



The Role of the Oath Keepers in the January 6 Attack on the United States Capitol

Written testimony of:

Jon Lewis

**Research Fellow, Program on Extremism at The George Washington University;
Investigator, National Counterterrorism, Innovation, Technology and Education Center**

Before the Alaska House Military and Veterans' Affairs Committee

February 10, 2022

Chairman Tuck, distinguished Members of the Committee, it is a privilege to be invited to speak on the role of the Oath Keepers in the January 6 Attack on the United States Capitol.

Introduction - One Year On From January 6

One year on from the events of January 6, 2021, the sweeping Department of Justice investigation into the events of that day has resulted in over 730 arrests. The Program on Extremism at George Washington University continues to track each new federal criminal case, make public the tranche of related court records, and produce original research products.¹ To date, individuals from 46 states and the District of Columbia have been charged in relation to their alleged conduct at the U.S. Capitol, including dozens of accused members of domestic violent extremist (DVE) groups such as the Oath Keepers, Proud Boys, and Three Percenters.

As the federal investigation continues, evidence continues to be made public through filings and disclosures by the Department of Justice, the United States House Select Committee on the January 6 Attack, and through various lawsuits against key figures in the DVE landscape which have shed light on the central role alleged to have been played by the anti-government, anti-authority, right-wing extremist group the Oath Keepers in the events of the day. At present, 26 alleged members or affiliates of the Oath Keepers have been federally charged by the U.S. Department of Justice for their alleged role in the attack on the U.S. Capitol on January 6.²

While a significant proportion of January 6 defendants have been charged with low-level misdemeanors related to trespassing or illegal entry onto restricted Capitol grounds, several members of DVE groups like the Oath Keepers are accused of engaging in widespread conspiracies to disrupt the congressional proceeding on January 6 during which the electoral results were due to be certified. Additionally, recent indictments have against Oath Keepers members connect the efforts by the group to disrupt the congressional proceeding to a seditious conspiracy – alleging that the intention of the accused individuals was to prevent the peaceful transfer of presidential power.³

As with previous national-level Oath Keepers mobilization efforts, the evidence set forth by the government suggests Oath Keepers members and affiliates' path to the U.S. Capitol was organized and driven primarily by the Oath Keepers founder and leader, Elmer Stewart Rhodes. A former Army paratrooper, Yale graduate, and disbarred Montana lawyer, Rhodes founded the

¹ “Capitol Hill Siege.” Program on Extremism at George Washington University. February 10, 2022. <https://extremism.gwu.edu/Capitol-Hill-Cases>.

² “Capitol Hill Siege.” Program on Extremism at George Washington University. February 10, 2022. <https://extremism.gwu.edu/Capitol-Hill-Cases>; Clifford, Bennett and Jon Lewis. 2022. “This is the Aftermath: Assessing Domestic Violent Extremism One Year After the Capitol Siege.” Program on Extremism at George Washington University. January 6, 2022. <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/This%20is%20the%20Aftermath.pdf>.

³ “Leader of Oath Keepers and 10 Other Individuals Indicted in Federal Court for Seditious Conspiracy and Other Offenses Related to U.S. Capitol Breach.” 2022. Department of Justice Press Release. January 13, 2022. <https://www.justice.gov/opa/pr/leader-oath-keepers-and-10-other-individuals-indicted-federal-court-seditious-conspiracy-and>.

Oath Keepers in 2009 in Lexington, Massachusetts.⁴ Since the group's inception, the Oath Keepers have latched onto the founding principles of the United States in order to seize upon patriotic ideals for their own benefits – portraying themselves as “guardians of the republic” who have mobilized to flashpoints across the country in an attempt to cement their status as the protectors of everyday Americans against what they perceive to be a tyrannical federal government.⁵

This singular focus on an inevitable conflict with the federal government, driven by Rhodes' ideological views, was a key factor in many early instances of Oath Keeper mobilization, including the Bundy Ranch Standoff and Occupation of the Malheur National Wildlife Refuge.⁶ However, 2016 witnessed a shift in the central worldview of both Stewart Rhodes and the Oath Keepers organization as a whole. Following the 2016 election, the anti-Trump sentiment in the United States became the target of the Oath Keepers' inherently conspiratorial outlook.⁷ As Sam Jackson argues, the group started to assert that “the greatest threat facing Americans was no longer the government but other Americans who opposed Donald Trump.”⁸ In furtherance of this outlook, the Oath Keepers began to act as “regular participants in clashes with antifa activists opposing the Trump administration.”⁹

In this time frame, Rhodes and his organization became increasingly obsessed with the specter of an organized threat from the left, manifested in the form of anti-fascist mobilization alongside various social justice protests in the United States.¹⁰ The Oath Keepers remained fixated on the pervasive threat seemingly posed by social justice movements during 2020, from activists engaged in anti-government activity in Portland to Black Lives Matter protestors who mobilized that summer.¹¹ In the eyes of the Oath Keepers, these actions were evidence of a rising tide of violent opposition to their in-group ideology and status quo.

⁴ Giglio, Mike. 2020. “A Pro-Trump Militant Group Has Recruited Thousands of Police, Soldiers, and Veterans.” *The Atlantic*. November 2020. <https://www.theatlantic.com/magazine/archive/2020/11/right-wing-militias-civil-war/616473/>.

⁵ Kriner, Matt and Jon Lewis. 2021. “The Oath Keepers and Their Role in the January 6 Insurrection.” *Combating Terrorism Center Sentinel* 14 (10): 1-18. December 2021. <https://ctc.usma.edu/the-oath-keepers-and-their-role-in-the-january-6-insurrection/>.

⁶ Neiwert, David. 2014. “Back at the Bundy Ranch: More Militiamen Gather, Things Get Crazier.” *Southern Poverty Law Center*. April 23, 2014. <https://www.splcenter.org/hatewatch/2014/04/23/back-bundy-ranch-more-militiamen-gather-things-get-crazier>; Peacher, Amanda. 2016. “There's Another Armed Group in Burns and its not the Bundys.” *Oregon Public Broadcasting*. January 10, 2016. <https://www.opb.org/news/series/burns-oregon-standoff-bundy-militia-news-updates/theres-another-armed-group-in-burns-and-theyre-not-the-bundys/>.

⁷ Jackson, Sam. *Oath Keepers: Patriotism and the Edge of Violence in a Right-Wing Antigovernment Group* (New York: Columbia University Press, 2020).

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Newhouse, Alex, and Sean Kitson. 2020. “The Oath Keepers are Spreading COVID-19 Conspiracy Theories,” *Center on Terrorism, Extremism, and Counterterrorism*. April 22, 2020. https://www.middlebury.edu/institute/sites/www.middlebury.edu.institute/files/2020-04/oathkeepers_brief%20%282%29.pdf?fv=VJ9hctq1.

¹¹ Williams, Jennifer. 2016. “The Oath Keepers, the far-right group answering Trump's call to watch the polls, explained.” *VOX*. November 7, 2016. <https://www.vox.com/policy-and-politics/2016/11/7/13489640/oath-keepers-donald-trump-voter-fraud-intimidation-rigged>.

While the Oath Keepers embrace of the ‘Stop the Steal’ conspiracy was a significant driver in their mobilization to the U.S. Capitol on January 6, it was not the first time that the Oath Keepers have embraced election fraud conspiracies.¹² Following President Trump’s election victory in 2016, Rhodes issued a ‘Call to Action’ on the Oath Keepers website, directing members to travel to Washington, D.C. in what he called “Operation DefendJ20” to stand alongside the Three Percenters and Bikers for Trump against ‘radical leftists’ who they believed might seek to disrupt the inauguration.¹³ In his message, Rhodes stated that “We call on those of you who are able-bodied and know how to handle yourselves well, and especially military and police veterans with applicable training and experience, who can remain calm under pressure, to come to Washington DC ... to protect peaceable American patriots who are now being threatened with assault and other acts of violence by radical leftist groups.”¹⁴

The Road to January 6

In the build-up to the 2020 Presidential Election, the group’s direct alignment with the ‘Stop the Steal’ conspiracy was evident in public statements and appearances by Rhodes throughout this time period.¹⁵ Mere days after the election, the government alleges that Rhodes “began disseminating messages on encrypted applications that encouraged his co-conspirators to oppose by force the lawful transfer of presidential power.”¹⁶ On November 5, 2020, Rhodes allegedly sent a message on the encrypted messaging application Signal to an invite-only Oath Keepers group chat titled ‘Leadership intel sharing secured’ (Leadership Intel Chat), in which he urged his followers to refuse to accept the election result. In these messages, Rhodes continued to articulate to his fellow Oath Keepers that violence was necessary, allegedly stating, “We aren’t getting through this without a civil war. Too late for that. Prepare your mind, body, spirit.”¹⁷

On November 7, 2020, Rhodes allegedly posted in the Leadership Intel Chat, “[W]e must now do what the people of Serbia did when Milosevic stole their election. – Refuse to accept it and march en-mass on the nation’s Capitol.”¹⁸ According to the indictment, Rhodes informed the members of the Leadership Intel Chat that he was in direct communication with the Serbian author of the video, who had provided Rhodes with step-by-step instructions which included, among other steps, “complete civil disobedience...millions gathered in our capital. There were no

¹² Jackson, Sam. *Oath Keepers: Patriotism and the Edge of Violence in a Right-Wing Antigovernment Group* (New York: Columbia University Press, 2020).

¹³ “Oath Keepers On Guard at Inauguration of President Donald Trump.” Southern Poverty Law Center. January 20, 2017. <https://www.splcenter.org/hatewatch/2017/01/20/oath-keepers-guard-inauguration-president-donald-trump>.

¹⁴ *Ibid.*

¹⁵ Giglio, Mike. 2020. “A Pro-Trump Militant Group Has Recruited Thousands of Police, Soldiers, and Veterans.” *The Atlantic*. November 2020. <https://www.theatlantic.com/magazine/archive/2020/11/right-wing-militias-civil-war/616473/>; “#StopTheSteal: Timeline of Social Media and Extremist Activities Leading to 1/6 Insurrection.” *Just Security*. February 10, 2021. <https://www.justsecurity.org/74622/stopthesteal-timeline-of-social-media-and-extremist-activities-leading-to-1-6-insurrection/>.

¹⁶ “Indictment.” 2022. *United States of America v. Elmer Stewart Rhodes III et al.* District Court for the District of Columbia. January 12, 2022. <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Rhodes%20et%20al%20Indictment.pdf>.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

barricades strong enough to stop them, nor the police determined enough to stop them. Police and Military aligned with the people after few hours of fist-fight. We stormed the Parliament... WE WON.”¹⁹ The indictment notes that, several days later, Rhodes published the full plan of action on the Oath Keepers website under a new ‘Call to Action,’ titled “WHAT WE THE PEOPLE MUST DO.”²⁰

In early November 2020, Rhodes allegedly held a private GoToMeeting for Oath Keepers members, including numerous January 6 co-defendants and an Oath Keeper who Rhodes appointed as the operation leader for January 6, during which Rhodes outlined a plan to stop the lawful transfer of presidential power, “including preparations for the use of force, and urged those listening to participate.”²¹ Immediately after that meeting, the indictment notes that Florida Oath Keepers defendant Kelly Meggs created a Signal chat titled “OKFL Hangout” which included multiple Oath Keepers from Florida who would later be charged for their role in the events of January 6. In this chat, Meggs allegedly stated, “We have been issued a call to action for DC. This is the moment we signed up for...”²² Several weeks later, the Florida chapter of the Oath Keepers allegedly held a training on “unconventional warfare.”²³

As Rhodes allegedly continued to prepare his followers for violent action at the U.S. Capitol, his public statements attempted to set the stage for justifying such actions. At the Jericho March in Washington, D.C., in December 2020, Rhodes joined an array of ‘Stop the Steal’ figures, including Michael Flynn, Michael Lindell, and Alex Jones, and spoke to the crowd, calling for President Trump to invoke the Insurrection Act to help him remain in power.²⁴ He warned that, if this action was not taken, then the Oath Keepers would be forced to mount a “much more desperate [and] much more bloody war” to ensure that outcome.”²⁵ In an incident foreshadowing the tenor of events on January 6, 2021, attendees of the Jericho March – including Alex Jones, Info Wars employee Owen Shroyer, and Stop the Steal organizer Ali Alexander – participated in an impromptu march to the steps of the U.S. Supreme Court building.²⁶

¹⁹ *Ibid.* Public reporting has identified the Serbian as Aleksander Savic. See: Kovensky, Josh. 2022. “How A Serbian Scientist Helped Inspire The Oath Keepers To March On The Capitol.” Talking Points Memo. January 18, 2022. <https://talkingpointsmemo.com/muckraker/aleksandar-savic-oath-keepers-jan-6>.; Bensinger, Ken. “Feds Are Claiming That The Oath Keepers Had Hoped Cops Would Join Jan. 6 Rioters.” BuzzFeed News. January 20, 2022. <https://www.buzzfeednews.com/article/kenbensinger/oath-keepers-cops-serbia>.

