

Seditious conspiracy trial begins for Oath Keeper leader Stewart Rhodes and accomplices in January 6 attack

Jacob Crosse
28 September 2022

Jury selection began on Tuesday in the trial of Oath Keepers founder Elmer Stewart Rhodes, 57, and four of his co-defendants, Jessica Watkins, 40; Kenneth Harrelson, 41; Thomas Caldwell, 68; and Kelly Meggs, 53. All were members of the fascist paramilitary group on January 6, 2021 and are being tried on seditious conspiracy charges for their role in former President Donald Trump's failed coup.

The Oath Keepers was one of several fascist militia groups summoned to Washington D.C. by Trump and his Republican allies to "Stop the Steal" and use violence to overturn the election of President Joe Biden and establish a dictatorship under Trump.

Throughout his presidency, Trump sought to cultivate a base of support among the police, the Border Patrol gestapo and the military, along with fascist groups such as the Oath Keepers and Proud Boys. Beginning at the 2016 Republican National Convention, the Oath Keepers were used to provide "security" for Trump's rallies and intimidate his political enemies, including anti-police violence protesters in the summer and fall of 2020.

In the lead-up to January 6, the Oath Keepers and Proud Boys participated in "Stop the Steal" rallies, which were organized around the country in coordination with Republican lawmakers, right-wing media figures and the Trump family.

In total, 11 Oath Keepers are facing seditious conspiracy charges. Oath Keepers Roberto Minuta, Joseph Hackett, David Moerschel and Edward Vallejo are set to go on trial this November.

Oath Keepers Joshua James and Brian Ulrich have already pleaded guilty to seditious conspiracy and are currently cooperating with the government. Overall, roughly 30 members of the far-right group have faced charges of various kinds for their actions related to Trump's failed coup, according to the Associated Press.

So far, some 900 people have been charged in the attack on the Capitol, with members of the Oath Keepers and Proud Boys facing the most serious charge, seditious conspiracy, which carries with it a 20-year maximum penalty.

US District Judge Amit Mehta will be overseeing the trial of Rhodes and his co-defendants. Mehta was appointed to the District Court for the District of Columbia in 2014 by Barack Obama. Prior to jury selection, Mehta had dismissed attempts by Rhodes, Caldwell, Meggs, Harrelson and Watkins to get the trial moved out of Washington D.C. and to delay the trial.

During jury selection, *Law & Crime* reported a notable exchange between Caldwell attorney David Fischer and Mehta after a potential juror told Mehta that she might have a bias against the Oath Keepers because her family had previously been targeted with "racially-charged incidents." Mehta, *Law & Crime* wrote, "emphatically said that no evidence of the Oath Keepers being a white supremacist organization would be allowed at trial 'unless a reason I cannot think of' arises."

Previous to January 6, the Oath Keepers was the largest fascist militia group in the US, with an active membership estimated to be a few thousand. However, with Rhodes and several state leaders of the organization currently incarcerated for their actions in the failed coup, along with exposures of the group's private email lists, official membership in the group has collapsed.

The Oath Keepers was founded by Rhodes in 2009. Rhodes is a former Army paratrooper and Yale-educated lawyer, who clerked for Arizona Supreme Court Justice Mike Ryan before becoming a staffer for Texas Libertarian and former Republican Representative Ron Paul.

The Oath Keepers' membership, as with other fascist paramilitary groups who participated in the attack on the Congress, like the Proud Boys, Boogaloo Boys and III Percenters, is heavily comprised of current and former police

and military members.

In their indictment of Rhodes and his accomplices, the government alleges that within days of the November 3, 2020 election, Rhodes and others began plotting to oppose the lawful transfer of presidential power “by force.” Two days after the election, prosecutors claim Rhodes sent a text message to a Signal chat group that included Meggs, the head of the Florida chapter of the Oath Keepers, warning, “We aren’t getting through this without a civil war. Too late for that. Prepare your mind, body, spirit.”

In the weeks between the November 2020 election and January 6, 2021 prosecutors allege Rhodes and others “coordinated travel across the country to enter Washington D.C., equipped ... with a variety of weapons ... combat and tactical gear, and were prepared to answer Rhodes’s call to take up arms at Rhodes’s direction.”

Rhodes, a frequent guest on the fascist Alex Jones *Infowars* program for more than a decade, promised in a November 10, 2020 episode that his militia would protect Jones when he came to D.C. to participate in the “Stop the Steal” rallies.

Leading up to January 6, prosecutors allege Rhodes spent over \$17,000 on weaponry and ammunition. In online posts on the Oath Keepers website, Rhodes told all “Patriots who can get to DC” to “be in DC!” and that it was time to “stand now, or kneel forever.”

On January 6, as the purposefully underdefended Capitol was under siege by thousands of Trump supporters, Oath Keeper fascists were witnessed entering the Capitol in a military-style “stack” (file) formation. Prosecutors have alleged that the “stack” was seeking out politicians, including Democratic House Speaker Nancy Pelosi, to capture or possibly kill in order to delay the certification of the Electoral College vote.

During the attack on the Capitol, prosecutors allege that Rhodes remained outside the building with former Oath Keepers general counsel Kellye SoRelle, who was indicted last week by the Department of Justice (DOJ) on conspiracy to obstruct, tampering with evidence and other crimes related to the coup.

Rhodes stayed in communication with teams inside the Capitol and “quick reaction force” (QRF) teams that were stationed outside Washington D.C. in hotel rooms filled with guns, waiting to be called upon “to use firearms in support of their plot to stop the lawful transfer of presidential power.”

In pretrial hearings Rhodes’s attorneys have argued that he and other members of the militia are not guilty of trying to overturn the government because they were simply waiting on orders

from then-President Trump to invoke the Insurrection Act and federalize the Oath Keepers as a militia to quell a non-existent “antifa” and “Black Lives Matter” rebellion.

This defense, essentially that they were just “following orders” from the would-be Fuhrer, was not accepted when it was offered by Nazi war criminals at the Nuremberg Tribunal in 1946 and is highly unlikely to hold purchase with a Washington D.C. jury in 2022.

Trump had previously threatened to invoke the 1807 Insurrection Act in a June 2, 2020 speech outside the White House in the Rose Garden. At the time the *World Socialist Web Site* wrote that Trump’s threats to deploy the military to arrest and detain peaceful protesters marked a “turning point in American history” and that Trump was attempting to “establish a personal dictatorship on the basis of military rule.”

Furthermore, we wrote that the “defeat of Trump’s attempted coup d’état depends on the intervention of the working class, which must take the lead in the defense of democratic rights.”

More than two years later, these words have lost none of their relevance. While some of Trump’s low-level foot soldiers have been charged for their role in the coup, the leader of the putsch, Trump, his inner circle, including family members and leading Republican lawmakers, remain uncharged.

The election of Biden and a Democratic Congress has not lessened the danger of fascism. Thanks to Biden and the Democrats, who above all desire “unity” with their “Republican colleagues,” Trump and his fascist MAGA (Make America Great Again) allies, including on the Supreme Court, have been allowed to continue to build an authoritarian movement, hell bent on overturning the last vestiges of democracy in order to ensure only Trump-style Republicans are allowed to rule.

The turn of the ruling class to QAnon, Trump and other fascist dregs reflects the immense crisis of the capitalist system and demonstrates that the bourgeoisie has lost all right to rule. The only social force capable of defending democratic rights and ensuring the defeat of fascism is the working class united on a socialist program.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact