

Opening statements, first witness in Proud Boys seditious conspiracy trial

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After several delays, federal prosecutors and lawyers for the defendants in the seditious conspiracy trial of five members of the Proud Boys militia group made their opening arguments on January 12.

The Proud Boys, Oath Keepers, III Percenters and other right-wing militia groups led the attack on the Capitol on January 6, 2021 aimed at stopping the certification of the Electoral College vote and keeping former President Donald Trump in power.

While some 930 Trump supporters, white supremacists, neo-Nazis and other fascists have been charged for their actions in service of Trump's coup, neither the former president nor any of his high-level Republican co-conspirators, such as former Chief of Staff Mark Meadows, coup lawyers Rudy Giuliani and John Eastman or Trump's "Stop the Steal" allies in Congress and on the Supreme Court have been charged, more than two years after the failed coup.

In addition to the Civil War-era charge of sedition, former Proud Boys Chairman Henry "Enrique" Tarrio and his top lieutenants—Ethan Nordean, Joseph Biggs, Zachary Rehl and Dominic Pezzola—are facing several other felony charges that could mean decades behind bars if convicted. All five have entered "not guilty" pleas.

In seeking to prove that the Proud Boys' attack on Congress was a pre-planned assault aimed at overturning the election, Assistant US Attorney Jason McCullough promised to show the jury private and public communications from the group. These include messages celebrating the attack, as well as attempts to "cover their tracks."

In his opening statement last Thursday, McCullough said that the Proud Boys, led by Tarrio, "joined together and agreed to use any means necessary, including force, to stop Congress from certifying the election."

Refuting claims from Trump and Republican politicians, widely echoed by pseudo-left elements, that the failed coup was an unrehearsed riot, McCullough said, "You will know by the way [the defendants] took direct aim at the Electoral College

certification that this was the result of an agreement."

McCullough proceeded to cite several electronic messages sent and received on the "Ministry of Self-Defense (MOSD)" encrypted Telegram channel that was created by Tarrio on December 29, 2020. This was the main channel Tarrio and the accused used to coordinate their attack on January 6, McCullough said.

McCullough explained that Tarrio was the head of the MOSD group, and Nordean was his second-in-command.

Biggs, who like Tarrio is an admitted FBI informant, was afforded a leadership role due to his prior military experience. These "lords of war" McCullough said, borrowing language used by Tarrio, "joined together to stop the transfer of presidential power."

Showing the Proud Boys' intent prior to January 6, McCullough played several social media videos culled from the accounts of Biggs and Tarrio from November 2020. In the videos, the Proud Boys express their desire to have a "civil war" to keep Trump in power.

McCullough reviewed messages the fascists sent to one another in the lead-up to the joint session of Congress to certify the official Electoral College vote, which was set for January 6. In a message sent to the MOSD group on January 2, 2021, Biggs, a veteran of the Iraq and Afghanistan invasions, wrote, "Every lawmaker who breaks their own stupid fucking laws should be dragged out of office and hung."

Refuting expected arguments from the defense that the MOSD group was created as a reaction to alleged "Antifa" violence, McCullough said, "Enrique Tarrio was a master at creating the public perception that put himself and his men in the best possible light. The purpose of MOSD was not to unleash a can of whoopass against Antifa."

McCullough explained that though Tarrio was arrested on January 4, 2021 and prevented from returning to Washington

D.C. to personally lead the attack, he passed on-the-ground leadership of the attack to Nordean, while he continued to communicate with him and other Proud Boys through the MOSD chat group leading up to and during the attack.

In a message sent at 2:30 p.m. on January 6, as the Capitol was being overrun by fascists and Trump-appointed Pentagon officials were blocking the deployment of D.C. National Guard troops to clear the mob from the Capitol, Tarrío boasted to the MOSD group, “Make no mistake, we did this.”

In response, Jeremy Bertino, the first Proud Boy to plead guilty to seditious conspiracy last year, replied affirmatively, “Brother, you know we made this happen.” Tarrío responded, “I know.”

The Proud Boys were acutely aware of the constitutional significance of the Electoral College certification. In one exchange highlighted by McCullough, Bertino asked Tarrío after the attack on Congress, “[D]id we just influence history?” To which Tarrío replied, “Let’s see how this plays out.” Bertino responded, “They have to certify today or [the election] is invalid.”

On January 7, Rehl, a former Marine, wrote in the MOSD chat, “I’m proud as f*ck at what we accomplished yesterday,” adding, “We lost our country, we shoulda held the Capitol.”

For the most part, attorneys for the accused sought to downplay the individual role of their clients, while blaming Trump for the violence that occurred.

In his opening statement, Tarrío’s attorney, Sabino Jauregui, argued that the Proud Boys, and his client specifically, were being unfairly scapegoated for the attack. Jauregui said the militia group, which continues to harass, intimidate and assault Trump’s political enemies to this day, was simply a “drinking club,” and that the MOSD encrypted Telegram channel was created as a defensive formation against alleged “Antifa” violence.

Jauregui, more so than the other attorneys, blamed Trump for the violence that erupted on January 6. “Trump told them to go there on January 6, and it was Trump and his speech on January 6 that unleashed this mob over there to the Capitol. But he’s not on trial here today,” he told the court.

Jauregui added that it was not Tarrío who told the mob gathered outside the White House on January 6 to “fight like hell.”

Like Jauregui, Carmen Hernandez, attorney for Zachary Rehl, argued that the Proud Boys was not a fascist or racist group. As evidence, she claimed that a white member of Rehl’s Philadelphia chapter of the Proud Boys had a “Black wife.”

Dominic Pezzola’s attorney, Roger Roots, in a puzzling defense strategy, repeatedly played videos of his client stealing a police riot shield, which he then used to break into the Capitol. Roots also played a Telegram video posted by his client from inside the Capitol.

In the video, which Roots played multiple times, Pezzola is smoking a “victory cigar.” In between puffs, Pezzola growls, “This is f*cking awesome. I knew we could take this motherf*cker if we tried hard enough. Proud of your motherf*ckin boy.”

Roots told jurors they should interpret the footage as the “not guilty video.”

Nick Smith, attorney for Ethan Nordean, did not blame Trump or the Proud Boys, who he said were being unfairly “scapegoated.” Smith claimed that his client simply walked into the Capitol and walked out. He added that there was “no specific plan” to storm the Capitol and that Nordean simply wanted to go inside to see a “friend.”

Joseph Biggs’ attorney, Daniel Hull, did not present an opening statement.

On Friday, the first witness for the government, US Capitol Police Inspector Thomas Lloyd, a division commander at the Capitol, testified. The position of inspector is above captain but below chief.

Lloyd answered questions on radio and video communications taken from the day of the attack. He confirmed that January 6 was the first time in his 32-year career that the Capitol Police were forced to deploy “less-than-lethal force” to stop an armed mob.

Notably, Lloyd revealed the purposeful under-staffing of Capitol Police for the certification. He told the court that during the initial breaches of the police lines on January 6, from his vantage point he was “seeing thousands of people in the crowd versus a couple dozen officers on the line.”

The trial will resume on Tuesday, January 17.



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