CRAWLSPACE ANALYSIS

Assessment: The NSPM-7 Cases

Open-Source Assessment: The Threats Facing Anarchist and Activist Networks in the United States and Europe

Prepared by Crawlspace Analysis
Information cut-off: 5 November 2026

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Scope Note

This assessment examines how the US government, its European partners and private companies can reach people in anarchist and anti-ICE networks, and what those people, their groups and the services they rely on should expect next. It is written from the position of the people being targeted. It asks how each kind of pressure arrives, what it has produced in court, and what has stopped it.

The legal setting is National Security Presidential Memorandum 7 (NSPM-7), signed on 25 September 2025, and the terrorism designations of four foreign anarchist and antifa groups that followed in November 2025. The assessment concentrates on five sets of US prosecutions:

- Prairieland, the 4 July 2025 shooting at an ICE detention center in Alvarado, Texas;
- the Minneapolis conspiracy case against fifteen people, *United States v. Sant*, known as the MN 15;
- the Turtle Island Liberation Front cases in California and Louisiana;
- the Kloth and Norman arson case in Georgia;
- the Wierzbicki firearms case in Delaware.

It sets these beside the European record, from the German Budapest trials to the Dutch seizure of an Italian server in October 2026. Chapter 4 gives the status of each pending case and what could soon show that the government misled a court, broke the law or is losing its case. Chapter 5 sets out how convictions could be overturned. Chapter 6 sets out how the MN 15 defendants, none of whom has been convicted, could win. Those three chapters look forward to 30 June 2027 and contain our own estimates, which are not predictions about any court. Chapters 5 and 6 are an analyst's reading and are not legal advice.

The events of 2008 around the FBI informant Brandon Darby appear throughout, because many readers already know that story. We compare it to current cases only where the comparison holds.

The information cut-off is 5 November 2026. Several trial and hearing transcripts are still restricted, so much of what follows rests on exhibits to defense motions and on notes kept by defendants' supporters. Those sources were chosen by one side of a live case, and the text says when it relies on them.

Sources and methods

- The assessment rests entirely on public information: federal dockets and exhibits, government publications, procurement records, statements by service operators, news reporting, and the

Icepick leak of Department of Homeland Security staff directory data. Sources are cited in the notes and listed in the Bibliography.

- No account was created on any subject platform, nothing was posted, and no system was probed.
- An indictment, a defense motion and an agent's report are claims by their authors. A judge's ruling is treated as a ruling on the question that was before the court and nothing more.
- Two different presidential memoranda are numbered NSPM-7. One was signed on 4 October 2017 and concerns sharing information on threat actors. The other was signed on 25 September 2025 and concerns domestic terrorism. Where a federal document says "NSPM-7" without a date or title, we say so and do not assign it to either.[1]
- Joint Terrorism Task Forces pool informants and reporting across their member agencies. When we say an agency ran a source, we mean only that it opened or handled that source, not that others could not use the reporting.
- When we say something was not found, the statement covers only what was searched.
- We name defendants, officials, witnesses and declarants who appear in federal cases or on the record in news reports. We name no one on the basis of resemblance, and we record no home addresses, dates of birth or identification numbers.

Estimative language

Term	Meaning
Almost certainly	90–99%
Very likely	80–90%
Likely, probably	55–80%
Roughly even chance	45–55%
Unlikely	20–45%
Remote	1–5%

Confidence levels reflect the quality of the sources, not the likelihood of the event. High confidence rests on primary records or several independent sources. Moderate confidence rests on credible but incomplete sourcing. Low confidence rests on fragmentary or single-source information, or on inference.

Key Judgments

KJ	Judgment	Confidence
1	Informants, undercover agents and cooperating defendants produced most of the inside evidence	High
2	Signal has not been broken; the government gets messages from people and phones	High
3	Prosecutors now present security habits as evidence of guilt	High
4	Anything a company holds can be obtained, often in secret	High
5	Agencies buy commercial surveillance tools at scale; how they use them on activists is mostly hidden	High on purchases, low on use
6	Financial investigations reach unions, donors and hosts accused of nothing	High
7	Books, zines, reading groups and speaking tours are being used as proof	High
8	Shutting down movement servers is a twenty-year-old tactic, and sanctions have made it faster	High
9	Europe uses the same methods, and Hungary has now agreed with the US to pursue far-left groups jointly	High on the agreement, low on its content
10	NSPM-7 gave a new label and more scale to capabilities that already existed	Moderate
11	Holding less data has worked; no technical measure stops an informant	Moderate
12	No court has found that prosecutors lied, but the largest disclosures yet arrive by January	Moderate
13	The realistic hope in Prairieland is partial relief, not reversal of the whole case	Moderate
14	The MN 15 are more likely to win piece by piece than to see a judge end the whole case	Moderate
15	European courts have ruled against the state more often than US courts, usually after the harm was done	Moderate

KJ1. People, not technology, have produced most of the inside evidence. We assess with high confidence that in every case where we can see how the government got inside a group, it got there through a person. Court records count 119 agents working the Minnesota investigation, with at

least eleven undercover. In the Turtle Island cases, an FBI informant the Bureau calls reliable since about August 2021 was inside the group's Signal chat, and an undercover FBI employee joined on 7 December 2025. In Prairieland, the government relied on defendants who agreed to cooperate.[2]

KJ2. The encryption in Signal has held, but the phones at each end have not. We assess with high confidence that the government gets Signal messages from people in the chat and from seized devices, not from Signal. An FBI agent testified in Prairieland that legal process served on Signal would not produce message content. The chats in that case came from one seized phone, Apple's notification storage and iCloud backups. In Minnesota they came from agents' own screen recordings.[3]

KJ3. Prosecutors now present security habits as evidence of guilt. We assess with high confidence that ordinary precautions are being turned against the people who take them. The Prairieland prosecutors pointed to phones switched off or placed in a Faraday bag, which blocks signals. A Texas state charge concerns removing someone from a Signal chat. An activist who wiped his phone at Atlanta's airport with a duress passcode was charged with destroying property to prevent its seizure.[4]

KJ4. Anything a company holds can be obtained, and the customer often will not know. We assess with high confidence that data held by a third party is within reach of the government, and that gag orders often keep the target unaware. Cloudflare was barred from telling the operators of AnarchistFederation.net about an FBI court order. Warrants on Google, Substack and Bluesky supplied the Wierzbicki evidence. Fly.io and Stripe returned account data in Minnesota.[5]

KJ5. Agencies buy commercial surveillance tools at scale, and what they search for is mostly hidden. We assess with high confidence that ICE holds Penlink, Webloc and Clearview products at scale, and that vendors covering movement forums sell to agencies in the US, Canada and the UK and to an EU mission. We have low confidence about how these tools were used on activists. An HSI sheet lists Webloc against one Minnesota defendant, and beyond that the searches are largely unknown.[6]

KJ6. Financial investigations reach people accused of nothing. We assess with high confidence that money trails extend well past suspects. Homeland Security Investigations (HSI), ICE's investigative arm, demanded Fedwire and CHIPS bank-transfer records for SEIU, the Communications Workers of America and the Sunrise Movement. The volunteer service Autistici/Inventati lost PayPal and its Italian bank after US sanctions. Bavarian police looking for one Riseup user raided the German nonprofit that took Riseup's European donations. The government says the union records "played no role" in the Minnesota indictment.[7]

KJ7. Reading and association are being used as proof. We assess with high confidence that anarchist publishing and membership are being treated as evidence of crime. A Prairieland defendant received 30 years after a concealment conviction for moving a box of zines. The Minnesota indictment pleads a defendant's CrimethInc. articles and a speaking tour. A defense lawyer says FBI offices were told to revisit old files, and the Kloth and Norman case concerns an event from 2022.[8]

KJ8. Shutting down movement servers is an old tactic, and sanctions have made it much faster. We assess with high confidence that seizing and removing movement infrastructure has been settled practice on both sides of the Atlantic since the Indymedia seizure of 2004. Sanctions are a faster instrument. Autistici/Inventati went from listing to dissolution in 23 days, with no court involved. We found no US charge resting on the four November 2025 designations, although a State Department official has said the material support statute was used against those groups.[9]

KJ9. Europe uses the same methods, and joint pursuit of far-left groups is now stated policy with one EU state. We assess with high confidence that US and European authorities have worked together in specific cases, by treaty and by request. On 29 October, Hungary and the US signed a law-enforcement memorandum that Hungary's foreign minister tied to groups such as Antifa Ost. That followed a State Department meeting of 66 delegations in July on "far-left terrorism". We have low confidence about what the memorandum does in practice, because its text is not public, and we found no EU-wide plan.[10]

KJ10. NSPM-7 gave a new label and more scale to capabilities that already existed. We assess with moderate confidence that the memorandum organized older tools more than it created new ones. HSI's undercover reports from December 2025 and a face search from January 2026 are older than Project Whipple Shield, the Minnesota case opened "In accordance with" NSPM-7. HSI's undercover program dates to 2008. The HSI text gives no date or title for the memorandum it cites, and no document links Brandon Darby to these operations.[11]

KJ11. Holding less data has worked, but no technical measure stops an informant. We assess with moderate confidence that keeping less data, and encrypting what is kept, reduces what a seizure yields. German authorities apparently could not decrypt linksunten's storage, while Kolektiva's unencrypted backup gave the FBI everything in it. None of this helps when the person in the chat is reporting to the government.[12]

KJ12. No court has found that prosecutors lied, but the largest disclosures yet arrive by January. We assess with moderate confidence that at least one new public conflict with a government statement is likely by January. The Prairieland transcripts open on 20 November, a

redacted Minnesota transcript follows on 23 November, and an Amsterdam court hears the challenge to the Autistici/Inventati seizure on 9 December. The strongest conflict on the record today sets an HSI witness's grand jury testimony against HSI's own undercover reports.[13]

KJ13. The realistic hope in Prairieland is partial relief. We assess with moderate confidence that it is unlikely the Fifth Circuit reverses the whole case. The best prospects are counts against people who were away from the shooting, and sentence length, above all for the four defendants Judge O'Connor sentenced. Fifth Circuit precedent favors the government on most routes, and its Holy Land Foundation decision makes an appeal on the political evidence especially hard. The FBI's closed 2018 file is the fact most likely to change that assessment, if the unreleased pages touch these defendants.[14]

KJ14. The MN 15 are more likely to win piece by piece than to see a judge end the whole case. We assess with moderate confidence that dismissal of the whole case is unlikely. Prosecutors dropping at least one defendant or count is likely, and if the case is tried, at least one acquittal on the main conspiracy count is likely. The government's weakest point is the word "force" in 18 U.S.C. § 372, because Judge Menendez read its own brief as saying no defendant is alleged to have used physical violence. The trailers and steel barriers are its strongest answer. Motions are due on 18 December and no trial date is set.[15]

KJ15. European courts have ruled against the state more often than US courts, usually after the harm was done. We assess with moderate confidence that this holds for the matters we reviewed. Germany's top court held Maja T.'s handover to Hungary unlawful, a Göttingen court protected Rote Hilfe's bank account, and an Athens court acquitted Nikos Romanos. T. is still imprisoned in Hungary all the same, and the European Court of Human Rights rejected Alfredo Cospito's complaint.[16]

1. Background

IN BRIEF

- The legal foundation was laid in ten weeks in late 2025: a presidential memorandum, four foreign designations and an Attorney General's order to map networks.
- The five case sets differ widely in gravity, from a shooting to online posts.
- American anarchists read these cases through the story of Brandon Darby, the activist who became an FBI informant in 2008.
- Europe has its own long history of infiltration and server seizures.

1.1 What the government ordered in late 2025

Everything in this assessment follows from a run of orders issued between September and December 2025. On 25 September, the President signed NSPM-7. It names "common threads" including "anti-Americanism, anti-capitalism, and anti-Christianity" and tells Joint Terrorism Task Forces to pursue recruiters, "institutional and individual funders" and officers of organizations.[17]

The State Department then labelled four foreign groups as terrorists: the Informal Anarchist Federation/International Revolutionary Front (FAI/FRI) in Italy, Antifa Ost in Germany, and Armed Proletarian Justice and Revolutionary Class Self-Defense in Greece. They became Specially Designated Global Terrorists on 13 November and Foreign Terrorist Organizations from 20 November.[18]

On 4 December the Attorney General told task forces to "map the full network of culpable actors … inside and outside the United States". The memo lists opposition to immigration enforcement and anti-capitalism among its indicators, orders a look back over five years, and tells the FBI to compile a list of groups. Asked about that list on 11 February 2026, Attorney General Bondi replied: "I know Antifa is part of that."[19]

Two bodies carry out this work. The FBI runs an NSPM-7 Joint Mission Center staffed from ten agencies, and records reported by TPM show 13 IRS employees detailed to it, along with emails about a "Violent Anarchist Task Force" working group. Joint Task Force Vanguard, which began in March 2026, leads the prosecutions under co-directors who report to the Deputy Attorney General. The New York Times reported that a senior Justice Department official told prosecutors in late January to press agents to make cases, and that the FBI was close to an agreement with the IRS to investigate 501(c)(3) nonprofits.[20]

Thirteen Justice Department press releases place a case inside the "NSPM-7 initiative". Only three of those are tied by government sources to anarchism, antifa or anti-capitalism: Minnesota, Kloth and Norman, and the Turtle Island cases. The Prairieland releases cite the President's September 2025 antifa order and do not mention NSPM-7.[21]

1.2 The five sets of cases

The cases differ so much in gravity that any fair reading has to keep them apart. They range from a shooting to online posts, and the government uses the same language for all of them.