²⁰ “Indictment.” 2022. United States of America v. Elmer Stewart Rhodes III et al.” District Court for the District of Columbia. January 12, 2022.

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ “Pro-Trump Rallies in DC Attract Extremists & Erupt into Violence.” Anti-Defamation League. December 13, 2020. <https://www.adl.org/blog/pro-trump-rallies-in-dc-attract-extremists-erupt-into-violence>.

²⁵ *Ibid.*

²⁶ *Ibid.* Shroyer was later charged for his alleged role in the events of January 6, 2021. He has pleaded not guilty. “Criminal Complaint and Statement of Facts.” United States of America v. Jonathon Owen Shroyer.” District Court for the District of Columbia. August 19, 2021. <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Jonathon%20Owen%20Shroyer%20Criminal%20Complaint%20and%20Statement%20of%20Facts.pdf>.

Rhodes' public declarations to his followers continued throughout December 2020, as he simultaneously is alleged to have continued to exhort Oath Keepers to mobilize to Washington, D.C., in order to prevent President-Elect Biden from assuming the presidency. On December 14, 2020, Rhodes published a letter on the Oath Keepers website "advocating for the use of force to stop the lawful transfer of presidential power."²⁷ In another open letter on December 23, 2020, Rhodes claimed that "tens of thousands of patriot Americans, both veterans and non-veterans, will already be in Washington, D.C. and many of us will have our mission critical gear stowed nearby just outside D.C."²⁸

On December 31, 2020, Rhodes allegedly wrote in the Leadership Intel Chat that, "There is no standard political or legal way out of this." While Rhodes' private efforts continued, the government alleges that Oath Keepers members from across the country were preparing to mobilize to the U.S. Capitol to execute Rhodes' mission. In late December, Oath Keepers defendant Thomas Caldwell allegedly identified the Comfort Inn Ballston, in Arlington Virginia, as the location that Rhodes' Quick Reaction Force (QRF) would use as their base of operations for January 6. The government alleges that the mission of the QRF forces were to be on standby, prepared to transport firearms and equipment to Oath Keepers members in D.C. on January 6.²⁹ After Caldwell shared this location with his fellow Oath Keepers, the QRF team leader for the North Carolina Oath Keepers allegedly reserved three rooms – one each for the North Carolina QRF, the Arizona QRF, and the Florida QRF. According to the indictment, the QRF rooms were used to store and guard the firearms that QRF members and co-conspirators planned to bring to the D.C. area.³⁰

Rhodes continued to connect Oath Keepers mobilization to Washington, D.C. on January 6, 2021, with an expectation that President Trump would invoke the Insurrection Act and call in the Oath Keepers as a militia. Rhodes envisioned a significant presence by Antifa members at the U.S. Capitol on January 6, and indicated this would serve as the "reason and rationale for dropping the Insurrection Act."³¹ In this hypothetical scenario, according to Rhodes, the President would "call us up as the militia" and a contingent of armed members of the Oath Keepers positioned outside of Washington, D.C. would travel to the Capitol. On January 4, 2021, Rhodes posted another article on the Oath Keepers website, claiming that, "*It is CRITICAL that all patriots who can be in DC get to DC to stand tall in support of President Trump's fight to defeat the enemies foreign and domestic who are attempting a coup, through the massive vote fraud and related attacks on our Republic. We Oath Keepers are honor-bound and eager to be there in strength to do our part.*"³²

²⁷ "Indictment." 2022. United States of America v. Elmer Stewart Rhodes III et al. District Court for the District of Columbia. January 12, 2022.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ "Sixth Superseding Indictment." 2021. United States of America v. Thomas Caldwell et al. District Court for the District of Columbia. December 1, 2021.

