

Opening days of Oath Keepers seditious conspiracy trial

# US attorneys reveal coordination between Stewart Rhodes and Roger Stone following Trump's defeat

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On Monday, the seditious conspiracy trial of Oath Keeper founder Elmer Stewart Rhodes and four of his accomplices—Kelly Meggs, Jessica Watkins, Thomas Caldwell and Kenneth Harrelson—began with opening statements by prosecution and defense attorneys.

On the first day of the trial, Assistant US Attorney Jeffrey Nestler outlined the Oath Keepers' plan to prevent the transfer of presidential power from Donald Trump to Joe Biden.

"These defendants tried to change... history. They concocted a plan for armed rebellion to shatter a bedrock of American democracy," he said.

Nestler continued, "If Congress could not meet, it could not declare the winner of the election, and that was their goal—to stop by any means necessary the lawful transfer of power, including taking up arms against the United States government."

Nestler described how Rhodes and the other accused coordinated their plans to descend on Washington in encrypted text message groups and GoToMeeting sessions.

Using digital footprints of Rhodes and his accomplices, prosecutors presented evidence of the defendants discussing over a period of months their plans to keep Trump in power by force. This included bringing an assortment of weapons for use on January 6, 2021, including guns and paramilitary gear, which they stored in hotel rooms occupied by "quick reaction forces" just outside of Washington D.C.

To show that there was indeed a conspiratorial plot, Nestler produced Signal text messages Rhodes sent to Oath Keepers and the "Friends of Stone" (FOS) chat group on and around November 7, 2020, the day Biden was declared the winner of the presidential election.

The chat group was headed by long-time Trump operative Roger

Stone, whom Trump pardoned between the 2020 election and January 6, 2021, the day set for Congress to certify Biden's win.

Other members of Stone's chat group who played a role in Trump's coup attempt include Republican operative and lead "Stop the Steal" organizer Ali Alexander and the leader of the Proud Boys militia group, Henry "Enrique" Tarrio, who has also been charged with seditious conspiracy.

Another Oath Keeper in the group was the former lead counsel for the Oath Keepers, Kelly SoRelle. SoRelle was also a volunteer for Lawyers for Trump, a coalition of right-wing lawyers assembled ahead of the 2020 election.

Last month, the Department of Justice (DoJ) charged SoRelle on four counts in connection with the coup, including conspiracy to obstruct an official proceeding and obstruction of justice. SoRelle was videotaped outside the Capitol with Rhodes on January 6, as Oath Keepers breached the Capitol in a "stack" military-style formation. Their aim was to capture or kill elected officials, including House Speaker Nancy Pelosi and Vice President Mike Pence.

Last week, NBC News reported that SoRelle texted with Trump White House aide Andrew Giuliani about "election issues" in November 2020. Andrew is the son of Rudy Giuliani, Trump's personal coup lawyer.

In his new book, *The Breach*, former January 6 investigator Denver Riggleman reports that SoRelle attempted to text a number inside the White House on December 20, 2020, two days after Trump called on his followers to come to D.C. on January 6 for a "wild" demonstration.

In the messages to the "FOS" group on November 7, Rhodes wrote that it was time to "step up and push Trump to finally take decisive action." Putting paid to all attempts to portray the January 6 coup as a rowdy protest and not an armed insurrection, Rhodes

went on to tell the chat group, “The final defense is us and our rifles. Trump has one last chance, right now, to stand. But he will need us and our rifles too.”

Prosecutors cited testimony and evidence from FBI agent Michael Palian showing that two days later, on November 9, Rhodes held a national conference call with heads of the Oath Keepers, including Kelly Meggs, Kenneth Harrelson and Jessica Watkins. On that call, Rhodes told the group to plan to go to Washington D.C. so that Trump would know that “the people are behind him.”

“If things go kinetic, good,” Rhodes said. “If they blow bombs up and shoot us, great. Because that brings the president reason and rationale [to invoke the Insurrection Act].”

He added, “[O]ur mission [is] going to be to go into D.C., but I do want some Oath Keepers to stay on the outside and to stay fully armed and prepared to go in if they have to... So if the shit kicks off, then you rock and roll.”

Rhodes added that the group would have to wait for “the president’s order” so as to have “legal cover” to massacre Trump’s political enemies.

During the same leadership meeting, Kelly Meggs, at that time the Florida president of the Oath Keepers, offered a list of “legal” weapons to be carried by those going inside Washington D.C. and not stationed outside the city limits as part of the “quick reaction forces.”

“Pepper spray is legal,” she said. “Tasers are legal. And stun guns are legal. And it doesn’t hurt to have a lead pipe with a flag on it.”

Nestler said the content of this call was so disturbing that one “increasingly alarmed follower” recorded the meeting and sent it directly to the FBI tip line on November 25, 2020. However, FBI agent Palian confirmed on the second day of his testimony that he did not see the message or listen to a recording of the meeting until after the same tipster *re-sent* it in March of 2021, two months after the attack.

An FBI spokesperson refused to provide a statement to the *Washington Post* when asked to comment on Palian’s testimony and the fact that the FBI did nothing to protect the Capitol or break up the plot despite having a recording of the fascist militia leaders discussing plans for an armed attack on Congress to overturn the election and keep Trump in power.

The Oath Keepers trial is expected to last at least one month and possibly go into the new year. Rhodes and the four co-defendants have all pleaded not guilty.

To convict the defendants of seditious conspiracy, which carries a 20-year sentence, the government has to prove that the accused conspired to use force to resist the state. The Civil War-era offense is considered a lesser form of treason.

This is the first of two seditious conspiracy trials against the Oath Keepers, who, along with the Proud Boys, spearheaded the attack

on Congress on the orders of Trump and his fellow Republican coup-plotters.

The Oath Keepers were formed in 2009 by Rhodes, a former Army paratrooper and Yale-educated lawyer. Throughout Trump’s presidency, the Oath Keepers provided “security” services for Trump-aligned Republicans such as Roger Stone. They also served as “security” for various speakers at “Stop the Steal” protests organized in the wake of Trump’s electoral defeat.

Prior to January 6, the far-right militia group enjoyed extremely close ties with police departments around the country. During the Obama presidency, the Oath Keepers were allowed to mass in Ferguson, Missouri to menace anti-police violence protesters following the police murder of Michael Brown.

During protests in Louisville, Kentucky following the May 2020 police murder of George Floyd in Minneapolis, Oath Keeper militia detachments were allowed to violate curfew without fear of arrest or imprisonment from the police.

Rhodes and 10 other Oath Keepers were formally charged with seditious conspiracy and other felonies in January of this year. Two of the Oath Keepers, Joshua James and Brian Ulrich, have already pled guilty and agreed to testify against Rhodes in the current trial.

In May of this year, a North Carolina member of the Oath Keepers, William Todd Wilson, pled guilty to conspiring with Rhodes to “oppose by force the lawful transfer of presidential power,” per a court filing.

In his plea agreement, Wilson said he was present on January 6, 2021 when Rhodes telephoned someone close to Trump in the White House as the assault on Congress was underway. Wilson said that Rhodes recommended that Trump personally invoke the Insurrection Act and federalize the Oath Keepers, allowing them to massacre Trump’s political enemies. According to Wilson, after the call ended Rhodes turned to his fellow fascist thugs and said, “I just want to fight.”



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