Prairieland. On 4 July 2025, about a dozen people held a noise demonstration with fireworks outside ICE's detention center in Alvarado, Texas, and a local police lieutenant named Gross was shot. Fifteen people were sentenced in June and July 2026 to more than 556 years in total, including 100 years for the alleged shooter, Benjamin Song. All post-trial motions were denied, and appeals are pending.[22]

The MN 15. During Operation Metro Surge, the ICE deployment to Minneapolis in early 2026, HSI's St. Paul office opened undercover investigations into anti-ICE organizing. Fifteen people are charged with conspiracy to impede federal officers, and a superseding indictment was filed on 22 October. The original indictment has no terrorism count. Judge Menendez has written that "none of the defendants are alleged to have used physical violence".[23]

Turtle Island. The FBI's Joint Terrorism Task Force charged members of the Turtle Island Liberation Front with an alleged bomb plot it called Operation Midnight Sun. The plea papers say four defendants went to Lucerne Valley, California, on 12 December 2025 to build and test explosive devices. Two people have pleaded guilty, and the others go to trial on 11 May 2027.[24]

Kloth and Norman. Two people are charged in Georgia over a 12 May 2022 attack on Brasfield & Gorrie, a contractor on the Atlanta police training center known to opponents as Cop City. The case is before trial, with a suppression motion pending.[25]

Wierzbicki. A Delaware man was investigated over online posts about ICE and Supreme Court justices. The charge is firearm possession by a felon. The government told the court that an examination of his phone found no planning and that his threats "existed solely online", and a magistrate judge denied detention.[26]

1.3 Why the story of Brandon Darby still matters

When American anarchists talk about informants, they usually start with Brandon Darby. He was an activist known from the Common Ground relief effort in New Orleans, and by the 2008 Republican National Convention in St. Paul he was reporting to the FBI as "CHS 1", for confidential human source. The FBI authorized him to commit otherwise illegal acts, including

trespass. His testimony helped convict two young Texans over Molotov cocktails. Andrew Breitbart later gave him a platform, and Breitbart today lists him as editor-in-chief of Breitbart Texas, where he writes on border prosecutions and ICE.[27]

Darby was only one of several sources around that convention. Ramsey County placed an undercover investigator and a paid informant in the RNC Welcoming Committee a year ahead of time, and took reporting from a second informant from another agency. A deputy working with the FBI went to Iowa to infiltrate protest groups. Behind that sits a longer record, from the FBI's COINTELPRO program, which falsely branded activists as informants, to an informant reported to have pressed Denver activists toward armed action in 2020.[28]

We return to Darby in this assessment because his story explains how these methods feel from inside a movement. It is a comparison and nothing more. Section 3.2 sets out where it fits and where it does not.

1.4 Europe's own record

European movements have faced the same methods for just as long. Italian police secretly copied the keys of the Autistici/Inventati server in 2004. Germany banned the website linksunten.indymedia in 2017 by treating it as an association, and seized its infrastructure. British undercover officers spent years inside campaigns: one held the bank account, post-office box and email of a group opposing an arms fair, and a court in Schwerin found Mark Kennedy's deployment in Germany "objectively illegal" in 2022. In 2026, the Interventionistische Linke in Bremen announced that one of its members had reported to state intelligence for about eight years.[29]

Antifa Ost, one of the four groups designated in 2025, is known in Germany from the "Hammergang" trial. In the Prairieland case, that name appears only in an exhibit to a defense filing.[30]

2. How People and Groups Are Reached

IN BRIEF

- Most inside evidence came from people: undercover agents, a paid informant and cooperating defendants.
- Signal has held; phones, backups and the people in the chat have not.
- Companies hand over what they hold, sometimes under gag orders that keep customers in the dark.
- Agencies also buy data outright, with no court involved.
- Money trails reach unions and donors, and political reading has become trial evidence.
- Sanctions took down an entire European service in 23 days.

A threat vector is a route by which a person, group or service can be reached. This chapter goes through nine of them in the order a person in these networks would meet them, starting with the most dangerous: the other people in the room.

2.1 People inside the group

Four kinds of people have given the government inside access in these cases, and each one works differently.

The first is the undercover agent. HSI's agents in Minnesota got into anti-ICE groups the way anyone would: through registration forms, QR codes, Instagram links and being vouched for on Signal. One agent, called UCA 9843 in HSI's reports, sat in a Signal group of 143 members whose messages disappeared after a day. Others attended a boxing class, a virtual meeting at Hunter College in New York and stops on a CrimethInc. speaking tour in Chicago and Ann Arbor. HSI's own reports repeatedly recorded that no violations were discussed, and the agents stayed in the chats anyway.[31]

The second is the paid informant, the method Darby made familiar. In the Turtle Island cases the FBI's source was "cooperating for financial compensation", sat in the group's Signal chat, messaged defendants directly and handed the messages to the FBI. One defendant asked the source about firearms training, and that exchange now appears in the indictment. Part of one court conference was held with the prosecutors out of the room and then sealed, and a defendant has objected to limits on what the defense can learn about the informant.[32]

The third is the cooperating defendant, which is how the government got its account of Prairieland. According to supporters' notes, Lynette Sharp testified that she was told in jail that a deal was off and that she faced 99 years, and that she "never really knew" whether she was dealing with federal or county authorities. Nathan Baumann said his lawyer told him to cooperate and to make up whatever he needed. Cooperators reportedly testified that antifa "isn't a thing", which was the opposite of the government's theory. These accounts come from defense supporters, and the transcripts stay restricted until 20 November.[33]

The fourth is the person nobody can place. Two people at Prairieland, called "Rose" and "Eagle" in testimony, were never identified, and "Eagle" was the first to use the megaphone. Defense lawyer Xavier de Janon says informants were probably used and not disclosed. That is his view, and we found no reporting of a tip or informant before 4 July. In the Michigan case against Wagner, who is also an MN 15 defendant, prosecutors read out messages from a Signal user called "Xo Yaga", who opened with "Is this Mr. Antifa?", asked for help killing someone on "the list" and sent a driver's license. Wagner replied "I am not a fed", and his defender told the court it looked like a "sloppy confidential informant or an undercover officer". The record does not say who ran that account.[34]

Assessment. We assess with high confidence that this is the most productive route the government has. It also explains why the fight over informant discovery matters so much in the Turtle Island cases and in Minnesota: the defense cannot test what it cannot see.

2.2 Phones, and what survives on them

When a phone is seized, the question becomes what is still on it. Prairieland gives the clearest answer. The FBI said most of the phones it imaged had already lost their Signal chats, which means disappearing messages largely worked. One phone, Bradford Morris's, still held them, and that one phone gave the government its chats. On another phone, Signal had been removed, but incoming messages were recovered from Apple's notification storage. Agents could not open the alleged shooter's phone, so they got his iCloud data from Apple.[35]

Warrants are being written to get around locks. An HSI affidavit filed in the Minnesota case asks for authority to press subjects' fingers to devices and hold phones to their faces, and it notes that biometric unlocking may lapse after a restart or "48 hours or less". Home raids reach backups too: the FBI took Kolektiva's unencrypted backup from an administrator's home in 2023, in a protest investigation in which the service itself was not the target.[36]

The precautions themselves now appear in the government's proof. In Prairieland, prosecutors used cell-tower analysis showing phones turned off, in a Faraday bag or left at a staging house, as evidence of planning. Dario Sanchez's Texas state charges concern removing people from a Signal chat, and the Civil Liberties Defense Center says it represents a Texas activist charged with

hindering a terrorism prosecution for allegedly deleting Signal messages or users. Samuel Tunick wiped his GrapheneOS phone with a duress passcode at Atlanta's airport and was charged under 18 U.S.C. § 2232(a), which covers destroying property to prevent its seizure.[37]

Assessment. We assess with high confidence that disappearing messages and phone hygiene still reduce what a seizure yields, and that a person now has to weigh that against the chance of being charged for them.

2.3 What companies hand over

If a company holds data about you, the government can usually get it, and you may never be told. The cases below show how that works at each kind of company.

Hosting and payment companies gave the government a name in Minnesota. Agents found a Fly.io link in Signal chats, served legal process on Fly.io and Stripe, and got IP addresses, SSH logs and a card fingerprint. CLEAR and state records then supplied the person's name.[38]

Platforms hand over content under warrant. In the Wierzbicki case, the FBI executed warrants on three Google accounts, a Substack account and a Bluesky account, and the affidavit quotes private messages. No filing says whether those messages came from the companies or from the people who received them.[39]

Gag orders keep customers from finding out. Cloudflare told the operators of AnarchistFederation.net about an FBI court order only after a gag lapsed. Google then received a grand jury subpoena from the Eastern District of Kentucky for two collaborators' personal Gmail accounts, and the operators say they do not know how investigators linked those accounts to the site.[40]

Some demands are sent in bulk. DHS sent hundreds of administrative subpoenas, which need no judge, to Google, Meta and Reddit to identify people behind anti-ICE accounts. Several were withdrawn when challenged, though in one Reddit matter a grand jury subpoena followed.[41]

Signal is the exception, because it holds so little. A Washington grand jury subpoena for 37 phone numbers produced account dates for six of them.[42]

European law works the same way. In 2021 a Swiss order, on a French request sent through Europol, made Proton log and hand over an IP address tied to a climate collective. In a Spanish inquiry into the 2019 Catalan unrest, requests through Swiss police moved from Wire to Proton to Apple. Researchers reported an interception of jabber.ru at its German hosts in 2023. The EU's e-Evidence Regulation, in force since 18 August 2026, now lets one member state's authorities order a provider in another member state to produce data directly.[43]

People who remember Darby will recognize this route. In 2009, a man who sent him an angry email was prosecuted in Austin for retaliating against an informant, and the exhibits included Google, Cox and AOL subscriber records.[44]

Assessment. We assess with high confidence that the safest data is data a company never held. A promise from a provider protects you only as far as the provider's legal position allows, and a gag order can stop it warning you.

2.4 What the government can simply buy

Agencies do not need a court order for data they can buy. ICE holds a $50 million sole-source contract vehicle for Penlink's Tangles and Webloc products through 2031, and it has obligated $7.69 million to the face-search company Clearview on its current award. Citizen Lab reports that Webloc draws on location data from up to 500 million mobile devices. A leaked source list from ShadowDragon covers 233 sites, including Signal, Bluesky and a "Fediverse" entry, though it does not say what is pulled from each.[45]

Movement forums are for sale in this market. Six vendors have named Raddle, the anarchist discussion site, as a data source, and the buyers of their products include ICE, the FBI, the US Army, Canada's Department of National Defence, the UK Home Office and the EU's EULEX mission in Kosovo. An ordinary post can reach a government desk with no demand on the site at all.[46]

What agencies actually searched is much harder to see. An HSI sheet on one Minnesota defendant lists Accurint, PLX, WEBLOC and "Twitter - Historical". A Clearview report from January linked one face to protest images from 2011 and 2017. The defense says only two Clearview results have been produced. Web searches found no reporting of Webloc or Tangles being used against Minnesota protesters.[47]

Assessment. We assess with high confidence that the capability exists at scale, and with low confidence that we can say how it was used on any given person. The records show what was bought, and a purchase does not show a search.

2.5 Being watched on the street and at the border

HSI combined ordinary physical surveillance with the digital work in Minnesota. Its Special Operations Group ran "pattern of life" surveillance and a pole camera on one defendant's home, filmed a church parking lot and ran the license plates. When someone asked two agents if they were ICE, they pointed to a hard hat and safety vest. WIRED reports that CBP Reaper drone footage of activists was also collected.[48]

That collection fed lists. On 12 January HSI told agents in Minnesota to submit images, plates and identifications of "agitators, protestors etc." through an online form, and a St. Paul "Agitator Log" holds 60 entries. One complaint says an observer's Global Entry status was revoked a day after an agent photographed him, and that database queries on him rose to 55 in four months. Photographs taken with the Mobile Fortify face-scanning app are reportedly kept for 15 years.[49]

These records are used at the border. Tunick's stop at Atlanta's airport in January 2025 began with an HSI email saying he was under investigation by "HSI/JTTF for suspected terrorist activities" and asking officers to "retain all of his electronics". Officers told him they were looking for child abuse material. According to the defense brief, an officer later acknowledged having no reason to believe he had any.[50]

Assessment. We assess with moderate confidence that being recorded at a protest can follow a person into systems that have nothing to do with protest, such as airport screening. The Global Entry claim is an allegation in a complaint, and the Tunick account comes from a defense brief.

2.6 Following the money

Darby's own story begins with a financial case, which makes this one of the oldest routes here. By his account, which FBI file material suggests understates how early his contact began, he went to the authorities about Riad Hamad, an Austin teacher sending money to the Palestinian territories. FBI and IRS agents searched Hamad's home in February 2008. The case was about fraud and tax, and Hamad was found dead weeks later; an autopsy ruled suicide. Eighteen years on, IRS criminal investigators are detailed to the FBI's NSPM-7 center.[51]

The Minnesota case shows how far a financial investigation can now travel from the alleged crime. HSI sent customs summonses, which need no judge, to Fedwire and CHIPS for SEIU, Communications Workers of America and Sunrise Movement records going back to 2023, and asked the recipients not to disclose them "for an indefinite period of time". The Federal Reserve Bank of New York produced records. A FinCEN request asked banks to search for 29 subjects. PayPal and Venmo were subpoenaed for Voices for Racial Justice, partly because its website carried "ICE OUT" articles.[52]

HSI's report on SEIU lists strike payments, dues and medical expenses, and closes: "This financial investigation involving protest domestic terrorist financing continues." SEIU has not been charged, and the government says the records "played no role" in the indictment.[53]

In Europe the effect has been more severe, because banks act on US lists to protect themselves. Autistici/Inventati lost PayPal without notice and lost its Italian bank account to the risk of US secondary sanctions. May First warns that a sanctions violation could threaten its survival. Riseup

says donors who used its European account were likely put on police record after Bavarian police raided the nonprofit Zwiebelfreunde in 2018. In the Turtle Island case, an overt act in the indictment refers to “a donor”.[54]

Assessment. We assess with high confidence that giving money to, or banking for, a movement group now creates a record that can be collected without the giver being suspected of anything.

