



Written by [Annalisa Pesek](#) on October 4, 2022

As Oath Keepers Trial Begins, DOJ Determined to Cement Jan. 6 as Sedition and Conspiracy

Opening arguments in the historic and high-stakes January 6 trial of five members of the [Oath Keepers](#) began on Monday, with federal prosecutors invoking jurors to convict the defendants on multiple, serious charges of seditious conspiracy and plotting to stop the peaceful transfer of presidential power to keep then-president Donald Trump in the White House for a second term.

In his [opening remarks](#), Assistant U.S. Attorney Jeffrey Nestler harked back to the presidency of George Washington and the “core democratic custom of the routine” transfer of presidential power. According to Nestler, the defendants “tried to change that history” by concocting a plan for “armed rebellion to shatter a bedrock of American democracy.”



AP Images

Oath Keepers founder Stewart Rhodes speaking at a 2017 event

In preparation for a trial that may drag on for weeks, the Department of Justice (DOJ) has secured a staggering 40 witnesses to testify. At the center of the proceedings is defendant Stewart Rhodes, founder of the [Oath Keepers](#), a group that bills itself as a “non-political, constitutional service organization, composed of skilled volunteers that include current and formerly serving military, police, first responders, and trained civilians group of patriots.”

Rhodes, 56, along with multiple other members of Oath Keepers, are accused of plotting to “stop by any means necessary” the peaceful and lawful transfer of presidential power, “including taking up arms against the United States government.”

Rhodes, who did not enter the Capitol on January 6, 2021, has pled not guilty to all charges, including charges of seditious conspiracy, conspiracy to obstruct an official proceeding, conspiracy to prevent an officer from discharging any duties, obstruction of an official proceeding, and tampering with documents or proceedings.

One of Rhodes’s attorneys, Phillip Linder, [told jurors](#) that “the story the government is trying to tell you today is completely wrong. Even though it may look inflammatory, they did nothing illegal.”

If convicted of the multiple felony charges, Rhodes and his codefendants could face decades in prison, with the centuries-old and rarely prosecuted charge of seditious conspiracy carrying a maximum sentence of 20 years behind bars.

Who Are the Defendants?

Rhodes, a former Yale Law School graduate, Army paratrooper, and aide to former congressman Ron Paul (R-Texas) stands trial alongside codefendants Thomas Caldwell, 68, a retired Navy intelligence



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officer and private federal contractor from Berryville, Virginia; Kenneth Harrelson, 41, a former Army sergeant and welder from Titusville, Florida; Jessica Watkins, an Ohio bartender and Army veteran; and Kelly Meggs, 53, a car dealership manager in Dunnellon, Florida. All plead not guilty to the charges.

Another group of co-defendants, whose trial date is set for some time in November, include Joseph Hackett, Roberto Minuta, David Moerschel, and Edward Vallejo.

Outlining their plans for the trial, prosecutors presented various forms of digital evidence intended to incriminate the Oath Keepers by using their own words — including encrypted text and voice messages from the social-media app Signal and iPhone videos allegedly identifying the defendants and their roles in events leading up to the breach of the Capitol on January 6.

Defense attorney Linder says the tactic will show that his clients had nothing to do with the “bulk of the violence” on January 6, when hundreds of thousands of Americans gathered to protest the integrity of the 2020 presidential election.

“You may not like what you see and hear our defendants did, but the evidence will show that they didn’t do anything illegal that day,” [said Linder](#). While it is unclear what Americans will *not like* about the defendants’ actions that day, what is clear is that two of the defendants, Rhodes and Caldwell, did not enter the Capitol on January 6. Yet both are accused of orchestrating a “forceful” breach of the People’s House using other members of the Oath Keepers to carry out their directives.

Prosecutors also claim the defendants stored scores of weapons in numerous hotel rooms in Virginia and Washington, D.C., that could be used for a “Quick Reaction Force,” a code for a military unit responding to situations in which other units are in need of quick and rapid assistance.

Watkins, who did enter the Capitol, stands [accused](#) of storming the Senate side of the building with the “power of the mob with her,” while directing a group of Oath Keepers toward a hallway that led to the Senate chamber where Congress was certifying the electoral votes for Joe Biden.

Prosecutors on Monday released video of defendant Kelly Meggs that attorney Nestler noted revealed a patch the defendant wore, which, according to Nestler, read, “I don’t believe in anything, I’m just here for the violence.” Another text message presented by prosecutors, allegedly written by Meggs, reads, “It’s easy to chat here. The real question is who’s willing to DIE.”

The Defense Disputes Prosecutors’ Claims

Rhodes and his fellow Oath Keepers were in D.C. not to “attack” Congress or to stoke an insurrection but to serve as security for events on January 5 and January 6, and to be ready should President Trump invoke the [Insurrection Act](#), claims the defense lawyers of their clients.

“The real evidence is going to show you that our clients were there to do security for events for the 5th and the 6th,” [said Linder](#). “Stewart Rhodes meant no harm to the Capitol that day.”

Further, the defense will claim that the DOJ’s evidence is cherry-picked and lacking context. Jonathan Crisp, an attorney for defendant Watkins, told the jury that “the Zello chats sound incredibly damning if you listen to them in a vacuum.” Crisp went on to say Watkins could not hear conversations on the walkie-talkie app. And noting Watkins’s attempts to work with the FBI in its investigation, Crisp said, “these are not the actions of somebody who was trying to overthrow the government.”

The Fate of Courageous Americans

Sworn in on Monday, a jury of 12 — comprised of nine men and seven women, who allegedly have no



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knowledge or preconceived notions of the Oath Keepers — is now faced with the monumental task of deciding the fate of the five Americans.

Still, so many questions remain unanswered. Namely, will equal justice be given to these political prisoners? Multiple attorneys for January 6 defendants have stated on numerous occasions that their clients have been denied access to their attorneys and jailed in filthy cells since late January 2021.

But any mention of these injustices will be banned in the D.C. courtroom of Judge Amit Mehta, who, at the opening of the trial on Monday, deemed these topics “out of bounds for the trial,” according to a [report](#) by CNN.

“Among the off-limits topics brought up by [defense attorney] Linder that prompted the interventions were comments about the amount of prison time the charges bring, the congressional narrative around January 6, remarks about defendants sitting in jail, and certain details about the Insurrection Act,” wrote the outlet. “Mehta told Linder to keep his opening within the parameters of the relevant subject matter that has been established before the trial.”

Indeed, everything about this trial is pointing to an appalling and unconstitutional proceeding with the purpose of destroying the lives of people the DOJ is using to propel the January 6 event into a Reichstag fire.

These courageous Americans on trial have chosen *not to accept* plea deals and instead place their lives in the hands of a justice system that should be seeking the truth. Moreover, they are willing to stand on American ideals and promises and profess that “fear does not live in the hearts of Patriots,” as January 6 prisoner Jake Lang so resolutely said in his must-see documentary [The Truth About January 6th](#).

Lang will be an encouragement to his fellow defendants, reminding them, “If you [the government] have no justice for one, you have no justice for no one. May God bless you and uplift you and give you liberty before death!”



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