

Legal Argument Statement, Stop Cop City Protests

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I. Introduction

This statement addresses concerns arising from recent protest-related activities and the implications associated with the use and dismissal of RICO charges, which are currently under appellate review. While the dismissal of such charges raises important procedural considerations, it does not resolve underlying concerns regarding organization, accountability, and potential harm within certain activist movements. The issues presented extend beyond any single legal mechanism and instead reflect patterns of conduct that warrant continued judicial scrutiny, particularly in light of the pending appeal.

II. Nature of the Concern

The concern includes the application of RICO statutes, as well as the presence of anti state activism movements that may intersect with organized criminal elements, including gangs or other coordinated networks, as well as the involvement of foreign adversarial actors. Additionally, these movements often demonstrate a pattern of sustained momentum without sufficient mechanisms for reflection, oversight, or internal accountability.

The structure of such movements, frequently decentralized and rapidly mobilized, may contribute to environments in which escalation occurs without clear or safe controls. While collective action is a protected form of expression, the absence of defined boundaries increases the risk of harm to participants and non-participants alike. These structural characteristics are directly relevant to the appellate inquiry into whether coordinated activity may meet the threshold required under applicable racketeering frameworks.

III. Pattern of Conduct

Reports and observations indicate that certain protest environments exhibit characteristics consistent with crowd-driven or “mob rule” dynamics. In such conditions, individual accountability may be diminished, and actions taken within the group setting may escalate beyond lawful or peaceful expression.

There have been instances of confrontational messaging directed at law enforcement, including imagery and rhetoric that may reasonably be interpreted as threatening. Additionally, allegations have been raised involving harassment, intimidation, non-consensual filming, and threats directed at individuals. While not necessarily representative of all participants, such conduct raises legitimate concerns when it occurs within loosely organized and minimally regulated settings, particularly where patterns of behavior may be evaluated collectively in an appellate context.

IV. Scope of Impact

The potential impact of these dynamics is not limited to law enforcement personnel. Concerns have also been raised regarding hostility toward military members and veterans, as well as large scale institutional and government opposition. These patterns suggest that the scope of the movement's impact may extend beyond a single policy issue and into wider societal domains.

Further, the inclusion of youth participants in these environments introduces additional considerations. The presence of minors or unsupervised young individuals in large, rapidly evolving protest settings increases vulnerability to harm and raises additional concerns regarding oversight and responsibility.

V. Legal Significance of RICO

The initial use of RICO charges in this context, although dismissed on procedural grounds, highlighted the possibility that certain activities could be interpreted as coordinated or network-based conduct. The dismissal does not constitute a determination that no wrongdoing occurred, but rather that the charges, as filed, did not meet the required legal standards or authority at that stage.

As the matter proceeds through the appellate process, the underlying legal question remains active: whether the alleged conduct, when viewed in totality, may satisfy the statutory elements of coordinated enterprise and patterned activity. The concept underlying the use of RICO, namely, the examination of coordinated patterns of behavior, therefore remains directly relevant to the issues under review.

VI. Need for Accountability

A central issue presented is the question of accountability. In the absence of internal governance or enforceable standards, harmful actions may occur without clear consequences. This creates conditions in which individuals may be subject to harm, including harassment or coercion, with limited avenues for redress.

The existence of such conditions raises important legal and societal questions regarding the balance between protected expression and the prevention of harm. It also substantiates the need for mechanisms, whether legal or structural, that can address misconduct without infringing upon lawful rights. These considerations remain pertinent as the appellate court evaluates the implications of the dismissed charges.

VII. Conclusion

While the dismissal of RICO charges resolved a specific procedural issue at the trial level, it did not eliminate the concerns identified herein, nor did it foreclose further judicial review. The patterns of behavior, structural characteristics, and reported incidents associated with certain protest environments continue to warrant examination, particularly in light of the ongoing appeal.

The issue before the court, therefore, is not solely whether a particular statute applies in isolation, but whether existing legal and institutional frameworks are sufficient to address the risks posed by decentralized, high-momentum movements lacking clear accountability structures. The appellate process presents an opportunity to resolve these questions and to determine the appropriate legal standards moving forward.

Personal Note:

I am relieved to see that protesters are being released from wrongdoing or held accountable where appropriate. At the same time, I recognize indicators of conduct that may meet the threshold of RICO-related activity within certain activist groups. I maintain concerns regarding the protection of free speech and individual liberty, and it is reasonable to acknowledge that, in many instances, participant involvement may have been influenced by a lack of full awareness of the overall circumstances.

There are, however, substantial indications that aspects of these movements operated in a more clandestine manner, which may have contributed to coordinated activity resulting in harm, including conduct that may be characterized as terrorism. In light of these considerations, this moment presents an opportunity for the court to impose measured and proportionate remedies. Financial penalties, where appropriate, may serve as a lesser but effective sanction while establishing clear and enforceable boundaries.

Additionally, given that some protesters have already served periods of incarceration, it is reasonable to conclude that, in certain cases, the penalties have been sufficient. Moving forward, it would be appropriate for the court to focus particular attention on individuals in leadership roles, especially where there is evidence of involvement in organized or racketeering-related activity, as part of its ongoing evaluation and determination of appropriate legal consequences.