2.7 Using politics as evidence

Prairieland is the leading example of political reading being used to prove a crime. Prosecutors called “all the Antifa, Emma Goldman Book Club, Socialist Rifle Association, and other” materials proper evidence of motive, intent, knowledge and connection. They described the book club as a front for “ANTIFA DFW”, scrolled through its old Twitter account in court, and had Kyle Shideler of the Center for Security Policy interpret the material for the jury. The club’s own pages describe a monthly reading group. Daniel Sanchez Estrada, who was convicted of concealment for moving a box of zines and belongings, received 30 years.[55]

The government’s “cell” theory also has a problem it has not had to answer. The FBI investigated “Antifa DFW” during Trump’s first term and closed the case in 2018, recording “No potential criminal violations”. A defense lawyer says those records were not turned over. Judge Pittman denied a discovery motion on the basis of the “North Texas Antifa Cell” label and fined the lawyers $500 each. Supporters count 19 people arrested, more than a third of whom were not present.[56]

Minnesota’s prosecutors are taking the same approach. The indictment pleads two CrimethInc. articles and an “Anarchist Speaking Tour”, and an HSI grand jury slide titled “The Conspiracy” draws arrows from 20 organizations, including SEIU Local 26 and the AFL-CIO. In the Turtle Island plea, the terrorism enhancement added 12 levels to the sentencing calculation and set the criminal history category at the maximum, VI.[57]

Old files are being reopened as well. De Janon says FBI offices were told to revisit them, and Kloth and Norman were charged federally in 2026 over a 2022 event, days before their state case was dropped.[58]

Assessment. We assess with high confidence that in these cases what a person reads and who they read it with can reach a jury. Whether that survives appeal is the largest open legal question in the set, and Chapter 5 returns to it.

2.8 Taking down servers and services

Governments have been seizing movement servers for more than twenty years. In 2004 Rackspace, citing a treaty order, handed over UK-based Indymedia servers, reportedly after Italian and Swiss prompting. In 2012 the FBI removed a European Counter Network server from a New York rack shared by Riseup and May First. A 2014 US subpoena on May First sought data on Athens Indymedia's server. Dutch police seized NoState's server in 2021; our Raddle assessment attributed that to a British request, but the collective's own statement says it received no official information, so the requesting state is unconfirmed. Germany used association law against linksunten in 2017, and the criminal investigation closed in 2022.[59]

Sanctions have changed the speed of all this, and Autistici/Inventati (A/I) is the case that shows it. A/I was an Italian volunteer collective running mail, blogs and the Noblogs platform. On 26 August 2026, the US Treasury's Office of Foreign Assets Control (OFAC) listed it for technological support of terrorism, citing Noblogs and a media group's communiqués. Public Interest Registry suspended the domain on 28 August. PayPal and Banca Etica followed. Someone gained privileged access to Noblogs the same day, and a message claimed user data had gone to the US government. The collective resolved on 6 September to dissolve by 18 September, and says it never received a request about these users.[60]

On 13 October, Amsterdam police seized one of its remaining servers under a US treaty request. Prosecutors said the data had not yet been shared. An insider told the newspaper NRC that the server was encrypted and that other drives had been wiped. The association behind A/I has filed a complaint, to be heard on 9 December. Section 4.10 returns to this case.[61]

Projects that used the service scattered. The Final Straw moved its site to May First's network, an archive of Noblogs appeared at nublogs.org through hosts in Iceland, and May First has said its response to a sanctioned member would be to cancel the account and delete its data.[62]

Assessment. We assess with high confidence that a service can now be destroyed with no court hearing, because a listing makes registries, payment firms and banks act on their own. The Samidoun listing in 2024 was the earlier example.[63]

2.9 Private and far-right actors

Not all of the pressure comes from the state. The far-right activist Jayden Scott told the Star Tribune that his team got into Telegram groups and websites and "sent it to Homeland Security Investigations". He later said "We broke into your Signal groups." No filing we hold shows that anything he sent was used.[64]

Private think tanks supply arguments as well as experts. The Center for Security Policy provided Prairieland's expert witness, and on 28 September it argued that Noblogs-hosted distros and social accounts could be treated as "a core function" of FAI, citing material-support law. A private plaintiff sued Tucows and a John Doe over a Noblogs site alleged to have published her home address, in order to find out who ran it, and later dismissed the case. When the Icepick leak appeared, ZeroFox, a DHS vendor, was reported to have got the original domain suspended, and Iceland's FlokiNET rebuffed a further attempt.[65]

Assessment. We assess with moderate confidence that private actors widen the government's reach by supplying tips, expert witnesses and takedown pressure that do not need a court order. The evidence that the government used this material is thin so far.

3. Comparing the Cases

IN BRIEF

- Seized devices appear in every case; human sources separate the larger cases from the smaller ones.
- The Darby story explains a good deal about how these cases feel, but no document links him to today's operations.
- Europe and the US use matching methods, and the political link between them is now public.
- Most defenses have worked somewhere and failed somewhere else.

3.1 Which routes were used in which case

The table below compares the five case sets. "Not shown" means the route does not appear in the public record we hold, which does not mean it was not used.

Route	Prairieland	Turtle Island	Minnesota	Kloth and Norman	Wierzbicki
Undercover agent	Not shown	Yes	Yes	Not shown	Not shown
Informant	Not disclosed	Yes	None on docket	Not shown	Not shown
Cooperating defendant	Yes	Pleas, no cooperation clause	Not shown	Not shown	Not shown
Seized devices	Yes	Yes	Yes	Yes	Yes
Process on providers	iCloud	Not shown	Yes	Not shown	Yes
Financial process	Not shown	Not shown	Yes	Not shown	Not shown
Politics as proof	Yes	Ideology pleaded	Yes	State label only	Posts

Sources.[66]

Three things stand out. Device seizure appears in all five. Human access is what separates the larger cases from the smaller ones. And the government's method follows where the speech was held: when it sat on a service that could read it, agents used a warrant, and when it sat on Signal, agents went through people and phones.

3.2 What the Darby story explains, and where it stops

Six parts of the Darby story help a reader understand the current cases.

The first is how far sentences have moved. The two Texans of 2008 were handled by an Austin Joint Terrorism Task Force agent and received 24 and 48 months. Prairieland's defendants received up to 100 years, on counts that include terrorism charges under 18 U.S.C. § 2339A. The acts are different, since an officer was shot at Alvarado, but the distance between those sentences shows how much the terrorism label now adds.[67]

The second is what the terrorism label is for. In 2008, Ramsey County charged eight RNC organizers with conspiracy to riot "in furtherance of terrorism". The National Lawyers Guild said the complaints alleged no personal violence by any defendant, and the sheriff said the charge allowed search warrants on the group's leadership. On 9 April 2009 the county attorney announced that the terrorism counts would go, and said the law might be overly broad. The felony conspiracy counts stayed. The same Twin Cities now host another conspiracy case built on organizing, in which the judge says no defendant is alleged to have used violence.[68]

The third is the question of who pushed whom. Crowder's sentencing memo said Darby paid most of the travel costs to a planning trip and got permission to break laws. McKay's first trial ended in a hung jury after his entrapment claim gained ground with some jurors. He then pleaded guilty and said at sentencing that he had lied in saying Darby came up with the idea, though his father disputes that. The same argument is likely in the Turtle Island case, where the source was paid and limits on informant discovery are in dispute.[69]

The fourth is how trust is faked. Darby was a known activist, which is why he was useful. Minnesota's agents had no such history and built one: an agent called UCA 142 posed as an organizer from Asheville and said "I voted for the most extreme" resolutions at a workers' assembly of about 200.[70]

The fifth is what happens to critics afterward. The 2009 Kibby case used Google, Cox and AOL records to find a man who sent Darby an angry email. Today, Wagner faces cyberstalking and threat counts over posting a pro-ICE individual's details, and Wierzbicki faced warrants on three providers in a case where the government says the threats "existed solely online".[71]

The sixth is what betrayal left behind. The protest coalitions of 2008 adopted the St. Paul Principles on respecting a diversity of tactics. A Minnesota Signal message pledges to abide by them and to refuse "to sell out or snitch on each other", and that message is now a court exhibit.[72]

The comparison stops at two points. No source ties Darby to ICE, HSI or DHS. And no record ties HSI's Keyhole undercover program to the convention: it was first certified in December 2008, about three and a half months afterward, but its 77 approved investigations include narcotics and

child abuse cases. ICE was the second-largest contributor of agents to task forces at the time, and task forces pool reporting, so the lack of a document does not rule out sharing. It does mean no direct line can be claimed.[73]

3.3 Europe and the United States side by side

US and European authorities use matching methods, as the table shows. The links between them that we can document are specific cases and, since July, political agreements. We found no joint operational plan.

Method	United States	Europe and UK
Long-term infiltration	Darby, 2008; Turtle Island source, 2021–25	HN3 and Kennedy (UK, Germany); Bremen, 2026; Dresden witness
Reaching providers	Cloudflare, Google, Fly.io	Proton, Wire; e-Evidence Regulation
Banning or seizing services	Sanctions on A/I and Samidoun	linksunten ban; NoState seizure
Reaching donors	PayPal, Fedwire, CHIPS	Zwiebelfreunde raid; Banca Etica; Rote Hilfe accounts
Authorizing informants to break the law	FBI “otherwise illegal activity” rules	UK Covert Human Intelligence Sources Act 2021

Sources.[74]

The documented cross-border cases are the 2004 Rackspace handover, the 2014 May First subpoena, Proton’s 2021 handover, the Dutch seizure of NoState’s server if the British request is confirmed, and the Amsterdam seizure of 2026. Our US charging filings do not mention linksunten, Indymedia, NoState, 325 or Noblogs.[75]

The political link became public this year. The State Department’s meeting of 16 July brought 66 delegations together, with “far-left terrorists” named as one of three US priorities. Germany’s Interior Ministry has confirmed a follow-up expert workshop. Hungary signed a law-enforcement memorandum on 29 October, with its foreign minister naming Antifa Ost. We have not seen that text. There is also European resistance: the Dutch government has told parliament it is critical of the A/I listing, Dutch MPs have asked whether the Amsterdam request should have been honored, and Italian internet groups have protested the domain suspension.[76]

3.4 Which defenses have worked

Most defenses in this record worked in one place and failed in another. The table lists each one with an example of both.

Measure	Where it worked	Where it failed or backfired
Encrypted messaging	Signal gave up account dates only	Chat members and seized phones gave up the content
Disappearing messages	Most Prairieland phones held no chats	Notification storage kept copies; deletion has been charged
Faraday bags, phones off	Blurred the location record	Cited at trial as proof of planning
Encrypted storage	linksunten; the A/I server, per an insider	Kolektiva's backup was unencrypted
Duress wipe	Tunick's phone was wiped	He was charged for it
Holding no logs	Athens Indymedia had little to give	Not tested for most services
Friendly offshore hosts	FlokiNET rebuffed ZeroFox	The Netherlands seized a server for the US
Challenging demands	DHS withdrew several subpoenas	A grand jury subpoena followed in one case
Vetting	Vouching on Signal exists	Agents got through it

Sources.[77]

The measures that reduced what the government got were the ones that left nothing to take. The measures that failed depended on the other people in the chat, or could be described to a jury as signs of guilt.

3.5 Which services have kept their promises

Services fall into three groups when their promises are compared with the record. Signal's design matches what it says, as the subpoena result in Section 2.3 shows. Riseup and May First say they keep little and will fight demands, and that can only be proved when a demand arrives; Riseup's warrant canary was four days past its stated date on 5 November. A third group has moved away from its promises or differs from them: Proton's 2021 handover, Telegram's 2024 policy change, Lemmygrad's statement against the Lemmy software's stored login addresses, and Raddle's "Zero tracking".[78]

None of the forums, fediverse servers, Riseup, May First or Njalla is named in the 54 Minnesota and Prairieland filings we held as of 22 October.[79]

3.6 The explanations we tested

We set out several competing explanations for what these cases show, including the ordinary one, and tested each against the record. The table gives the result.

Explanation	Result at cut-off
These are ordinary investigations of alleged crimes, with political labels added	Partly holds. Prairieland and the Turtle Island pleas involve serious violence. It does not explain the union records
Data from platforms is a main route to people	Holds for hosting, payment, content and finance. Not shown for forums
The November 2025 designations are the legal hook	Not shown for US charges. Shown for infrastructure
Services' promises understate the risk to users	Holds for several services
Human sources and devices account for the Signal content	Strongly supported
Compelled providers are a parallel route	Supported
Commercial tools fill in the gaps	Purchases documented; searches not
Action against infrastructure is a tactic in its own right	Supported
Single points of failure decide outcomes	Open. Registry, bank and backup failures fit this, but on few cases

Sources.[80]

4. Where the Cases Stand and What Could Come Out

IN BRIEF

- No court has found that prosecutors lied in any of the five case sets.
- Prairieland's trial transcripts open on 20 November and will show whether supporters' accounts of the testimony hold up.
- Minnesota is the government's weakest case, because its own undercover reports are already in the public record.
- The cleanest single finding could come from the Tunick airport case.
- In Europe, the dates to watch are Paris on 25 November and Amsterdam on 9 December.

This chapter takes each pending case and answers three questions. Where does it stand? What is likely to come out soon? And would that show that the government said something false, broke the law, or is losing the case?