<https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Caldwell%20et%20al%20Sixth%20Superseding%20Indictment.pdf>

³² *Ibid.*

Oath Keepers Mobilization to Washington, D.C.

Members of the Oath Keepers' January 6 conspiracy are alleged to have planned and executed travel in pairs or small groups to the Washington, D.C., area, arriving at local hotels on January 4 and 5, 2021.³³ Upon arrival, multiple Oath Keepers are alleged to have transported firearms, ammunition, and related items to the D.C. area, with many dropping off their items at the QRF hotel in Ballston, Virginia.³⁴ Several Oath Keepers also allegedly took their firearms and ammunition to the Hilton Garden Inn in Vienna, Virginia, where Rhodes and several co-conspirators were staying on January 5, 2021.³⁵

Even before Stewart Rhodes began his travel from Granbury, Texas, to Washington, D.C., the government alleges he began purchasing what would amount to over \$16,000 on firearms and related equipment that he would bring to the D.C. metro area for January 6 operations.³⁶ This included \$5,000 on a shotgun, scope, magazines, and ammunition on January 1 and 2, as well as \$6,000 on "an AR-platform rifle and firearms equipment, including sights, mounts, triggers, slings and additional firearms attachments" in Texas while traveling. In Mississippi on January 4, Rhodes is further alleged to have spent \$4,500 on additional sights, mounts, an optic plate, magazine and other various firearms parts.³⁷

With the stash of firearms allegedly located across state lines in Virginia and several distinct QRF teams present, the government contends that Oath Keepers engaged in substantial planning for operational use of these teams on January 6. Details of the QRF planning have come to light in court proceedings, with prosecutors stating that they "believe that at least one quick reaction force location was here and that Mr. Harrelson and others had stashed a large amount of weapons there ... People affiliated with this group were in Ballston, monitoring what was happening at the Capitol and prepared to come into D.C. and ferry these weapons into the ground team that Kenneth Harrelson was running at a moment's notice, if anyone said the word."³⁸

Based on evidence set forth in court records, one potential operational plan for the QRF appears to have been to ferry firearms across the Potomac to Oath Keepers in Washington, D.C. during the anticipated chaos. Florida Oath Keepers member Kelly Meggs allegedly posted a map of Washington, D.C., in the Leadership Signal Chat on January 2, 2021, noting that the Lincoln Memorial and "the corner of west basin and Ohio" would be the planned QRF rally points for land or water transport in advance of expected civil unrest and potential bridge closures.³⁹ This

³³ Kriner, Matt, and Jon Lewis. 2021. "The Oath Keepers and Their Role in the January 6 Insurrection."

³⁴ "Indictment." 2022. United States of America v. Elmer Stewart Rhodes III et al.

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ Weiner, Rachel, and Spencer S. Hsu, 2021. "Armed 'quick reaction force' was waiting for order to storm Capitol, Justice Dept. says." Washington Post, April 14, 2021. https://www.washingtonpost.com/local/legal-issues/quick-reaction-force-capitol-riot/2021/04/14/2021da66-9d39-11eb-8005-bffc3a39f6d3_story.html.

³⁹ "Sixth Superseding Indictment." 2021. United States of America v. Thomas Caldwell et al.

operation was allegedly corroborated by co-defendant Thomas Caldwell, who articulated the group's plans via text to an unnamed individual to have a boat prepared on the Potomac River near Washington, D.C., with "our Quick Response Team with the heavy weapons standing by, quickly load them and ferry them across the river to our waiting arms."⁴⁰ Indeed, in the latest indictment against the Oath Keepers, the government claims that defendant Edward Vallejo and others "were on standby at the Comfort Inn Ballston, monitoring communications from the co-conspirators on the ground inside Washington, D.C., and awaiting a call to bring the weapons to the co-conspirators."⁴¹

"Patriots are storming the Capitol building"

On the morning of January 6, 2021, Oath Keepers defendants are alleged to have traveled to meeting points in Washington, D.C., including the Willard Hotel – where several Oath Keepers were reportedly acting as security for Stop the Steal rally VIPs including Roger Stone.⁴² The government alleges that, over the course of the morning, multiple Oath Keepers defendants exchanged short phone calls with Rhodes and "prepared themselves for battle before heading to the Capitol by equipping themselves with communication devices and donning reinforced vests, helmets, and goggles."⁴³

