally violent effort to promote their vial view for what this country should be in pursuit of a white ethno state and an opposition to Jews, black people and any other minority that doesn't fit into their vision for this country.

**JH:** People around the country debated the notion promoted by then President, Trump, that they were "Fine people on both sides," and the intimation with that phrase that the violence was also somehow comparable on both sides. Do I understand that you're arguing the opposite, that the violence was in fact specific and preponderant among the

hate groups that planned the march, and that the march was fully intended to wreak violence?

**AS:** That's correct. On one side were largely Charlottesville community members who were peacefully counter-protesting against white supremacists who were descending on their town, on their college campus, on their city, and they had come out to peacefully speak out against hate. On the other side was an organized effort by the defendants in our lawsuit, the most notorious neo-nazi white supremacist and hate groups in this country, to plan, execute and then celebrate violence under the guise of protesting the removal of the statue, but as our lawsuit makes crystal clear, the goal was never a simple peaceful protest, it was always intended to be violent, and of course, violence is what happened.

**JH:** So elaborate for us precisely who were the plaintiffs in this case in particular and exactly what were they claiming?

**AS:** So our plaintiffs are most courageous people I know. They're nine Charlottesville area community members who were injured in the violence that weekend. Some like Natalie, Romero, and Devin Willis, and Liz Sines were University of Virginia students, either undergrads or law students at the time of the torch march. Natalie and Devin were two students who were surrounded at the Jefferson statue that night of the torch march and attacked and beaten. Others like Reverend Seth Whistleway had been peacefully protesting with fellow clergy members and was attacked, and many were actually injured in the car attack itself, including Marcus Martin and Marissa Blair who were there with their friend, Heather Heyer. Marcus is the scene in that iconic posture winning photo of the car going through the crowd in which he sprawled across the back, wearing red sneakers and a white shirt. He'd pushed Marissa out of the way. She still suffered some injuries, but not nearly as many as she likely would have had he not pushed her out of the way. Of course, their friend, Heather Heyer, was tragically killed in the attack, and Marcus himself suffered really extensive injuries, including a broken leg and ankle that he still is recovering from, never mind, of course, the emotional and psychological impacts they all suffered.

**AS:** In addition to Marcus and Marissa, a number of our plaintiffs were hit by the car directly or otherwise injured in that attack, including Thomas Baker, Chelsea Alvarado, Natalie Romero, who's also one of the University of Virginia students attacked on Friday night. Liz Sines, April Muniz, and all of these people in addition to the physical injuries they suffered are of course still grappling with the psychological and emotional impacts of that attack. So I just think it's so courageous that they survived to the unthinkable and

decided to hold those responsible accountable, which meant for them, over the course of the last few years and especially over the course of this month-long trial, reliving the worst moments of their lives, in some cases, questioned directly by the extremists responsible, and their courage and choosing to do that and fighting for accountability and justice by reliving these unthinkable moments that they survived is just endless in all of them.

**JH:** It's an amazing story, and congratulations, by the way, on your victory collectively in this month-long trial in which your plaintiffs won in over 26 million verdict against all the defendants. I'd like to ask you to help us understand the verdict specifically. Share with us why it's so impactful as a verdict, especially when I assume that no one's really gonna pay the \$26 million. Is that a correct assumption, or am I wrong?

**AS:** Well, we are certainly committed to following these defendants around for the rest of their lives to collect on these judgment, not just any tangible money or assets that they might have, but you can also, in collecting on these judgements, do things like put liens on their home or garnish wages or otherwise, seize assets, and we know historically, civil litigation like this in which large judgments have been won has been remarkably effective in bankrupting and dismantling hate groups and their leaders because of those financial and operational impacts, and certainly even before trial, the defendants have said that this case has done as much. It's financially devastated them, Richard Spencer, it has effectively dismantled some of their hate groups already even before trial.

**AS:** Richard Spencer told the Washington Post the day of the verdict that because of this case, the Alt-right is effectively dead and buried, and so seeing those sorts of impacts even before the verdict has been heartening, and now that we have won such a resounding large amount of damages on behalf of these plaintiffs, that impact will be infinitely greater, and not only is it important in terms of making clear the consequences to these defendants for their violent hate, it's also important in deterring others who are looking on and seeing that if you participate in this sort of racist, violent anti-semitic conspiracy, there will be consequences. You will have major financial, legal, operational consequences, and there's remarkable impact in that.