Two warnings apply to everything that follows. First, no court has found that prosecutors lied in any of the five case sets. The closest any judge has come was in other Metro Surge prosecutions, where Magistrate Judge Schultz said of an HSI agent's sworn account: "That's a false affidavit."[81] Second, when two government statements conflict, that shows one of them is wrong or incomplete. It does not show anyone lied on purpose, and courts rarely make that finding.

4.1 Status of each case at cut-off

Case	Where it stands	Next known date
Prairieland, Texas	Nine convicted at trial; post-trial motions denied; 15 sentenced; Fifth Circuit appeals open, no briefing notice	20 Nov: transcripts open. Briefs due 40 days after notice
Johnson County, Texas	State cases, including Song's and Dario Sanchez's; federal terms for four defendants run concurrently with any such case	None found
MN 15, Minnesota	Superseding indictment 22 Oct; no ruling yet on the discovery motion or the Deates motion	16 Nov defense briefs; 23 Nov redacted Brenner transcript; 4 Dec government responses; 18 Dec motions; 8 Jan hearing. No trial date

Case	Where it stands	Next known date
Wagner, Michigan	Detained after the Sixth Circuit reversed his release; Supreme Court petition pending; parties discussing a non-trial resolution	6 Nov conference; trial about January 2027
Legnon, Louisiana	Pleaded guilty 8 Sep under a binding 5 to 7 year agreement	4 Dec memorandum; 11 Dec sentencing
Carroll and others, California	Anthony-Gaffield's plea accepted 29 Oct; others set for trial; three sealed filings	11 May 2027 trial; 15 Sep 2027 Gaffield sentencing
Kloth and Norman, Georgia	Suppression and bill-of-particulars motions filed; state case dismissed	None found
Wierzbicki, Delaware	One firearm count; release ordered; preliminary hearing waived	None found
Tunick, Georgia	Suppression briefing after an evidentiary hearing	9 Nov response; 10 Nov transcript; 23 Nov reply
A/I seizure, Amsterdam	Complaint filed; prosecutors said data not yet shared with the US	9 Dec hearing
A/I sanctions, US	Listed 26 Aug; collective dissolved; no delisting petition found	None found
Maja T., Budapest	Seven years on appeal, 30 Sep; transfer to Germany can now be sought	Not known
Zaid A., Paris	Prosecutor reported to back extradition to Hungary	25 Nov decision
Antifa Ost trial, Dresden	Seven on trial since November 2025; one more severed as unfit	Not known
Budapest complex, Düsseldorf	Six on trial since 13 Jan	Hearing dates to January 2027
Hanna S., Munich	Five years, 26 Sep 2025	Finality not confirmed
Rote Hilfe, Göttingen	Won in main proceedings against its bank	Further appeal possible
Cospito, Italy	23 years, final; 41-bis prison regime renewed for two years; challenge rejected	No further appeal confirmed
Ampelokipoi, Athens	Romanos acquitted; Manoura 19 years, Dimitra Z. 8, jailed pending appeal	Appeal date not found

Sources.[82]

4.2 Our estimates, case by case

The table gives our estimate for each case on the three questions, looking ahead to 30 June 2027.

Case	Will a government statement be shown false or misleading?	Will a court find conduct unlawful?	Will the case shrink, be dropped or be lost?
Prairieland	Roughly even chance that transcripts show a plain conflict with a report or press release	Unlikely	Remote that it is dropped. Roughly even chance that at least one count or sentence is vacated
MN 15	Likely that a sworn or filed statement is contradicted by the government's own reports	Likely in the Massachusetts church case; unlikely in the criminal case	Likely that some counts or defendants fall away. Unlikely that the whole case is dismissed
Wagner	Unlikely	Unlikely	Unlikely
Turtle Island	Unlikely before a trial record exists	Unlikely	Remote for Legnon. More pleas are likely
Kloth and Norman	Unlikely	Unlikely that evidence is suppressed	Unlikely
Wierzbicki	Already on record: an NSPM-7 tag on a firearms charge, and the government says the threats were online only	Remote	Very likely stays a firearms case
Tunick	Likely that a filed conflict emerges over the stated reason for the search	Roughly even chance of suppression	Roughly even chance
Amsterdam	Does not apply	Unlikely that the seizure is held unlawful	Roughly even chance that transfer to the US is limited or delayed

4.3 Prairieland: what the transcripts and the FBI file could show

The Prairieland convictions are final at the trial level, and the fight has moved to the Fifth Circuit. According to supporters' notes, Judges Pittman and O'Connor denied every acquittal and new-trial motion at sentencing and said the issues were preserved for appeal. We have not read written orders. The appeals docket shows only transcript and administrative entries, briefing has not begun, and one defense lawyer says it is unclear whether the appeals will be coordinated.[83]

The government had to prove two things that are now under attack: that this was an organized antifa cell, and that the shooter meant to kill.

On the cell, the strongest fact is the one the jury never saw. The FBI closed its inquiry into Antifa DFW in 2018, finding "No potential criminal violations". Defense lawyer MarQuetta Clayton says that file was not produced in discovery. Up to 250 more pages have not been released. Evetts's lawyers asked for the basis of the "North Texas Antifa Cell" label, and Judge Pittman denied the motions as frivolous and fined them. The FBI's spokesperson said the US Attorney's Office would have been aware of the investigation. Meanwhile the cooperating witnesses reportedly testified that antifa did not exist.[84]

On intent, the government's case depends on where the bullets went, and the scene was poorly documented. Song's motion says a Texas Ranger acknowledged that the alleged bullet strikes were never photographed, while describing fresh defects in the concrete, and that the reconstruction had no trajectory analysis. The state's forensic witness said a bullet of that shape had struck something and slowed. Two outside experts say the only photograph of the bullet is of little value. The Intercept reports that Lt. Gross testified he drew first and aimed at a fleeing protester, and that this was left off a police report and out of discovery. The defense called no expert, and the court barred self-defense.[85]

Five things could add to this:

- **The trial transcripts, on 20 November.** Everything we know about Baumann, Sharp, the witnesses who disowned statements, Rose and Eagle, and the Ranger's admissions comes from notes and reporting. The transcripts will almost certainly add detail, and there is a roughly even chance they show a plain conflict with a report or press release.[86]
- **The jury selection transcripts.** These are already unsealed. They would show whether a race-based objection was made. Song said at sentencing that Black jurors were removed.[87]
- **The appeal briefs.** These will reveal which issues are actually being raised, which is unknown today. They are very likely to be filed by mid-2027.[88]
- **The remaining FBI pages.** A pending records lawsuit may eventually release them. They could show what the FBI found about Dallas groups after 2018 and whether prosecutors knew. The timing is unknown.[89]
- **Song's Johnson County case.** Separate state discovery could reach the same scene records. Two lawyers on that team say the ricochet theory may feature in an appeal or new trial.[90]

There are limits to all of this. The jury heard the Ranger's and the crime-scene witness's admissions and convicted anyway. A defense expert's opinion is not a finding, and neither outside expert has been tested in court. Courts often forgive late disclosure when the fact came out at trial. And the 2018 file closed seven years before the event, so the government will say it is irrelevant.

HSI's role in Prairieland also remains unclear. DOJ's release names HSI Dallas, yet no court text we hold names HSI. An exhibit sponsor called James Holt has the same name as an HSI supervisor in Atlanta listed in the Icepick data. We treat them as the same person as a working assumption only, and no document confirms it.[91]

Assessment. We assess that the government is unlikely to be found to have violated its disclosure duties, and that dropping any part of the case is remote. We assess a roughly even chance that at least one count or sentence is vacated, for the reasons in Chapter 5.

4.4 The MN 15: the government's own reports are the problem

Minnesota is the government's weakest case, because its internal paperwork is already public. Defense lawyers attached HSI's undercover reports to their motions, and those reports contradict what the government has said. Magistrate Judge Schultz heard the main discovery motion and the Deates motion on 20 October. The first needs more briefing, and the second is under advisement. The reorganized indictment arrived two days later.[92]

HSI's Desmond Garcia, whom the defense calls an agent and the government an analyst, told the grand jury that "no one is ever investigated or looked at or even researched on for First Amendment protected activities". HSI's own reports show undercover agents attending trainings and meetings, recording that no violence was discussed, and staying in the chats. A virtual panel at Hunter College was monitored, by HSI's own account, because of a guest speaker and a collective's promotion of it. We expect the defense to raise this conflict in its 16 November briefing. Dismissal on this ground is remote, but the conflict will be on the public record.[93]

The government is also withholding five reports, numbers 20, 41, 104, 112 and 133, saying they belong to a "separate investigation". A judge could read them privately to test that. We assess a roughly even chance of that review, and it is unlikely any of them reach the defense by June. The start date of the investigation is unsettled as well. HSI's December reports carry a different case number, a face search on 21 January is earlier than both named operations, and a supervisor reportedly received the tip behind Operation Puppet Master in November.[94]

How the Signal chats were gathered may matter most. Schultz said in July that he inferred "not every bit of evidence was necessarily gathered pursuant to warrant". Prosecutors hold chats from 40 to 100 people, and HSI refers to "chat capturing software" on an agent's phone without naming it. We assess a roughly even chance of a substantive order on this.[95]

Testimony from HSI's Joshua Brenner is the next document due. The Minnesota Spokesman-Recorder reports that a company called Midwest Transfer helps fund operations under Keyhole, HSI's undercover program. Its article says Brenner testified that the company does not fund

Puppet Master or Whipple Shield, while the reporter's earlier posts say Brenner did not know. The redacted transcript on 23 November should settle that, and the full transcript follows on 21 January.[96]

Three other records could damage the government outside the criminal case:

- **The church surveillance.** HSI supervisor John Zappone swore to four surveillance events at University Baptist Church, a protected place under a federal injunction in Massachusetts. DHS then told Judge Saylor that HSI "did not identify any potential violations". We assess an adverse finding as likely. The transcript of the 4 September hearing opens on 9 December.[97]
- **The Deates memo.** An ICE officer's memo describes surveillance of the federal public defender Matthew Deates and accuses Deates of abetting a client's escape. It was produced in MN 15 discovery with no connection to the case, and Deates seeks correction and destruction. We assess some relief as likely.[98]
- **The agitator lists.** Sealed records in *Hilton v. Noem* in Maine include HSI's Master List of Agitators. A local news owner has moved to intervene, with responses due 13 November. It is unlikely these records open by June.[99]

Richard Berger is a further risk. He is the HSI agent whose affidavit Schultz called false, and Schultz presides over MN 15 pretrial matters. Berger swore arrest affidavits in many Metro Surge cases, about two dozen of which collapsed by one count, and he is the owner of a subject record filed in the MN 15 case. No record we hold shows him swearing to anything in the case itself.[100]

The defense has also suffered setbacks. A vindictive-prosecution motion failed in the Southern Poverty Law Center case, and the government cites that ruling here. The plaintiffs in *Doxsey* lost on standing and were denied discovery. The government does not deny that NSPM-7 was cited to open the case, but it says the defense has no evidence that politics motivated it.[101]

Assessment. We assess that some counts or defendants are likely to fall away and that dismissal of the whole case is unlikely. That would match 2009, when the terrorism counts against the RNC 8 were dropped before trial and the felony conspiracy counts stayed.[102] Chapter 6 takes each route in turn.

4.5 Wagner: two records matter more than the Supreme Court

Wagner is held in detention after a divided Sixth Circuit panel reversed his release, and he is also charged in Minnesota. The Supreme Court considers his petition at its 6 November conference, and we assess relief as unlikely. The parties in Michigan have told the court they are discussing a non-trial resolution.[103]

Two records matter more than the petition. One is the transcript of his 2 October Minnesota detention hearing, restricted until 21 January. The other is whatever shows who ran the "Xo Yaga" Signal account and how the government got those chats. Nothing beyond his defender's argument supports the idea that the account was a government sting. Whether HSI received material from the circle of J.S., the pro-ICE individual named in the charges against Wagner, also remains open.[104]

4.6 Turtle Island: an informant file that only a trial would open

Most of these defendants have pleaded or are heading toward a plea, and that leaves the informant's record closed. Legnon's agreement binds the court to 5 to 7 years and contains no cooperation clause. Anthony-Gaffield pleaded to one count, also with no cooperation clause in the public text. The others face trial on 11 May 2027.[105]

A trial would likely open what the government least wants seen. The FBI calls its source reliable since about August 2021 and paid, and overt acts 14 to 17 in the indictment are messages to that source. The undercover employee and the source were both at the meeting after which Gaffield was added to the group. A trial would likely expose the payment file, the taskings and the signal that brought the FBI in, subject to a protective order. Sealed filings 98 to 100 were made the same day as Gaffield's plea agreement, on a government application made without the defense. Their subject is unknown, and we draw no inference from the sealing.[106]

The defense question would be the one McKay raised in 2009: who pushed whom? His case is a warning. The claim moved some jurors, and he later said at sentencing that he had lied about it. An entrapment defense generally needs proof that the government induced the crime and that the defendant was not already willing, and the plea papers describe explosives planning.[107]

Assessment. We assess dismissal as remote and further pleas as likely. The firmest near-term date is Legnon's sentencing memorandum on 4 December, which may add facts about the source.[108]

4.7 Kloth and Norman: a four-year-old case made federal

The main interest of this case is how a 2022 event became a federal prosecution in 2026. Federal charges came after a state indictment over the same attack, and the state case was dismissed a week later. Kloth calls it the same charges tried again. Federal and state governments can generally both charge the same act, and the state case seems not to have reached trial.[109]

Norman has moved to suppress evidence from a warrantless stop on the day of the attack that produced phones and backpacks. We have seen no ruling or government response, so our estimate that suppression is unlikely reflects general odds and not the merits. A bill of particulars, if

granted, would force the government to say what each person did. A filing showing why the case was revived would test de Janon's claim that FBI offices were told to reopen old antifa files.[110]