As the speeches at the Ellipse drew to a close and members of the crowd began to make their way towards restricted Capitol grounds, Oath Keepers members allegedly began to mobilize to the Capitol. The first breach of restricted Capitol grounds that day is alleged to have taken place at approximately 1:15 PM. Around 1:30 PM, upon receiving a message in the Leadership Intel Chat that Antifa had breached the Capitol, Rhodes allegedly replied, "Nope. I'm right here. These are Patriots." Shortly after, Rhodes made the claim that "Pence is doing nothing. As I predicted. All I see Trump doing is complaining. I see no intent by him to do anything. So the patriots are taking it into their own hands. They've had enough."⁴⁴

Rhodes would allegedly continue encouraging his followers to move to the Capitol if not already there, posting messages in the Leadership Intel Chat comparing the events to the actions by "the founding fathers" and claiming, "Next comes out 'Lexington.' It's coming."⁴⁵ By 1:52 PM, Oath

⁴⁰ "Government's Opposition to Defendant's Motion for Reconsideration of Detention." 2021. United States of America v. Thomas Caldwell. District Court for the District of Columbia. March 8, 2021.; Kriner, Matt, and Jon Lewis. 2021. "The Oath Keepers and Their Role in the January 6 Insurrection."

⁴¹ "Indictment." 2022. United States of America v. Elmer Stewart Rhodes III et al.

⁴² Mosk, Matthew, Olivia Rubin, Ali Dukakis, and Fergal Gallagher. 2021. "Video surfaces showing Trump ally Roger Stone flanked by Oath Keepers on morning of Jan. 6." ABC News, February 5, 2021. <https://abcnews.go.com/US/video-surfaces-showing-trump-ally-roger-stone-flanked/story?id=75706765>.; Triebert, Christiaan, Ben Decker, Derek Watkins, Arielle Ray, and Stella Cooper. 2021 "First They Guarded Roger Stone. Then They Joined the Capitol Attack." New York Times, February 14, 2021. <https://www.nytimes.com/interactive/2021/02/14/us/roger-stone-capitol-riot.html>

⁴³ "Sixth Superseding Indictment." 2021. United States of America v. Thomas Caldwell et al. <https://ctc.usma.edu/the-oath-keepers-and-their-role-in-the-january-6-insurrection/>

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

Keepers co-defendants Kenneth Harrelson and Jason Dolan allegedly joined with the crowd pushing up the central East steps, taking up advance positions on the steps that Stack One would allegedly later march up.⁴⁶ In an audio channel on Zello titled “Stop the Steal J6”, co-defendant Jessica Watkins allegedly announced that “everybody’s marching on the Capitol...we have about 30-40 of us. We are sticking together and sticking to the plan.”⁴⁷

Throughout the day, the government alleges Rhodes was in near-constant communication with Oath Keepers at the Capitol, including his operations leader Michael Simmons and numerous co-defendants.⁴⁸ Between 2:00 and 2:30 PM, as the violence at the Capitol continued, Rhodes allegedly worked to muster his supporters and organize at the south side of the U.S. Capitol. By 2:32 PM, the balance of the Oath Keepers was allegedly present on the southeast side of restricted Capitol grounds, including Rhodes.⁴⁹

Within minutes of a brief conference call between Rhodes, operations leader Michael Simmons, and Kelly Meggs at 2:32 PM, Meggs and numerous co-defendants formed ‘Stack One’ - a column of “individuals wearing Oath Keepers clothing, patches, insignia, and battle gear” that allegedly maneuvered in an organized fashion up the east side of the Capitol in a now recognizable image from the day.⁵⁰ Upon reaching the top of the steps, Stack One allegedly breached the U.S. Capitol with the mob, entering the Rotunda and attempting to push further into the building. In an important connection between the Oath Keepers activities and the latest seditious conspiracy charge, new information made public by the Department of Justice alleges that several members of Stack One pushed southbound out of the Rotunda “and toward the House of Representatives in search of Speaker Pelosi.”⁵¹

