

# GOVERNMENT USES T-WORD ABOUT THE OATH KEEPERS

As noted in an update here, Jessica Watkins has now conceded that she didn't *meet* with the Secret Service on January 6. Rather, as she entered a pen for VIPs, she obeyed when they told her stash her tactical gear outside the pen, which means hours before she stormed the Capitol believing that protected persons Mike Pence, Nancy Pelosi, Chuck Grassley, and Kamala Harris were inside wearing that tactical gear, she had been told by the Secret Service not to wear it around protected persons.

She has also admitted that the Butler County jail put her on suicide watch when she went on a hunger strike, but insists that because she doesn't believe she was suicidal, the treatment must have been retaliation because she's transgender (which wasn't public at the time). None of that eliminates the danger to transgender people in prison or the inhumanity of suicide watch as imposed by US jails and prisons, but she does admit she has been, "treated with respect and dignity" in the DC jail.

That "clarification" was submitted too late for the government to address it. But in their response to Watkins' motion for bail, they addressed the problem I laid out – that the government has not provided direct evidence tying Watkins' cell to the violence of destroying the Capitol doors, but has relied on the destruction, generally, to adopt a presumption of detention – this way:

The defendant cannot rebut the presumption of detention in this case. First, she has been charged and now indicted by a federal grand jury for Aiding and Abetting in the Destruction of Government Property, an enumerated

offense under 18 U.S.C § 2332(b)(g)(5)(B) from which the presumption of detention arises. The evidence remains unrebutted that she participated in a violent mob that broke the door through which she “forc[ed] entry into the Capitol” moments later. The defendant argues that she did not intend to destroy property and even told others not to engage in such conduct (at 8), however, has no explanation for the video depicting her, along with other Oath Keeper members and associates, gleefully embedded within this mob outside of the Capitol building before moving inside with them after the door was breached. As she stated in the “Stop the Steal J6” Zello app channel, “We have a good group. We have about 30-40 of us. We are sticking together and sticking to the plan.” (ECF 15 at 2). Any confusion about the defendant’s intent behind this action, as well as whether law enforcement approved of the breach and entry, is clarified by her January 6 Parler post in which she responds to a comment challenging whether she actually forced entry by confirming, “Nope. Forced. Like Rugby. We entered through the back door of the Capitol.” See Criminal Complaint, January 19, 2021 (ECF 1 at 9).

Second, because the defendant has been indicted on an enumerated offense “calculated to influence or affect the conduct of government,” **the defendant has been charged with a federal crime of terrorism** as defined under 18 U.S.C §§ 2332b(g)(5). Therefore, an additional basis for detention under 18 U.S.C § 3142(g)(1) is applicable. Indeed, the purpose of the aforementioned “plan” that the defendant stated they were “sticking to” in the Zello app channel became startlingly clear when the command over that same Zello app channel

was made that, “You are executing citizen’s arrest. Arrest this assembly, we have probable cause for acts of treason, election fraud.” Id. [my emphasis]

The government further relies on communications from October 15 (again, demonstrating the problems with Watkins’ own timeline) and texts directly with Stewart Rhodes to lay out her ideology.

While the defendant asserts that she was just following the constitution and is respectful of law and order (at 4), her adherence is clearly subject to her own understanding of what the Constitution and law mean. As Watkins stated in a text message sent to a recruit on October 15, 2020, when describing her militia: “We are Constitutionlists: non-racial, non-partisan, **pro-government so long as that Gov’t follows the Constitution.**” The notion that “[s]he recognizes that former President Trump is just that – a former President,” (at 4-5) is belied by the defendant’s statements urging for the need to “fight, kill, and die for our rights” should Biden “still be our President.” (ECF 15 at 4).

[snip]

Finally, detention is necessary because the defendant’s release poses a serious risk of flight. 18 U.S.C. § 3142(f)(2). She has indicated a willingness to go “underground if this coup [Biden election] works,” which comports with the “Warning” issued by the Oath Keeper leader, Person One, calling the current administration “an illegitimate regime” and on members to refuse to obey any acts or orders flowing from this government that are necessarily unconstitutional. (ECF 15 at 13).

Moreover, her allegiance to the Oath Keepers and belief in the righteousness of her actions on January 6th has only calcified in the days since. When discussing over text with Person One a media report that portrayed her conduct and that of her fellow Oath Keepers from that day in a negative light, the defendant maintained,

If he has anything negative to say about us OATHKEEPERS, I'll let you know so we can sue harder. Class action style. Oathkeepers are the shit. They rescued cops, WE saved lives and did all the right things. At the end of the day, this guy better not try us. A lawsuit could even put cash in OK coffers. He doesn't know who he is playing with. I won't tolerate a defamation of character, mine or the Patriots we served with in DC. Hooah?!

She has a detention hearing today, which will be an early test of the government's attenuated use of the damage to the Capitol to label this as terrorism.

The government has shown she planned and trained a cell to fight Joe Biden's government starting even before the election. Watkins herself has now shown that the Secret Service told her to take off her tactical gear when entering a secured area. The government has now shown she doubled down on her allegiance to the Oath Keepers after the destruction of the insurrection became clear.

We'll see later today whether that's sufficient cause to label someone a terrorist.