4.8 Wierzbicki: a terrorism tag on a firearms charge

The damage to the government's account here has already happened. DOJ's release tagged this as an NSPM-7 case, yet the charge is possession of firearms by a felon, and the complaint has no NSPM-7 or Vanguard reference. The government itself told the court that the phone showed no planning and that the threats "existed solely online", and a magistrate judge denied detention. We assess it very likely stays a firearms case. What remains open is how the FBI found him and whether the private messages came from warrants or from their recipients.[111]

4.9 Tunick: the clearest possible finding about a false reason

This small case could produce the cleanest ruling in the set, because the government's reason for the search is contradicted by its own email. CBP officers told Tunick they were looking for child abuse material. The email that set up the stop says he was under HSI and task force investigation for suspected terrorism and asks officers to keep his electronics. The defense brief says an officer admitted having no reason to suspect such material.[112]

The hearing transcript opens on 10 November and will show whether that reading is fair. Border searches need little justification under US law, so a false reason may not win suppression by itself. We estimate a roughly even chance of suppression in whole or in part, and a ruling that merely describes the false reason would still matter.[113]

4.10 Autistici/Inventati: the Amsterdam hearing could reveal the US request

AI ODV, the association behind A/I, has asked the Amsterdam court to declare the server seizure unlawful and to destroy the copy. It argues that it could not contest the US sanctions, that taking a whole server is disproportionate, and that the seizure chills expression. The hearing is on 9 December.[114]

The law limits what the court can do. Dutch guidance says the court does not examine the grounds of the foreign request. It asks whether treaty and statute were followed and whether fundamental principles were breached, and a successful complaint can include a ban on handing the data over. So the association has to win on proportionality and fundamental rights, and the court will not weigh the US reasons.[115]

The hearing could still bring out three things. It could force prosecutors to say more about the US request, which they have kept secret, and so show which US case is behind it. It could settle whether any data has left: police first suggested it had, prosecutors said it had not, and later

reporting described the copy as delivered. It could also bring out the Dutch government's position on the seizure, which it has not yet stated.[116]

What the government has addressed so far is the sanction. In an answer to parliament received on 27 October, Foreign Minister Berendsen wrote that listing A/I was not customary, and that the cabinet is critical of it because of the far-reaching effects on people and entities the EU does not regard as terrorist. The same answer calls the US an important ally, says the cabinet sees no reason to use the EU's anti-coercion instrument, and leaves the EU's 1996 blocking law to the European Commission. It answers questions filed in September and says nothing about the server. Two later sets of questions to the Justice Minister do ask about the server: what the legal basis was, whether a human-rights check was done, how often the US makes such requests, and whether the minister will stop the copy going to the US. We found no answer to them in parliament's records on 5 November.[117]

Assessment. We assess it unlikely that the seizure is held unlawful, and a roughly even chance that transfer is limited or delayed. The copy may hold little in any case, since an insider told NRC the server was encrypted and other drives were wiped. On the sanctions themselves, a listed party can petition OFAC, but we found no sign that anyone has done so for A/I, and the group no longer exists.[118]

4.11 The Budapest cases: Paris decides on 25 November

These cases arise from attacks on far-right participants around a memorial march in Budapest in February 2023, and they are where US and European pressure now meet.

Maja T. shows both the strength and the limit of court protection. Germany's Federal Constitutional Court held T.'s 2024 handover to Hungary unlawful, and the Budapest trial went ahead regardless. The appeal court cut the sentence to seven years on 30 September. By the best report, it kept the finding that T. acted within a criminal organization while saying the first court gave that too much weight. T.'s lawyers can now seek transfer to Germany, and a complaint to the European Court of Human Rights is possible once Hungarian remedies are exhausted.[119]

The German trials depend on an insider. MDR reports that the main witness in the Dresden trial, a former participant, began cooperating in 2022 at the prompting of Germany's domestic intelligence service, and he is in witness protection. Dresden has also ordered coercive detention for a witness who refused to testify. Readers who know the Darby story will recognize an insider turned state witness, and the same question applies: what did the service know and offer? Düsseldorf has dates booked to January 2027, and we found no end date for Dresden.[120]

The Paris court decides on Zaid A. on 25 November. By one Hungarian report, the prosecutor now backs extradition, citing improvements since the Hungarian election. The same court refused to send Gino Abazaj to Hungary in April 2025, citing rights risks. We assess extradition as roughly even.[121]

The new US-Hungary memorandum sits over all of this. Hungary's foreign minister, Anita Orbán, and Secretary of State Rubio signed it on 29 October. Orbán named Antifa Ost, and Rubio spoke of a resurgence of far-left terrorism. Its text is not public. The journalist Matthias Monroy argues that Hungary could use it in open Budapest cases and that the US is likely to want Hungarian information on Antifa Ost, which is inference and not a sourced fact. The event to watch for is publication of the text, or a US filing that cites Hungarian material.[122]

4.12 Italy: Cospito's options have nearly run out

Alfredo Cospito's 23-year sentence is final. The European Court of Human Rights rejected his complaint against the 41-bis isolation regime as manifestly ill-founded in September 2025, the regime was renewed in April 2026, and the Rome surveillance court upheld it. Italian law allows one more appeal, to the Cassazione, but we found no such filing, and we assess reversal as unlikely.[123]

4.13 Greece: a prosecution that partly failed in open court

The Ampelokipoi verdict is the clearest European example of a government case failing in part at trial. The case followed a blast in Athens in October 2024. The court acquitted Nikos Romanos, after the prosecutor had asked for three acquittals, citing very serious doubts and discussing a partial fingerprint on a bag. Marianna Manoura received 19 years and Dimitra Z. eight, and both were jailed while they appeal. We found no appeal date. No source we read ties this case to the two Greek groups the US designated, and we found no Greek trial of those groups.[124]

4.14 Germany: a bank loses over a US listing

Rote Hilfe, the German prisoner-support group, has now beaten a bank twice. A Göttingen court held in the main proceedings that the savings bank could not close its account, after a higher court had rejected the bank's interim appeal. The bank had argued that the US listing of Antifa Ost increased its compliance burden. It is the first ruling we hold in which that argument failed, though the higher court's reasoning turned on the bank's public-law status. GLS Bank also closed the account, then backed away after protest. Radio Dreyeckland won in a similar way earlier: a court held the searches of the station unlawful, and its editor was later acquitted.[125]

4.15 Three things that apply across the cases

The most checkable single claim in this assessment came from the State Department. Asked in July whether the campaign was a basis for domestic material-support cases, the department's counterterrorism coordinator said no, and added that the statute had been used "extraordinarily effectively" against the four groups with antifa connections. We know of no such use. That statement can be checked against the charging record.[126]

Follow-up to the July meeting is under way. Germany's Interior Ministry says an expert workshop is planned in Germany for autumn, with planning at an early stage. The Foreign Office says it is not currently negotiating a Hungary-style text.[127]

The politics changed on 3 November. NBC projects that Democrats won both the House and the Senate, though final seat counts were not settled on 5 November. Until now the party could not call hearings or issue subpoenas, so from January 2027 hearings and document demands on NSPM-7 and Keyhole become a new way to get records. Jamie Raskin, expected to chair House Judiciary, has called NSPM-7 incompatible with the First Amendment and said Congress should use oversight to rein it in. The committee's Democratic staff began hiring investigators the day after the election. Raskin's stated priorities so far are pardons, government contracting and the Trump family's cryptocurrency deals.[128]

The House Oversight Committee looks like the closer fit. Robert Garcia, its incoming chair, answered the election with a two-word warning, "Lawyer up," and the committee's statement lists DHS and ICE abuses among his targets. He has pointed to subpoenas, criminal and civil contempt and the power to go to court. The White House is reported to be adding lawyers and preparing executive privilege arguments, so document demands may end up in court before they produce anything. HSI, which runs Keyhole, is part of ICE, so its undercover program falls within the agencies Garcia has named, though he has not named it. We found no announced hearing, subpoena or inquiry on NSPM-7, the designations or Keyhole. None of this touches a pending prosecution directly.[129]

On this record, disclosure has come mostly through defense exhibits, not from prosecutors volunteering anything. The next releases are all set by courts: Tunick on 10 November, Prairieland on 20 November, Brenner on 23 November, Amsterdam and the Massachusetts transcript on 9 December, and the full Brenner and Wagner transcripts on 21 January.

5. How the Prairieland Convictions Could Be Overturned

IN BRIEF

- A US conviction can be attacked on direct appeal, through a new-trial motion on new evidence, and later through a petition under 28 U.S.C. § 2255.
- Reversing the whole Prairieland case is unlikely.
- The best chances are for defendants who were away from the shooting, and on sentence length.
- Fifth Circuit precedent favors the government on most routes, including the terrorism enhancement and the political evidence.
- In Europe, the realistic gains are transfers and shorter sentences, not overturned convictions.

This chapter sets out how a conviction can fall, which facts could support each route, and how likely we think each route is. Chapter 6 does the same for the MN 15, who have not been convicted. The legal standards here were read in Fifth Circuit and Supreme Court opinions on 5 November 2026. Our searches found no 2026 Fifth Circuit decision on these questions, but they were not systematic, and no appeal briefs exist yet.[130]

5.1 How a federal conviction can be challenged

A person convicted in federal court has three chances to attack the verdict. The first is direct appeal, which is limited to the trial record and to issues preserved there. On a challenge to the evidence, the Fifth Circuit asks only whether any rational juror could have convicted, reading everything in the government's favor. In 2014 the full court abandoned an older rule that helped defendants when the evidence fit guilt and innocence about equally. The second is a Rule 33 motion for a new trial, which the Fifth Circuit calls disfavored. Newly discovered evidence can be raised within three years of the verdict, which for Prairieland means until March 2029. While an appeal is pending, the trial judge cannot grant the motion unless the appeals court sends the case back. The third is a petition under 28 U.S.C. § 2255 after the appeal ends, generally within a year, and that is where complaints about a defendant's own lawyers belong.[131]

Claims about evidence have their own rules. Under *Brady* and *Giglio*, prosecutors must disclose evidence that favors the defense, including what police know, and the failure matters only if there is a reasonable probability of a different result. The Fifth Circuit will not reverse over late disclosure if the defense received the material in time to use it effectively at trial. *Napue v. Illinois*

bars prosecutors from knowingly using false testimony or leaving it uncorrected. The Supreme Court strengthened that rule in *Glossip v. Oklahoma* in 2025: once a violation is shown, a new trial follows if the testimony could in any reasonable likelihood have affected the verdict, which ordinarily means prosecutors must prove the error harmless beyond a reasonable doubt. *Trombetta* and *Youngblood* govern lost evidence, and for evidence that was merely useful the defense must show bad faith. New evidence that is not a *Brady* claim faces a harder test: it must have been unknown, undiscoverable with diligence, material, and likely to produce an acquittal.[132]

5.2 Prairieland: two routes with real chances

Two routes have a roughly even chance of winning something for at least one defendant. The case law makes each harder than it first looks, and we keep that estimate because there are many defendants and counts, each a separate chance.

The first is insufficient evidence, for people who were away from the shooting. The appeals court asks whether any rational juror could have convicted on each count, and supporters' notes record strong arguments here. Counsel said Autumn Hill (Arnold in DOJ's release) never held a gun, was not in the planning chats and left before Gross arrived. Counsel said Elizabeth Soto was not in the planning chat, had no weapon and could not have foreseen Song's intent. Counsel said Savanna Batten missed the gear check and planning and carried a medical kit, though Judge O'Connor cited her presence in a car with a pistol. The notes also say the government told the jury the Sotos were not part of the affinity group. The obstacle is that the evidence is read in the government's favor, and that the jury was told it could convict on Counts 1, 2, 4 and 5 through 10 under *Pinkerton*, which makes a conspirator responsible for foreseeable crimes that others commit in furtherance of the conspiracy. The same instructions said mere presence and association are not enough. So the argument for each of these defendants is that the evidence showed nothing more than that, and that the shooting was not foreseeable to them. These are one side's arguments, and the transcripts will test them.[133]

The second is sentencing. Judge O'Connor adopted offense level 43 and criminal history category VI, the top of the scale. Daniel Sanchez Estrada received 30 years on two counts run back to back: corruptly concealing a document under 18 U.S.C. § 1512(c)(1), and conspiring to do so. His lawyers argued he moved a box of his own belongings, was not at the protest or in the chats, and was convicted of no terrorism charge. His is the clearest proportionality challenge in the case, and the lead appeal number is his. Elizabeth Soto's team also preserved an objection that its brief was written without transcripts.[134]

Three Fifth Circuit rules stand in the way. The first is that a missing terrorism conviction does not by itself defeat the terrorism enhancement, the guideline that automatically moves a defendant to criminal history category VI. In *United States v. Fidse*, the court upheld it for a man who pleaded

guilty to obstruction and false-statement conspiracies, and the guideline's commentary treats obstructing an investigation of a federal terrorism crime as enough. The court called the enhancement problematic, and the judge must identify a specific terrorism crime and find it was meant to influence government by intimidation or coercion. But those findings are reviewed only for clear error. We have not read the presentence reports, so we do not know whether or how the enhancement was applied to Sanchez Estrada.[135]

The second rule is that a sentence within or below the guideline range is presumed reasonable. The presumption falls only if the judge ignored a factor that deserved significant weight, relied on an improper one, or clearly erred in balancing them.[136]

The third concerns guideline mistakes. A wrong calculation usually means resentencing, and the government carries what the court calls a heavy burden to show the mistake made no difference. A judge's clear statement that the sentence would be the same anyway can meet that burden, and in *United States v. Richardson* it did. Supporters' notes say Judge Pittman made such a statement. Pittman sentenced Rueda, Song, Soto and Morris. Judge O'Connor sentenced Hill, Evetts, Batten and Sanchez Estrada, and the notes record no such statement from O'Connor. If the transcripts confirm that, a guideline error is worth more to those four.[137]

Sanchez Estrada can also attack the two counts themselves. The jury was told that "corruptly" means acting knowingly and dishonestly with the specific intent to subvert the administration of justice. The law also requires a link to a proceeding. The Fifth Circuit applied the Supreme Court's *Arthur Andersen* rule to this statute in *United States v. Simpson* in 2014: the proceeding need not be pending, but the defendant must have some particular official proceeding in mind in which the evidence might matter. Simpson lost, because he deleted emails after learning of search warrants and told an employee to do the same. The appeal question for Sanchez Estrada is whether the trial proved that he himself had a proceeding in mind and meant to keep the box from it. The transcripts will show what that evidence was.[138]

5.3 Prairieland: routes that are unlikely today

The other routes are all unlikely as things stand, though several could improve if new facts appear.