As Stack One members were allegedly attempting to push deeper into the Capitol, a second group of Oath Keepers – Stack Two – were allegedly traveling on golf carts towards the Capitol. After a brief call with operations leader Michael Simmons, Stack Two is alleged to have moved up the east side steps of the Capitol around 3:00 PM, eventually forcibly entering the same east side Rotunda doors that Stack One had entered 35 minutes earlier.⁵² After brief periods in the Rotunda area, individuals from both Stack One and Stack Two retreated in the face of a surge of riot police officers and chemical spray deployed to the Rotunda area. Rhodes allegedly posted to the Leadership Signal Chat at 3:30 PM, “Anyone in DC who is not tasked with a security detail, come yo [sic] the US Capitol on the Supreme Court side. Come to the Capitol on the NE

⁴⁶ “Indictment.” 2022. United States of America v. Elmer Stewart Rhodes III et al.

⁴⁷ *Ibid.*

⁴⁸ Dan Friedman, Dan. 2021. “We’ve Unmasked the Oath Keepers’ January 6 ‘Operations Leader.’” Mother Jones, July 26, 2021. <https://www.motherjones.com/politics/2021/07/oath-keepers-january-6-capitol-insurrection-michael-simmons-person-ten/>.

⁴⁹ *Ibid.*

⁵⁰ Kriner, Matt, and Jon Lewis. 2021. “The Oath Keepers and Their Role in the January 6 Insurrection.” Spencer S. Hsu, Spencer S. 2021. “Latest alleged Oath Keeper arrested in Capitol riot turned over body armor and firearm.” Washington Post, July 2, 2021.

⁵¹ “Indictment.” 2022. United States of America v. Elmer Stewart Rhodes III et al.

⁵² *Ibid.*

Corner.”⁵³ The government alleges that Rhodes joined both groups of Oath Keepers as they regrouped on the northeast corner of Capitol grounds and discussed next steps.⁵⁴

Aftermath

The charging documents from the Department of Justice argue that, for Stewart Rhodes and the Oath Keepers, the events of January 6, 2021, were merely the beginning. Throughout the evening of January 6, the government alleges that the co-conspirators “discussed the need to continue fighting to stop the lawful transfer of presidential power.”⁵⁵ Messages allegedly posted in the Leadership Signal Chat by Oath Keepers members further indicate this belief, with one defendant posting, “We aren’t quitting!! We are reloading!!” and Rhodes noting, “Patriots entering their own Capitol to send a message to traitors is NOTHING compared to what’s coming.”

The recent indictment against Stewart Rhodes further supports the assertions that the Oath Keepers and local militias viewed January 6 as a flashpoint through which further mobilization could be inspired. Rhodes is alleged to have spent an additional \$17,500 on an array of firearms parts from January 10-19, 2021, including ammunition, magazines, scopes, gun light, holsters, bipods, and other equipment.⁵⁶ Oath Keepers co-defendant Joshua James allegedly met with Rhodes in Alabama during this period, collected what he referred to as “all available firearms,” and traveled to Texas, where he stayed with Rhodes and others.⁵⁷ On Inauguration Day, January 2021, James allegedly messaged another individual, “After this...if nothing happens...its war...Civil War 2.0.”⁵⁸ At this point, the government asserts, Rhodes began to conduct outreach in an effort to “organize local militias to oppose President Biden’s Administration.”⁵⁹

On the one year anniversary of the attack on the U.S. Capitol, Attorney General Garland and President Biden each delivered remarks which centered on two foundational points: The vigorous prosecution of all individuals who engaged in criminal conduct related to the events of January 6, and the need to ensure that this assault on our democratic institutions is not minimized or forgotten. A.G. Garland, in his comments, spoke at length on the unceasing efforts by the Department of Justice to prosecute “all January 6th perpetrators, at any level, accountable under law — whether they were present that day or were otherwise criminally responsible for the assault on our democracy.”⁶⁰ President Biden pointedly referred to the events of the day as “an

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ “Attorney General Merrick B. Garland Delivers Remarks on the First Anniversary of the Attack on the Capitol.” Department of Justice. January 5, 2022. <https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-first-anniversary-attack-capitol>

armed insurrection...looking to subvert the Constitution.”⁶¹

Stewart Rhodes was arrested days later on January 13, 2022, in Little Elm Texas – one year and one week after the events of January 6.⁶² Rhodes, Edward Vallejo, and nine previously arrested Oath Keepers were charged with an array of offenses, namely 18 US Code § 2384 – Seditious conspiracy, accusing them of conspiring “to overthrow, put down, or to destroy by force the Government of the United States, or... by force to prevent, hinder, or delay the execution of any law of the United States.”⁶³ In levying this charge, the Department of Justice made the first direct connection between those present at the U.S. Capitol on January 6 and the conspiratorial, anti-democratic efforts by high-level individuals like Stewart Rhodes to prevent the peaceful transfer of presidential power.