**AS:** And the last thing I'll also say in terms of the impact of this verdict is that we've already seen how it's become a model for holding extremists accountable. There have been a number of lawsuits brought in the aftermath of ours, including one just recently by the DC attorney general that are explicitly modeled on our lawsuit, taking on some of the extremists responsible for the January 6th insurrection. And so seeing how this case

can not only have the major impacts that's had in our defendants, but really serve as a model for accountability and justice at a moment when it's so needed has been incredibly heartening for me and the entire team behind this.

**JH:** I stand corrected. It's not that money will not be paid, even if the full \$26 million doesn't end up getting paid, it's, these organizations will lose their financial wherewithal to function as well as certain individuals, in addition to all of these incredible downstream impacts of deterrence that you spoke of. I wanna ask on a more impressionistic level. After having worked so long with all of these plaintiffs in this complicated case, what struck you most? What have you walked away with after this experience, and what has left you surprised and encouraged?

**AS:** I'll say a few things. I think first and foremost, this trial really pulled back the curtain on how these extremists operate. We not only had all of our plaintiffs testify, we didn't just put the defendants on the stand, we had expert witnesses testify, who spoke about the tools, the tactics, the ideology at play here. We had Pete Simi who worked with Kathy Blee on an incredible expert report, and we had Debra Lipstadt, the foremost expert in anti-Semitism and the Holocaust, explain to the jury why anti-Semitism was so central to the violence in Charlottesville, and I think all of those experts really made clear what's at stake here, how when we hear things like, "Jews will not replace us," it really illustrates the deep-seated anti-Semitism that's at the core of white supremacy and that animates and fuels so many other forms of hate, including racism and xenophobia, this idea that Jews are the puppet masters orchestrating a replacement of the white race, and it tells me, and I hope others, that all of our fates are deeply intertwined, you can't take on one form of hate without taking on the others, and certainly the violence in Charlottesville illustrated that as the very ideology at the core of these defendants' actions.

**AS:** And then similarly, we had Pete Simi testify about the focus on optics, how these defendants are very specific and careful and how they go about things so that they can claim that when, for example, they talk about hitting protesters with cars, they were simply joking, never mind the fact that, of course, multiple protesters who were force-hit directly by a car as part of the violence, directly encouraged and inspired by these conversations and chats in the lead-up to unite the rights. And so understanding how these extremists operate, their focus on optics, on creating plausible deniability that they were simply joking is still important because these are the same tactics that we're seeing over and over again. At a moment when Charlottesville ended up really being a preview or a harbinger of the extremism that's followed in this country, it's so important to understand how that extremism operates, how the cycle of violence continues,

because it's only by understanding these tools and these tactics that we can break that cycle, that we can make clear the consequences, and we can, as we've been talking about, bankrupt, disrupt, and dismantle these hate groups and their leaders.

**AS:** And the second thing I'll say, the second takeaway, which relates to this first, is that we're not powerless in the face of extremism. I hope this case made very clear that we can use the tools we have to take action. At a moment when it can feel really daunting, we can all feel really hopeless and powerless in the face of rising extremism, rising hate crimes, there are ways that we can act. There's so much more that needs to happen in this country, but I think this case made very clear that this sort of violent hate has no place here.

**JH:** You previously mentioned that this case will provide an important model for the prosecution of the insurrection on January 6th at the Capitol. I'd like to ask you to elaborate a bit on that by telling us how so, how does this case help inform the January 6 case, and secondarily, what is different about it? What does not apply? How does the January 6 case really differ?