Political evidence. This has the widest reach. If the Fifth Circuit held that the antifa material and Kyle Shideler's testimony were unfairly prejudicial, the ruling would cover all nine trial defendants and be read in every later case. Defense lawyer Clayton says the trial was saturated with this material. The obstacle is the Fifth Circuit's Holy Land Foundation decision, *United States v. El-Mezain* (2011). It calls the reach of Rule 403, the rule against unfairly prejudicial evidence, narrow, and its own review especially deferential. It accepted videos and posters of suicide bombers as context and as a response to the defense. The same case gives the defense one foothold: the court held that a former National Security Council member's testimony should have been excluded as

irrelevant. But it called that error harmless, rejected the claim that the errors added up to an unfair trial, and let the convictions stand. A challenge to Shideler would have to clear the same bar. Judge Pittman also told jurors that no one can be convicted simply for beliefs or associations, while allowing protected speech as evidence of motive, intent and knowledge.[139]

The withheld FBI file. The 2018 closure looks like *Brady* material on the cell theory. The obstacle is materiality: it is old and may concern different people. If it is raised in a new-trial motion, it gets the *Brady* test and not the harder new-evidence test. This route needs the other 250 pages, and it would improve sharply if those pages discuss these defendants or show the Dallas US Attorney's Office had them.[140]

Late disclosure and lost evidence. The defense learned at trial that the strikes were never documented, and Song's lawyers say the same of Gross drawing first. Because both came out at trial, and the Fifth Circuit asks whether the defense could still use the material effectively, a court may find nothing was suppressed. A failure to collect evidence is also different from destroying it, and bad faith is hard to prove.[141]

Self-defense. Judge Pittman barred self-defense, ruling that Gross pointing a gun at a fleeing person was not excessive force. Gross had not seen or heard fireworks when he arrived. The obstacle is the Fifth Circuit's Branch Davidian decision, *United States v. Branch*, on which the government relied. It requires more than a scintilla of evidence that defendants did not know they faced officers, or that the force was objectively unreasonable from a reasonable officer's point of view, and it reviews a refusal for abuse of discretion. Pittman's ruling answers the second question, so the appeal must show jurors could have found Gross's conduct unreasonable. The defense has one point of distinction: *Branch* spoke of the special protection due federal officials, and Gross is a local officer.[142]

The defense expert. Ballistics expert Daryl Parker's requests to see Song at the federal medical center in Fort Worth went unanswered, which he calls a first in 25 years. The record may not show the issue was raised, so it fits a later § 2255 petition better than the appeal.[143]

The jury. Batten's lawyer says the public heard a loud disturbance from the jury room during deliberations. Song said Black jurors were removed. Judge Pittman dismissed the first jury pool over defense objections after vocal anti-ICE answers. Rules protect jury deliberations, the Fifth Circuit requires a strike objection before the jury pool is dismissed, and we do not know whether one was made, and a defendant generally has no double-jeopardy claim before a jury is sworn.[144]

The cooperators. Baumann's remark that his lawyer told him to make things up, Sharp's account of pressure in jail, and witnesses who did not recognize their statements all sound serious. A *Napue* claim needs proof that the government knew the testimony was false, and Baumann's remark

concerns his own lawyer. If that proof appears, *Glossip* makes the rest of the claim much easier for the defense. The 20 November transcripts are the first check.[145]

An undisclosed informant. De Janon's view is that informants were used and not disclosed, and supporters point to jail calls monitored live and to Rose and Eagle. No evidence shows a source today, and we rate this route as remote.[146]

The defense's own lawyers. The defense called no witnesses, though experts were designated. Courts give strategic choices deference, and this claim is not available until the appeal ends.[147]

Separately, the Fifth Circuit has already held once that Judge Pittman abused his discretion by fining lawyers, which gives the $500 fines on Evetts's lawyers some support of their own. Elizabeth Soto's Fourth Amendment objection to forfeiture and a third-party forfeiture petition are also live, though neither would disturb a conviction.[148]

Assessment. We assess reversal of the whole case as unlikely and abandonment by the government as remote. Song's position is the hardest, because intent is the central issue for him. The ricochet evidence is real but contested, and a new trial would need the Fifth Circuit or a later Rule 33 motion to accept that new forensic work could change the result.

5.4 Cooperators and people who pleaded

A guilty plea gives up most claims. Government releases name five cooperating defendants. Sharp's account of being told a deal was off and Baumann's remark about his lawyer could support a claim that a plea was involuntary, but we have seen no such filing. Any recantation would need care, because McKay's reversal in 2009 shows these statements can move in either direction. Legnon's binding agreement and Gaffield's appeal-waiver terms leave little room, and neither has been sentenced.[149]

5.5 Other US defendants

No one in the other US cases has yet been convicted at trial, so their work is before trial. Chapter 6 covers the MN 15. The Turtle Island defendants going to trial need the source's payments and taskings. Wagner's Supreme Court petition concerns only his detention. If Tunick is convicted, the suppression ruling would be his main issue on appeal.[150]

5.6 Routes in Europe

European defendants have one route that US defendants lack: an outside human-rights court. It has not helped Cospito so far. German courts have ruled against the state more often than US courts in this record, but those rulings have come after the harm and have not reversed the convictions that followed.[151]

Case	Route	Estimate
Maja T.	Transfer to Germany, where the Gera court would have jurisdiction; European Court of Human Rights after Hungarian remedies	Transfer likely; conviction overturned unlikely
Anna M., Gabriele M.	Appealed alongside T.; outcomes not read	Not assessed
Hanna S.	Appeal to Germany's Federal Court of Justice, if filed	Not assessed
Dresden, Düsseldorf	Testing the main witness and the intelligence service's role at trial; appeal later	Too early
Cospito	Cassazione on the 41-bis order; a new Strasbourg complaint would face the 2025 ruling	Unlikely
Manoura, Dimitra Z.	Appeal against the first-instance verdict	Roughly even chance of a shorter sentence
A/I	Article 552a complaint in Amsterdam; further Dutch and Strasbourg routes not checked	See Section 4.10

Sources.[152]

5.7 What would change these odds

Any of the following would raise the chance of relief:

- transcripts showing a false or disowned statement that the government knew about before relying on it;
- FBI pages that name a defendant, or show the Dallas US Attorney's Office held them;
- a cooperator recanting under oath, with corroboration;
- a court ordering production of scene notes and scanner data, and those records mentioning the strikes;
- a source being revealed among those at Alvarado;
- a Fifth Circuit panel limiting the use of political material in another case first.

6. How the MN 15 Could Win

IN BRIEF

- No one in the MN 15 has been convicted, so winning can still mean charges dropped, a case dismissed or an acquittal.
- A judge ending the whole case is unlikely. The likeliest gains are charges dropped against some defendants, a narrower conspiracy, and acquittals at trial.
- The government's weakest point is the word "force". As Judge Menendez read the government's own brief, no defendant is alleged to have used physical violence.
- The fifteen are in very different positions. People accused mainly of meetings and chats are far better placed than those accused of bringing trailers and steel barriers, or of separate acts against officers.
- Motions are due on 18 December and the hearing is on 8 January. No trial date is set.

The Prairieland defendants are trying to undo a verdict. The MN 15 have not faced a jury, and that puts them in a much stronger position. They can still attack the case on grounds that a conviction would close off, and the government still has to prove all of it.

A defendant here can win in four ways. Prosecutors can drop the charges. A judge can dismiss them. A jury can acquit. Or the case can shrink until what is left is far smaller than the conspiracy now charged. This chapter takes each route in turn and sets out the law that governs it, the facts on each side, and how likely we think it is.

The legal standards were read in Eighth Circuit and Supreme Court opinions and in the federal rules on 5 November 2026. Those searches were not systematic, and the main motions to dismiss do not exist yet. They are due on 18 December, with responses on 4 January and a hearing before Magistrate Judge Schultz on 8 January. So we are working from what the defense has said it will argue and from the government's early answers. We found no trial date, and we think a trial starting before 30 June 2027 is unlikely. Where we estimate trial outcomes, the estimate is what we would expect if the case is tried.[153]

6.1 The government must prove force, intimidation or threat, and that is the weakest part of its case

The main charge is Count 1, conspiracy under 18 U.S.C. § 372, which carries up to six years. In its 2010 *Beale* decision, the Eighth Circuit said the government must prove three things: that a conspiracy existed, that the defendants voluntarily joined it, and that its members conspired to

stop a federal officer from doing their job "by force, intimidation or threat". So it is not enough to show that people agreed to protest ICE, or even to make its work harder. The agreement has to be to stop officers by one of those three means.[154]

The indictment repeats those words. The difficulty for the government is what it has said about them. Ruling on release conditions on 7 October, Judge Menendez wrote: "As highlighted in the government's Brief, none of the defendants are alleged to have used physical violence." The order notes that two defendants are accused of damaging vehicles, and calls the sideswipe an isolated incident in which no one was alleged to be hurt. That was a ruling on bail conditions and not on the charge. It also does not fit neatly with Count 8, which accuses Rakotz of inflicting bodily injury, or with the government's statement that defendants "in some cases hit or struck" officers. But the defense will quote that sentence at every stage.[155]

We found no opinion deciding whether a road blockade counts as "force" under § 372. *Beale* involved threats and a fake arrest aimed at a judge. If the question really is open, it could become the most important legal fight in the case. The Eighth Circuit's 1996 *Dinwiddie* decision cuts both ways. It shows that when Congress wants to punish blocking an entrance, it can say so: the law protecting abortion clinics lists "physical obstruction" separately from force. Section 372 does not. But *Dinwiddie* also shows how little First Amendment protection the Eighth Circuit gave someone who physically blocked a clinic.[156]

The government's answer will be the equipment. The indictment describes hard blockades made of "debris, vehicles, trailers, Czech hedgehogs, caltraps", and shield lines meant "to physically resist". Its filings have Kennedy telling an audience in April about "intentional shut them down blockades" and steel barriers like "tank busters" that stop a vehicle. It says shields were put between arrestees and deputies on 1 March. A jury could find that a steel barrier placed in front of federal vehicles is force, whatever the courts have or have not said about the word. This is the strongest part of the government's case, and nothing in the record makes it go away.[157]

The rest of the indictment is much weaker, because it reaches for things that are not crimes. It lists "Opposing the authority of the United States government" as a purpose, and "Advocating and promoting direct action" and "operational security" as methods. It also says the group "relied upon lawful protesters", which places lawful activity inside the alleged plot. Under *Brandenburg*, advocacy is protected unless it is directed to producing imminent lawless action and is likely to do so. Under *Claiborne Hardware*, a person cannot be held liable through association unless the group had unlawful goals and that person held "a specific intent to further those illegal aims". A First Circuit case from the Vietnam era, *United States v. Spock*, goes further: where an agreement mixes lawful and unlawful aims, each defendant's intent must be shown from that person's own words or acts, and not from someone else's. Spock himself was acquitted on appeal. That case does not bind Minnesota courts, and we did not check whether the Eighth Circuit has adopted it.[158]

6.2 The fifteen defendants do not stand in the same place

Conspiracy charges invite juries to treat everyone alike, and the defense has to stop that. The government's own filings give it material. They describe the fifteen in three rough groups. The table sets out what is alleged, and none of it is proved. Sant appears twice because he is accused both of handling equipment and of a separate count.