What does the future hold for the Oath Keepers? As Rhodes remains in pretrial detention and awaits transport to Washington, D.C., to face these charges, the long-term leadership of the Oath Keepers remains in flux. Kellye SoRelle, general counsel for the group, originally announced she was stepping in as acting president,⁶⁴ but after Rhodes was denied bail and both he and SoRelle sat for questioning with the January 6 Select Committee, she recently made a public statement that she “can’t handle the long haul” and is “passing the torch.”⁶⁵ In many ways, Stewart Rhodes is the Oath Keepers organization – as founder and president for life, the Oath Keepers are truly formed in his image.⁶⁶

However, the resurgent patriot/militia movement in the United States has grown far beyond the Oath Keepers as a singular organization. The increasingly mainstreamed far-right in the United States has emerged in force over recent years at the local, grassroots level – made possible by a permissive environment and a counterterrorism apparatus focused primarily on foreign, jihadist threats. As efforts to investigate and prosecute those responsible for the events of January 6, 2021, continue, it is crucial not to confuse singular law enforcement actions against individual

⁶¹ “Remarks By President Biden To Mark One Year Since The January 6th Deadly Assault On The U.S. Capitol.” The White House. January 6, 2022. <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/01/06/remarks-by-president-biden-to-mark-one-year-since-the-january-6th-deadly-assault-on-the-u-s-capitol/>.

⁶² “Leader of Oath Keepers and 10 Other Individuals Indicted in Federal Court for Seditious Conspiracy and Other Offenses Related to U.S. Capitol Breach.” 2022. Department of Justice Press Release. January 13, 2022. <https://www.justice.gov/opa/pr/leader-oath-keepers-and-10-other-individuals-indicted-federal-court-seditious-conspiracy-and>.

⁶³ “18 US Code § 2384 - Seditious conspiracy.” Legal Information Institute, Cornell Law School. 2022. <https://www.law.cornell.edu/uscode/text/18/2384>.

⁶⁴ Dickinson, Tim. 2022. “Oath Keepers Lawyer Takes Over as Acting Leader of Militia With Stewart Rhodes in Jail.” Rolling Stone. January 14, 2022. <https://www.rollingstone.com/politics/politics-news/kellye-sorelle-oath-keeper-acting-president-1284985/>.

⁶⁵ Reilly, Ryan J. “Oath Keepers founder spent six hours on Zoom with Jan. 6 panel.” NBC News. February 2, 2022. <https://www.nbcnews.com/politics/congress/oath-keepers-founder-spent-six-hours-zoom-jan-6-panel-rcna14667>; Tweet by Kellye SoRelle. 4:52 p.m. February 8, 2022. https://twitter.com/kellyesorelle/status/1491168200167669760?s=20&t=K2FuY_fpmGFV1KPoEHV1Ig.

⁶⁶ Jackson, Sam, Matt Kriner, and Jon Lewis. 2022. “Oath Keepers leader indictment just the tip of a scary iceberg.” NBC News. January 17, 2022. <https://www.nbcnews.com/think/opinion/oath-keepers-leader-indictment-just-tip-scary-iceberg-ncna1287555>.

pillars of movements like the Oath Keepers for sustained, lasting success against burgeoning movements in the United States driven by a rise in anti-authority, anti-democratic sentiments. The successful prosecution of Rhodes could serve as a body blow for one of the most prominent anti-government organizations of the last decade.⁶⁷ However, this alone will not deter those actors who view January 6 as a rallying cry, mobilizing narrative, or as a model for future acts of political violence.

⁶⁷ Lewis, Jon, and Seamus Hughes. 2022. "What Does the Seditious Conspiracy Indictment Mean For the Oath Keepers?" Lawfare. January 21, 2022. <https://www.lawfareblog.com/what-does-seditious-conspiracy-indictment-mean-oath-keepers>.