

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES)

v.)

SAHADY)
_____)

Case No. 1:21-cr-134

**DEFENDANT’S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF ITS
MOTION TO COMPEL DISCOVERY IN SUPPORT OF
HIS SELECTIVE PROSECUTION CLAIM**

On October 18, 2023, Capitol Police arrested hundreds of pro-Palestinian protesters who stormed and flooded the Cannon House Office Building.¹ The protestors ignored Capitol Police’s express alerts that protestors were not allowed inside Congressional buildings. Capitol Police worked for hours to clear the crowd of hundreds that occupied the Rotunda. Among the arrested was protestor Huwaida Arraf, who disrupted a Senate Foreign Relations Committee hearing by shouting down the speakers in the hearing and refusing to leave the hearing room even as multiple Capitol Police had to physically remove her.² Arraf boasted about obstructing the official proceeding on social media, and posted a video of herself resisting arrest.³ This all occurred while Capitol Police told members of Congress to shelter in place after officers received intelligence that lawmakers could be targeted during a pro-Palestinian protest in Washington, D.C.⁴

¹ Hundreds arrested after Pro-Palestinian demonstrators flood Cannon Rotunda, Capitol complex (fox5dc.com), <https://www.fox5dc.com/news/pro-palestinian-protest-underway-at-capitol-rotunda-uscj-detains-some-demonstrators-israel-hamas-war-capitol-hill-jewish-voices-for-peace>

² <https://twitter.com/huwaidaarraf/status/1714689394542621090>

³ *Id.* (“A day after Israel bombed an Anglican hospital killing over 500 Palestinian civilians, not one word in the Senate Foreign Relations Committee hearing about Palestinian lives. @mhabeHH @Salaama and I spoke out demanding #ceasefire, that we stop enabling Israel’s genocide in #Gaza and #FreePalestine.”).

⁴ Marjorie Taylor Greene Told to 'Stay Inside' During Pro-Palestinian Protest (msn.com) <https://www.msn.com/en-us/news/world/marjorie-taylor-greene-told-to-stay-inside-during-pro-palestinian-protest/ar->

In support of Defendant's Motion to Compel Discovery in Support of His Selective Prosecution Claim, Defendant submits this Supplement to add Huwaida Arraf as a similarly situated comparator who was engaged in conduct that was objectively worse than Sahady's alleged conduct on January 6, 2021. Sahady is not alleged to have engaged with any members of Congress or personally tried to prevent such members from speaking. Unlike Arraf, Sahady was courteous to law enforcement officials inside the Capitol and promptly complied with their instructions. There is no principled basis for the Government to assert that Sahady was "corruptly influencing" an official proceeding, but Arraf was not. If Arraf is not charged with 18 U.S.C. 1512(c)(2), the Court should compel discovery regarding Sahady's selective prosecution claim.

Dated: October 19, 2023

Respectfully submitted,

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AA1irJQa?ocid=msedgntp&cvid=7efa38c96bed43a79b7b36e49183047d&ei=16 ("They told us to stay inside and only use the underground tunnels.").