Position	Defendants	What the government alleges	Best way out
Separate acts against officers	Morgan, Rakotz, Sant, Wagner	Morgan: following an officer to Hudson, Wisconsin, knocking notes from an officer, kicking a vehicle. Rakotz: brake-checking and sideswiping a vehicle. Sant: stalking. Wagner: soliciting violence and a threat	Fight each count on its facts. These charges survive even if the conspiracy falls
Equipment at the blockades	Sant, Doyle, Misterek, Stewart, Kennedy, Kim, Thoreson, Beisell	Driving or buying trailers, carrying or removing steel barriers, making and handing out shields, marshaling. Kim is described as a passenger who unloaded debris and collected phones at a meeting	The "force" argument, then the jury
Meetings, chats and logistics	Erik Davis, Van De Water Davis, Robinet, Apland	Moderating meetings and chats, vetting a Signal group, seeking marshals, arranging a truck, attending a debrief	No specific intent. These are the likeliest to be dropped or acquitted

Sources.[159]

The last group has the clearest claim to *Claiborne* protection. The government's filing says Erik Davis "participated and moderated in-person planning and debriefing meetings" and chats. Nothing in that filing puts Davis on a road with a barrier. Kim and Beisell sit close to the line between the second and third groups. Against all of this, Judge Menendez also wrote that each defendant is alleged to have taken part in "significant and coordinated protest activity that the government alleges was criminal", so the allegations do reach all fifteen, and many of the chats are the defendants' own words.[160]

6.3 Prosecutors may give up part of the case on their own

Most protest prosecutions in this period have ended without a ruling on the law. ProPublica and FRONTLINE reported in April that more than a third of the cases they reviewed "crumbled", usually because prosecutors dropped them, and that juries acquitted in eight instances. In Metro Surge itself, the defense says eight of the sixteen assault cases brought on 28 January have been dismissed, and about two dozen cases sworn by one HSI agent collapsed by one count.[161]

Three earlier cases show when this happens: as discovery or trial gets close. In Los Angeles in July 2025, the government dropped its conspiracy case against a man accused of giving protesters face shields, which is the closest match to the shield allegations here. In Chicago, prosecutors dropped the felony conspiracy charge against the Broadview Six in April 2026, and dropped everything else in May, days before trial. In the J20 cases in Washington, after one group was acquitted and a judge found evidence had been withheld, the last 39 cases were dropped in July 2018.[162]

Minnesota has already moved in that direction. The October indictment runs 62 pages against 94, has 200 overt acts where the original had more than 260, and uses the word "Antifa" half as often. The US Attorney's Office also lost prosecutors in resignations in January and February, and the defense says the investigation was run by out-of-state agents in a "fire, ready, aim" rush.[163]

The pull the other way is strong. This is the case opened "In accordance with" NSPM-7, the one DOJ announced as a "Direct Action Group with Antifa Ties", and prosecutors chose to re-indict it two weeks ago. The closest local precedent is the RNC 8 in St. Paul in 2009, when the terrorism counts went and the felony conspiracy counts stayed. We saw no plea on the docket. Pleas to smaller charges would remove defendants from the case, but we do not count them as wins. The Michigan parties are discussing a non-trial resolution for Wagner, and we do not know whether that would reach Minnesota.[164]

Assessment. We assess it likely that at least one defendant or count is dropped by 30 June 2027, and unlikely that prosecutors abandon the whole case. Those in the meetings and chats group are the likeliest to go first.

6.4 The grand jury transcripts could end a case faster than any motion

The Broadview Six is the case to study. Prosecutors had dropped the conspiracy charge, and transcripts of the grand jury were being fought over. When Judge April Perry read an unredacted version, she said: "I have never seen the types of prosecutorial behavior before a grand jury". She described prosecutors vouching for their case, excusing grand jurors who disagreed from a later session, and talking to grand jurors outside the room. Defense lawyers said the first grand jury had refused to indict. The government dropped the rest of the case that day. No motion to dismiss was decided. The transcript alone was enough.[165]

The law is hard on the defense, which is why the Broadview outcome was so unusual. Under *Bank of Nova Scotia*, an indictment falls only if an error "substantially influenced" the decision to indict or there is "grave doubt" that it did not. Under *Williams*, prosecutors have no duty to show a grand jury evidence that favors the defense. And under *Mechanik*, a guilty verdict wipes out most complaints about the grand jury, so this must be won before trial. Rule 6(e) allows a defendant to obtain grand jury material on a showing that a ground to dismiss may exist.[166]

The MN 15 defense holds at least part of the transcript. In it, HSI's Desmond Garcia, whom the defense calls an agent and the government an analyst, says no one is ever investigated for First Amendment activity and that "Every single individual that we have investigated there is a criminal predicate". The grand jury also saw a slide titled "The Conspiracy" that drew in unions, teachers and a bicycle repair shop, though the government says its witness never mentioned the unions. HSI's undercover reports sit badly with Garcia's statement, as Section 4.4 explains, and the defense objects to Brian Lynch's role in presenting the indictment.[167]

That may not be enough. A misleading statement about how an investigation was run is not obviously what persuaded grand jurors that a crime occurred, and *Williams* limits the complaint that they heard only one side. We have seen nothing in Minnesota like the conduct Perry described, though what we have seen is partial. The more important point is new. The 22 October indictment came from a grand jury session no one outside the government has described. We do not know who testified or what was shown. The same district's chief judge had already, in June, called grand jury subpoenas to Minnesota Democratic leaders a "blatantly unlawful and unethical use" of the process, in a separate matter. That makes this a court unlikely to wave the issue away.[168]

Assessment. On what is public, we assess dismissal for grand jury error as remote. We assess it unlikely that the defense obtains the full transcripts by 30 June 2027. If it does, these estimates could change quickly, as they did in Chicago.

6.5 Selective and vindictive prosecution have the best facts and the hardest law

No case in this assessment has stronger facts on political motive. HSI's case-opening paperwork for Whipple Shield cites NSPM-7. The New York Times reported that a senior Justice Department official, Aakash Singh, told prosecutors to "go big". The defense points to the January 6 defendants as people the government chose to spare. In May, a federal judge in Tennessee dismissed the Abrego Garcia case as vindictive.[169]

The law sets a very high bar. *Armstrong* requires "clear evidence" that a prosecution had both a discriminatory effect and a discriminatory purpose, and the defense must show that similar people could have been charged and were not. Under *Wayte*, the decision must have been made "because of" protected activity and not merely in spite of it. In *Wayte* itself, the people prosecuted were likely to be vocal opponents of draft registration, and the Supreme Court still ruled for the government. The Eighth Circuit applies the same two-part test, and *Catlett* says a "mere allegation" does not earn discovery. A presumption of vindictiveness, under *Goodwin*, is rarely available before trial.[170]

The government has already set out its reply. It relies on the *SPLC* ruling from Alabama and on *McIver*, which rejected the January 6 comparison. It distinguishes Abrego Garcia as a revived old file, saying here "It is not old evidence". Its most useful point is that it "did not target and investigate the thousands of peaceful protesters" at the 23 January strike. If the line it drew was between marching and blocking a road with a trailer, then it chose by conduct and not by viewpoint. The defense's problem is finding anyone similar who blocked a federal site with barriers and was left alone.[171]

The realistic prize here is discovery. *Armstrong* asks only for "some evidence" before a defendant can see the government's internal reasons. Written directions from Singh, or communications about who to charge, would matter even if the motion later failed. Two other rulings may arrive first. Don Lemon and Georgia Fort moved in August to dismiss the Cities Church charges as vindictive in the same district, and the Sixth Circuit has the Abrego Garcia appeal.[172]

Assessment. We assess discovery or a hearing on this ground as unlikely, and dismissal as between remote and unlikely. A ruling for Lemon and Fort would raise both.

6.6 A First Amendment attack on the indictment will more likely narrow the case than end it

Rule 12 lets a defendant ask a judge to dismiss a count that fails to state an offense. The obstacle is that a judge reads the indictment as if it were true. In *Ferro*, the Eighth Circuit said federal procedure does not "provide for a pre-trial determination of sufficiency of the evidence". Trailers, barriers and shields are pleaded, so a judge is likely to hold that "force" is a question for the jury. We assess dismissal of Count 1 before trial as between remote and unlikely.[173]

Smaller wins are much more realistic. Rule 7(f) allows a bill of particulars, which would make the government say what each person did. Rule 7(d) allows a judge to strike surplus language, such as "Opposing the authority of the United States government". A ruling that advocacy, security habits and speaking tours cannot themselves be the crime would narrow what the jury hears. So would a First Amendment instruction, and one was given in *Beale*. Judge Menendez has already reviewed the allegations defendant by defendant and held that they did not justify an onerous condition. We assess a roughly even chance of an order that narrows the government's theory in one of these ways.[174]

6.7 The undercover agents are probably safe from suppression, but some of the chats may not be

The law favors the government on infiltration. In *Hoffa*, the Supreme Court gave no Fourth Amendment protection to "a wrongdoer's misplaced belief" in a confidant. In *Aguilar*, the Ninth Circuit rejected the sanctuary movement's challenge to agents who taped church meetings. A

person who lets a stranger into a Signal group will probably lose the argument that the stranger needed a warrant, and the government already cites similar cases.[175]

The open question is how the rest of the material was gathered. Prosecutors hold chats from 40 to 100 people, and Judge Schultz said in July that he inferred "not every bit of evidence was necessarily gathered pursuant to warrant". A defendant can generally challenge only a search of their own property or accounts, so each person's chats would need their own analysis. If any warrant rested on a false sworn statement, *Franks* allows a hearing on a substantial showing. We hold no record of Berger swearing a warrant in this case. The defense also raises the financial privacy law over bank records, but we have not checked what remedy that law gives.[176]

Assessment. We assess suppression of a major body of evidence as unlikely, and an order that makes the government explain how it obtained the chats as roughly even.

6.8 Withheld evidence could cost prosecutors a theory, but outrageous conduct is unlikely to end the case

J20 shows what a disclosure fight can win. When the government was found to have withheld nearly 70 recordings, the judge did not dismiss everything. The judge barred the conspiracy theory for the next group of defendants, and the last cases were dropped weeks later. Minnesota has the raw material for a similar dispute: five withheld reports, undercover recordings, and a fight over what "separate investigation" means. The briefing on 16 November and 4 December is the next step. We assess a sanction of that kind by 30 June 2027 as unlikely, because the government has not yet been shown to have hidden anything that a court ordered produced.[177]

The outrageous conduct motion the defense has promised is the longest shot. The Eighth Circuit confines it to a "narrow band of the most intolerable government conduct". The one local example everyone in the movement remembers is Wounded Knee. In 1974, in St. Paul, Judge Nichol threw out the case against Dennis Banks and Russell Means, saying the misconduct was "so aggravated that a dismissal must be entered". But that came after a trial of more than eight months, after the judge had warned prosecutors and the misconduct continued. We assess this route as remote.[178]

6.9 Separate trials would help the people with the least against them

A joint trial is dangerous for anyone on the edge of a case, because the jury hears everything. Rule 14 allows separate trials, but *Zafiro* requires "a serious risk" to a specific trial right or to a reliable verdict, and says limiting instructions often suffice. *Kotteakos* offers a further argument: a hub with separate spokes is not one conspiracy, and evidence about one spoke can unfairly spill onto the others. The defense can say that following an officer to Wisconsin in May has little to do with moderating a meeting in February. The government will answer that the indictment ties it all together, and that the same chats prove all of it.[179]

With fifteen defendants, the court also has practical reasons to split a trial, and J20 was tried in groups. We assess a roughly even chance that at least one defendant or group is tried separately, if the case goes to trial.[180]

6.10 At trial, juries have been the defendants' best protection

Trial is where the record gives the most hope. After the government rests, Rule 29 requires a judge to acquit on any charge where the evidence is insufficient, which is a real chance for the third group in the table. Then the jury decides each person and each count separately.

Juries in this period have refused to follow the government's story often enough to matter. There were the eight acquittals ProPublica and FRONTLINE counted, and the first J20 group was acquitted. The Minnesota defense has a particular asset: HSI's own undercover reports recording that no violence was discussed at trainings and meetings. Each undercover agent who testifies can be asked about that. So can Garcia about his grand jury statement. And Judge Menendez has already said it is "yet to be decided" whether the defendants' steps to avoid surveillance hid a crime or were "a lawful response to what they perceived as government overreach against peaceful protesters". A Twin Cities jury may be more receptive to that than most, since many jurors will have lived through Metro Surge.[181]

The warnings are real. A Texas jury convicted all nine Prairieland defendants tried, after the same arguments about beliefs and associations, though that case involved a shooting. In California, jurors acquitted Raygoza and Brown of conspiring to publish an officer's personal information and convicted them of felony stalking, which shows how a jury can reject a conspiracy and still convict on individual conduct. That is a direct warning for Sant and Morgan. The counts against Rakotz, Morgan and Wagner do not depend on a conspiracy, and a vehicle pleaded as a dangerous weapon raises the stakes for Rakotz. The chats, Kennedy's public talk and the training manual quoted in the government's filings will be in front of the jury.[182]

Assessment. If the case is tried, we assess it likely that at least one defendant is acquitted on Count 1, unlikely that all are, and likely that at least one defendant is convicted on an individual count.

6.11 What a conviction would leave open

A conviction would not end the fight, but it would close the best doors. *Mechanik* removes most grand jury complaints, and sufficiency of the evidence on appeal is read in the government's favor, as Chapter 5 explains for the Fifth Circuit. The appeal would go to the Eighth Circuit, where the meaning of "force" under § 372 could still be decided for the first time. That is why the question has to be raised in December and preserved at trial. A win there would reach well beyond Minnesota, since any blockade case could be charged the same way.[183]

6.12 Our estimates, route by route

The table gives our estimates to 30 June 2027, except for trial outcomes, which assume the case is tried. Any of these outcomes could help one defendant and not another.

Route	Main obstacle	Estimate
Prosecutors drop a defendant or count	The political weight of the case	Likely
Prosecutors drop the whole case	Same; they re-indicted in October	Unlikely
Court dismisses over the grand jury	*Bank of Nova Scotia*, *Williams*	Remote on what is public
Defense obtains the full grand jury transcripts	Rule 6(e) showing	Unlikely
Discovery or a hearing on selective prosecution	*Armstrong*, *Catlett*	Unlikely
Dismissal for selective or vindictive prosecution	*Armstrong*, *Wayte*, *Goodwin*	Between remote and unlikely
Dismissal of Count 1 as a matter of law	*Ferro*: a judge reads the charge as true	Between remote and unlikely
Order narrowing the theory or requiring particulars	Judge’s discretion	Roughly even chance
Suppression of a major body of evidence	*Hoffa*, *Aguilar*, each person’s own rights	Unlikely
Sanction barring evidence or a theory	No disobeyed order yet	Unlikely
Dismissal for outrageous conduct	*Bugh*, *Morse*	Remote
At least one defendant tried separately, if tried	*Zafiro*	Roughly even chance
At least one acquittal on Count 1, if tried	Chats, equipment, Kennedy’s talk	Likely
All acquitted on Count 1, if tried	Same	Unlikely

Route	Main obstacle	Estimate
At least one conviction on an individual count, if tried	The Raygoza and Brown verdict shows the risk	Likely

Assessment. We assess with moderate confidence that the MN 15 are more likely to win piece by piece than all at once. The whole case ending by a judge's order is unlikely, and the likeliest wins are charges dropped against those furthest from the blockades, a narrower theory, and acquittals. The word "force" is the issue most likely to matter beyond this case.