**AS:** I think it's important to understand the direct line that runs from Charlottesville to the Capitol insurrection. As I've mentioned, Charlottesville really was a harbinger of the violence that's followed, the ways in which his extremists operate. And so when you look at what happened on January 6, so many of the same tools and tactics were used, the use of social media to plan the violence, individuals and organizations played crucial roles there, certainly some of the messaging and ideology that we saw, this idea of stopping the steel of our country is very much rooted in the same idea of some sort of conspiracy to undermine the white Christian nation that many of the defendants in our lawsuit saw, this replacement idea. And so understanding the connections that run from Charlottesville to the Capitol, and of course, the many acts of extremism we've seen in between, including Pittsburgh, Poway, El Paso, generally rising hate crimes in the United States, and so much more, and now certainly attacks on public health and election officials and others. And so in order to understand how our case can really be a model, it's important to understand the sad similarities as we've seen extremism metastasize and in some ways become more normalized over the last four years, but we are seeing how our case really has created that model.

**AS:** The DC attorney general in partnership with a number of organizations and pro bono law firms just brought a lawsuit against the Proud Boys and Oath Keepers and a number of their members modeled on our lawsuit over January 6, and this is a civil lawsuit that much like ours, can take on the finances and operations of these extremist

groups and their leaders, and that is important, of course, because we know that when you make it really financially and operationally painful to participate in this sort of extremism, it not only helps stop those directly responsible, but it helps serve as a deterrent as well. And so seeing these cases come out that are explicitly modeled on ours and in some cases use the same statute as ours is heartening because it illustrates that we can use civil litigation as a powerful tool. It's not a silver bullet, there's so much more we need to do on the criminal level in terms of not just federal prosecutions, but making sure state and local officials are effectively prosecuting hate crimes, the deterrent and the radicalization and education levels, resiliency to make sure that we are helping to prevent people from being radicalized, in the first place.

**AS:** And certainly when it comes to the private sector and making sure that social media is living up to its own ethical obligation in the space, rather than allowing itself to really serve as effectively the Clendenin of the 21st century. And so there's so much that we need to do, but civil litigation has historically been very powerful in taking on extremists if you look back to the 80s and 90s. And certainly now as our case is made clear, it can have significant impacts financially, operationally, legally on these defendants, that make it very clear what the consequences will be for participating in the sort of violent hate.

**JH:** Integrity First for America, and you clearly are dedicated to powerfully changing the conversation around violence and supremacy in this country, how can we who also care about those issues help? What else can we do to help ensure accountability for these groups and, as you described before, deterrence?

**AS:** Yeah, look, there's so much that we can do. It's so easy to feel helpless in a moment like this when we're facing record level extremism and hate crimes, and certainly, I know I even feel that way at times, but we are not powerless, and I think figuring out the tools we have to take action, whatever that might be, that's what our team did here. We have an incredible legal team led by Roberta Kaplan and Karen Don and a number of others who made this lawsuit possible by finding the tools we had in our legal system to take on extremism.

**AS:** And at Integrity First for America, we were just so thrilled to partner with them and our courageous plaintiffs to bring this forward, but you don't have to bring a lawsuit to make a mark in the space. Certainly get involved by supporting organizations, supporting organizations like Integrity First for America, and there's so many other non-profits and advocacy organizations working in the space to fight extremism and protect our democracy, hold our elected officials to account, making sure that they are

living up to their obligations, and as consumers, we have power as well in terms of holding social media companies and others to account in terms of platforming extremism and making sure that they are not doing so, and for some social media companies that have both the entire business models on extremism, making sure web hosting companies, domain registration companies aren't giving those sites or platforms. There's a lot that we can do as consumers, as advocates, as constituents, and using our voice to keep the alarm bells ringing on the crisis of extremism in this country is so important.

**AS:** But if folks wanna learn more about this case specifically and get involved with IFA, you can go to [integrityfirstforamerica.org](http://integrityfirstforamerica.org), where we have a wealth of resources, including a ton of information from the trial itself, the expert reports we've been talking about, news clips and ton of other information that I think is important not just to understanding what happened in court and the victory we had, but also the ways in which these extremists operate and the tools we have to fight back.

**JH:** Well, to you Amy Spitalnick and your colleague, Roberta Kaplan, and your teams and your incredible work again, thank you and the heartiest of congratulations and here's to the shared work of fighting racism and hate in our country and working for a more perfect democracy. Thank you so much for taking the time to speak with us.

**AS:** Thank you so much.

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