

News Release

Prosecutors, Federal Court Concealing Evidence that Oath Keepers are Not Guilty, and Prosecution is a Fraud

Washington, DC (October 6, 2022) -- The U.S. Department of Justice, mainstream media and the U.S. District Court for the District of Columbia are concealing from the American people not only the famous 14,000 hours of video (now grown to more like 20,000 hours) but proof that the Oath Keepers are not guilty.

"The same out-of-control Department of Justice that is attacking our democracy in every other area, threatening parents at school boards and arresting pastors, is also committing a fraud upon the court in the January 6 prosecutions," explained Jonathon Moseley. Yet on Thursday a Federal judge threatened Moseley with contempt of court if the proof is released. Moseley can be reached at (703) 656-1230.

The groundless prosecution of five members of the Oath Keepers took an extraordinary turn on Thursday when -- in open court -- Judge Amit Mehta announced that Moseley was "threatening" to disclose a document that was being concealed from the public under the Court-ordered "Protective Order." Right off the bat, the prosecutors' over-reaction was false: There was no "threatening." But prosecutor Jeff Nestler made the extraordinary, ham-handed effort of drawing attention to the issue in open court, and Judge Mehta also turned a routine notice into a major issue in open court.

Aware that a tremendous collection of news media was present watching the trial, Mehta took the unheard of action of telling the news media to tweet that out publicly, using Moseley's name, to warn Moseley not to release the document. These public tweets from journalists reporting on Mehta's public warning are visible as an incredible event in the already farcical prosecution.

"This document -- together with a photograph of the moment inside the US Capitol on January 6 -- proves that the prosecution is lying to the jury. No one who engages in seditious conspiracy or insurrection stops to come to the aid of the police against the mob. It would be like the revolutionaries in 1917 storming the Winter Palace, then turning to help the Czar's Palace Guard against others in the mob. If the Oath Keepers were involved in any way in any insurrection or conspiracy to obstruct the Joint Session of Congress on January 6, would they turn and stand between the U.S. Capitol Police against the mob? This is not merely a good act. This is absolute proof that there never was any insurrection or seditious conspiracy. The prosecution's entire case is a fraud upon the American people."

Meanwhile, the security camera video of the incident in the heavily-trafficked area near the Rotunda is missing. Each year tourists, school children, lobbyists, and the public mainly visit the Rotunda, Statuary Hall, the so-called "crypt" museum room and the hallway in between where the incident on January 6 occurred. The incident was at the top of a major stairway, where a camera would be placed. Yet the Government claims that they cannot find security camera recordings of the incident in this very public location. The concealment of the video recordings alone could justify dismissal of the prosecutor's case. Moseley has one photograph of the event which he planned to use in a news analysis article.

"The prosecutors claim that there are no cameras in this central, heavily-trafficked area of the U.S. Capitol building on its main floor," Moseley added. "Reporters want Rep. Jim Jordan or Louie Gohmert to check if there are cameras in that location. Just go look."

Moseley -- who was a citizen journalist and political activist since 1984, long before going to law school, and has hundreds of published news analysis columns still online -- provided routine notice to the prosecutors that he would be following the same procedure that the U.S. Attorney's Office had approved and agreed to in the past.

Moseley did not ask nor "threaten" anything but reminded prosecutors of their own stated policy and gave them the unwarranted and extra courtesy of notifying them that he would be writing a news analysis article on the topic.

Assistant US Attorney Kathryn Rackoczy previously agreed that the FBI Form 302 interview notes with Oath Keepers Operation Leader Matthew (Simmons) Greene (known as "Whip" or "Person 10" could be publicly released (even before he was later indicted) as long as the names of all unindicted persons were redacted and the names of the interviewing FBI agents were redacted. Moseley personally redacted Michael Greene's interview notes from two dates in May 2021. Kathryn Rakoczy, in preserved emails, agreed that the redacted version was no longer confidential, had no grounds to be designated as sensitive, and could be used publicly.

Michael Greene's FBI interview notes were therefore, according to the DoJ's official agreement, provided to the news media and was the subject of news and news analysis articles. Greene's interview proved that the DoJ knew in May 2021 that the Oath Keepers are innocent, yet proceeded with a sham prosecution regardless of their actual innocence.

Similarly, the same treatment was given to the court reporter's transcript of the FBI interview with Oath Keepers President Stewart

Rhodes and Kellye SoRelle. Once the Rhodes / SoRelle transcript was redacted, it was agreed to as publicly available. AUSA Rakoczy has been (As an aside, Moseley notes that "The prosecution repeatedly uses a little-known court reporter, who was not present during the conversations but is using recordings after the fact, whose transcripts are filled with errors.")

Technically, as AUSA Rakoczy has stated in preserved emails, the document as redacted fails to meet the test of "sensitive" under the Protective Order. There is no legitimate interest in the DoJ in covering up its own fabrication of a criminal case against the Oath Keepers.

Similarly, with regard to the FBI Form 302 interview notes of Officer Harry Dunn, Dunn has publicly testified before the U.S. House of Representatives Select Committee to Investigate the January 6 Attack Upon the U.S. Capitol. Dunn publicly testified on the same topics, but leaving out the admission that the Oath Keepers were helping the police on January 6 (which the Oath Keepers explain was after hearing that someone had been shot inside the building).

Moseley explains: "Officer Dunn has told everyone who will listen, including news media interviews and headliner speeches at conferences, what a macho cop he is and he didn't need any help. He had it all under control. But then he always eventually admits that the Oath Keepers stood in front of the U.S. Capitol Police facing down a violent mob to protect the police from rioters." See, e.g., <https://www.youtube.com/watch?v=2wXY4Ncc9qQ>

Therefore, the document is no longer confidential or sensitive and has lost its status as confidential under the Court's oppressive Protective Order. (The DoJ has leaked like Niagara Falls with false claims about January 6 Defendants while hiding from correction to its lies by abuse of the Protective Order.)

Judge Mehta's asserted claim of disagreement was that he would decide if the document had lost its protected status after Dunn testified before the Select Committee in prime time. Section 11 of the Protective Order makes release from the Protective Order automatic. But Judge Mehta seemed to be unaware of this in his high-profile, snap reaction in open court.

The most extraordinary aspect of this strange twist in the Oath Keepers' trial is that no one in the mainstream media, present in the court room, Judicial Watch or anyone else has shown the slightest interest in what this document shows. After the strange spectacle of Judge Amit Mehta publicly announcing in open court that he would hold Moseley in contempt if the news media were provided with this damning document, and telling the news media to tweet that out so Moseley would learn about Mehta's threat, none of those journalists are the

slightest bit interested in what the document says.

Judicial Watch is lumbering through the process of trying to obtain the 14,000 hours of video being withheld from the public. Judicial Watch declined, however, an affidavit that would have given them an insider's testimony to help their legal case. Judicial Watch has shown no interest, however, in this document or other proof that the Oath Keepers are actually innocent. Reporters may want to discuss this with Judicial Watch: James F. Peterson, JUDICIAL WATCH, 425 Third Street, S.W., Suite 800, Washington, DC 20024. Telephone: 646-5175. Email: jpeterson@judicialwatch.org

The news media has intervened in the January 6 cases through a so-called "Media Coalition" for the purpose of demanding release of newsworthy information. Yet they have been dormant for about a year. The Media Coalition is represented by their attorneys --

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