6.13 What would change these odds

These would improve the defendants' chances:

- a grand jury transcript showing conduct like Chicago's, or a court ordering the transcripts of the October session produced;
- a ruling for Lemon and Fort on vindictive prosecution in the same district, or the Sixth Circuit upholding the Abrego Garcia dismissal;
- written directions from Singh or anyone else about whom to charge, and why;
- a ruling that a blockade is not "force" under § 372;
- the five withheld reports turning out to touch these defendants;
- proof that chats were captured without a warrant from people who never let an agent in;
- an undercover agent conceding under oath that no one planned to stop officers by force.

These would hurt them:

- a cooperating defendant, since none appears in the record we read and Prairieland shows how much that changes a trial;
- recordings of defendants talking about stopping officers physically, beyond what the indictment already quotes;
- a ruling that a blockade with barriers is force as a matter of law;
- a Minnesota jury convicting on a conspiracy theory in another protest case.

The new Congress could bring out records, but it cannot end a pending prosecution. Only prosecutors, a judge or a jury can do that.

7. Implications

IN BRIEF

- For individuals, the greatest risk is the person in the chat and the phone in your hand.
- For groups, membership and association are being drawn as conspiracy.
- For service operators, sanctions can do in days what subpoenas never did.

7.1 For individuals

- **The main risk is other people and your own phone.** In Minnesota a QR code was enough to get an agent in. In Prairieland one phone that still held its chats gave up the group.[184]
- **Removing an app is not the same as deleting the data.** Apple's notification storage kept incoming Signal messages after Signal was gone.[185]
- **Deleting and wiping can bring a charge of their own.** Tunick's duress wipe and a Texas deletion case show this. The choice is now between what the data would reveal and what the act of destroying it could cost.[186]
- **What you read can reach a jury.** Prairieland's prosecutors put a reading group and its old Twitter account in front of one.[187]

7.2 For groups and coalitions

- **Membership is being drawn as conspiracy.** HSI's "Conspiracy" slide draws arrows from 20 organizations, the Attorney General's memo asks for the "full network", and Prairieland prosecutors called a reading group a front.[188]
- **Money records reach people accused of nothing.** Unions and donors appear in financial reports with no charge against them.[189]
- **Accusing people of being informants is dangerous in itself.** COINTELPRO used false informant labels to break groups apart, and the damage is greatest where no one can check the claim.[190]

7.3 For service operators

- **Sanctions now work faster than subpoenas.** A/I's registry, payment and bank relationships failed within days of a listing, with no court involved.[191]
- **A customer may never be told.** Gag orders mean notice cannot be relied on.[192]

- **A warrant canary covers only what the operator itself is served.** It says nothing about a host, a proxy or a seized backup.
- **Hosting abroad changes the law that applies but does not remove the risk.** A/I's server was seized in the Netherlands under a US treaty request.[193]

7.4 For anyone assessing these claims

Three distinctions matter when reading this material. What a tool can do is separate from what was done with it. What a service promises is separate from what it does. And what someone claims is separate from what has been established. A contract does not show a search, a policy does not show deployment, and neither Jayden Scott's boasts nor supporters' trial notes are findings. Most of what this assessment reports rests on documents, and the concern comes from how many of them there now are.

8. Outlook and Indicators

IN BRIEF

- The next eleven weeks hold more scheduled disclosure than any period so far.
- The signs of widening pressure to watch are a US charge resting on the designations, further bilateral memoranda, and new sanctions on a service.
- The signs of narrowing are court orders against the government in Minnesota, Amsterdam or the Fifth Circuit, and oversight by the new Congress.

8.1 Dated events

Date	Event
6 November 2026	Supreme Court conference on Wagner's petition
9–10 November	Government response and hearing transcript in the Tunick case
Autumn, date not public	German-US follow-up workshop to the July meeting
13 November	Responses on the news owner's intervention in *Hilton v. Noem*
16 November	Defense briefs due in the MN 15 case
20 November	Prairieland trial transcripts open, including the Rose and Eagle testimony
23 November	Redacted Brenner transcript expected; Tunick reply
25 November	Paris court decides on extraditing Zaid A. to Hungary
4 December	Government responses in the MN 15 case; Legnon sentencing memorandum
9 December	Amsterdam court hears the A/I complaint; transcript opens in the Massachusetts church case
11 December	Legnon sentencing
18 December	Motions due in the MN 15 case, including any motions to dismiss
31 December	Next review of Operation Keyhole due
4 January 2027	Government responses to MN 15 motions
8 January 2027	MN 15 motion hearing before Magistrate Judge Schultz

Date	Event
January 2027	Wagner trial, Michigan, if no resolution; last booked Düsseldorf hearing dates
21 January 2027	Full Brenner and Wagner detention transcripts open
11 May 2027	Carroll trial, California
15 September 2027	Gaffield sentencing
13 March 2029	Three-year limit on Prairieland new-trial motions based on new evidence
Not set	Fifth Circuit briefing in the Prairieland appeals; MN 15 trial

Sources.[194]

8.2 What to watch for

These events would show that pressure is widening:

- a US charge resting on a November 2025 designation;
- a second bilateral memorandum, or a US filing citing Hungarian material;
- a new sanctions listing of a service;
- IRS action against a nonprofit tied to NSPM-7;
- a union or funder named in a charging document;
- a second European seizure at US request, or the first e-Evidence orders reaching a movement host.

These events would show that pressure is narrowing:

- a Fifth Circuit ruling limiting political material as evidence;
- a ruling suppressing undercover evidence;
- a ruling that a blockade is not “force” under 18 U.S.C. § 372;
- an order giving the MN 15 defense the full grand jury transcripts;
- an order compelling the five withheld Minnesota reports;
- a Dutch government answer on the seizure that restricts such requests, or an Amsterdam order barring handover;
- a hearing, subpoena or inquiry on NSPM-7, the designations or Keyhole in the new Congress;
- a Paris refusal to extradite Zaid A.

These events would show that parts of this assessment are wrong:

- a filing showing a provider gave up Signal message content;

- a document linking Operation Keyhole to the 2008 convention or to Darby;
- an EU-level plan, or memorandum text showing joint operations, which would make KJ9 stronger.

8.3 Main open questions

Eleven questions matter most, and each could be answered by a specific document:

- Who were Rose and Eagle, and what do the transcripts say about them?
- Who ran the “Xo Yaga” Signal account?
- What was the “chat capturing software” on HSI’s undercover phone?
- What “separate investigation” do the five withheld Whipple Shield reports belong to?
- What do the FBI’s unreleased Antifa DFW pages say?
- What US case is behind the Amsterdam seizure?
- What does the US-Hungary memorandum say?
- What did the State Department mean when it said material support was used against the four groups?
- What did the Eastern District of Kentucky grand jury want from Google?
- What did Aakash Singh’s directions to prosecutors say in writing?
- What did the grand jury hear before the 22 October MN 15 indictment?[195]

Annex A: Chronology

Date	Event
2004	Italian police copy A/I server keys; Rackspace hands over Indymedia servers
Aug 2007	Ramsey County opens investigation of the RNC Welcoming Committee
Nov 2007	Darby's FBI source relationship dates from here, per the Langert affidavit
27 Feb 2008	FBI and IRS search Riad Hamad's home, Austin
1–4 Sep 2008	Republican National Convention, St. Paul
22 Dec 2008	Operation Keyhole first certified
2009	*United States v. Kibby*, Austin; terrorism counts against the RNC 8 dropped
2012	FBI removes European Counter Network server from New York rack
2014	US subpoena to May First over Athens Indymedia
2017	Germany bans linksunten.indymedia
2018	Bavarian police raid Zwiebelfreunde; FBI closes Antifa DFW file
2021	French request reaches Proton through a Swiss order
29 Mar 2021	Dutch police seize NoState server
Aug 2021	FBI's date for the Turtle Island source's reliability
12 May 2022	Attack behind the Kloth and Norman case
May 2023	FBI seizes Kolektiva backup
4 Jul 2025	Prairieland shooting
25 Sep 2025	Second NSPM-7 signed
13–20 Nov 2025	Four foreign groups designated
4 Dec 2025	Attorney General's NSPM-7 memo
Dec 2025	HSI undercover reports begin; FBI undercover joins Turtle Island Signal group; Legnon complaint filed

Date	Event
21 Jan 2026	Clearview face search in Minnesota
28 Jan 2026	Operation Puppet Master opens
4 Feb 2026	Budapest court gives Maja T. eight years
5 Feb 2026	Wagner arrested
11 Feb 2026	Project Whipple Shield opened; Bondi’s statement on the list
17 Feb 2026	First Prairieland jury pool dismissed
6–9 Mar 2026	Summonses to Fedwire and CHIPS
Mar 2026	Task Force Vanguard begins; Prairieland trial
31 Mar 2026	FinCEN request to banks
2 Apr 2026	“Antifa Roadshow” report, Chicago
24 Apr 2026	Athens verdict: Romanos acquitted, two convicted
28 May 2026	Recorder falls in University Baptist gym
11–16 Jun 2026	MN 15 indicted and unsealed
23 Jun, 1 Jul 2026	Prairieland sentences; post-trial motions denied
16 Jul 2026	State Department meeting of 66 delegations
12 Aug 2026	Sixth Circuit reverses Wagner’s release
18 Aug 2026	EU e-Evidence Regulation applies
26 Aug 2026	OFAC lists Autistici/Inventati
18 Sep 2026	A/I reported dissolved
30 Sep 2026	Budapest appeal court gives Maja T. seven years
7 Oct 2026	Judge Menendez writes that no physical violence is alleged
8 Oct 2026	Rote Hilfe win in Göttingen reported
13 Oct 2026	Amsterdam server seizure
14 Oct 2026	Wierzbicki charged

Date	Event
15 Oct 2026	Anthony-Gaffield plea agreement
20 Oct 2026	Brenner testimony
22 Oct 2026	Superseding indictment in the MN 15 case
28 Oct 2026	Icepick release; WIRED on the staffing
29 Oct 2026	US-Hungary memorandum

Sources.[196]

Annex B: Legal Process by Target

Target	Instrument	Result
Apple (Prairieland)	Legal process for iCloud	iCloud data for the alleged shooter and another person
Fly.io, Stripe	Legal process	Account, IP, SSH and card data; no completed payments
Domain registrar side	Subpoena	Privacy-service contact only
Fedwire (New York Fed)	Customs summons	Records produced for SEIU, CWA, Sunrise
CHIPS	Customs summons	Response not in the record
Banks	FinCEN request, 29 subjects	Positive responses reported
SEI Private Trust	Grand jury subpoena	No transaction records on SEIU
PayPal, Venmo	Subpoena	Records for Voices for Racial Justice
Signal (separate D.C. matter)	Grand jury subpoena, 37 numbers	Dates for six accounts
Cloudflare	Court order with nondisclosure	Scope reported by the operator
Google (AnarchistFederation.net)	Grand jury subpoena	Outcome not known
Google, Substack, Bluesky	Search warrants	Content, including private messages
Google, Meta, Reddit	DHS administrative subpoenas	Some compliance; some withdrawn on challenge
T-Mobile (journalist)	Process reported by the Guardian	Six months of records
Proton (Switzerland)	Swiss order on French request via Europol	IP address logged and handed over
Wire, Proton, Apple (Spain)	Requests through Swiss police	Chain reached Apple

Target	Instrument	Result
A/I server (Amsterdam)	Treaty request; Dutch seizure	Data not yet shared, per prosecutors

Sources.[197]

Annex C: Services

Service	Promise or position	Record
Signal	Holds little	Dates only for six of 37 numbers
Riseup	No IP retention; daily log purge	No process shown in focus cases; canary late on 5 Nov
May First	Fights demands; encrypts at rest	Refused 2014 subpoena; named as host, not shown served
Autistici/Inventati	Volunteer privacy service	Sanctioned; dissolved; server seized
Kolektiva	Instance policy	Unencrypted backup seized in 2023
Proton	Encrypted mail	IP logged under Swiss order, 2021
Telegram	Formerly limited disclosure	Widened in 2024
Cloudflare	Publishes transparency reports	Hundreds of subpoenas a half-year; some gagged
Raddle	“Zero tracking”	Records the IP behind each action, per our earlier assessment
Lemmygrad	No login IP recorded	Lemmy software stores it since 0.19.0; deployed setup unknown

Sources.[198]

Annex D: Glossary

Term	Meaning
41-bis	Italian prison regime of near-total isolation
§ 2339A	Federal offense of material support to terrorists
A/I	Autistici/Inventati, the Italian volunteer service collective
CHS	Confidential Human Source, the FBI’s term for an informant
e-Evidence	EU rules letting one member state order production from a provider in another
FinCEN	Financial Crimes Enforcement Network, US Treasury
FTO / SDGT	Foreign Terrorist Organization; Specially Designated Global Terrorist
HSI	Homeland Security Investigations, ICE’s investigative arm
JTTF	Joint Terrorism Task Force
Keyhole	HSI’s certified undercover operation, dating to 2008, used by the Minnesota operations
OFAC	Office of Foreign Assets Control, US Treasury
Puppet Master, Whipple Shield	The two named HSI operations behind the MN 15 case
UCA	Undercover agent; HSI’s reports identify them by number
Warrant canary	A regular statement that a service has received no secret order; if it stops, users may infer one arrived

Notes

Scope Note

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