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POLITICS

Justice Department moves to toss seditious conspiracy convictions of Oath Keepers and Proud Boys



1 of 2 | The Department of Justice seal is seen in Washington, Nov. 28, 2018. (AP Photo/Jose Luis Magana, File)

BY [MICHAEL KUNZELMAN](#) AND [ALANNA DURKIN RICHER](#)

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WASHINGTON (AP) — The Justice Department on Tuesday [asked a federal appeals court](#) to throw out the seditious conspiracy convictions of Proud Boys and Oath Keepers leaders who were sentenced to prison terms for leading members of the far-right extremist groups in [attacking the U.S. Capitol](#) to keep President Donald Trump in office over five years ago.

Trump [commuted the prison sentences](#) of several Proud Boys and Oath Keepers leaders last January in [a sweeping act of clemency](#) for all 1,500-plus defendants charged in the Jan. 6, 2021, attack.

The request by the Justice Department would go a step further and erase all the convictions for extremist group leaders, including [Oath Keepers founder Stewart Rhodes](#), who didn't receive pardons last January.

The move to abandon the convictions represented a stunning reversal from the Biden administration, which hailed the guilty verdicts as a crucial victory in its bid to hold accountable those responsible for what prosecutors described as an attack on the heart of American democracy. It's part of the Trump administration's continued efforts to rewrite the history of the Jan. 6 attack and downplay the violence carried out by the mob of Trump supporters that left more than 100 police officers injured.



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AP AUDIO: Justice Department moves to toss seditious conspiracy convictions of Oath Keepers and Proud Boys

AP correspondent Ben Thomas reports the Justice Department is seeking the dismissal of seditious conspiracy convictions over the Capitol Riot.

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In court filings, prosecutors asked the U.S. Court of Appeals for the District of Columbia Circuit to vacate the convictions so that the government can permanently dismiss the indictments.

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“The government’s motion to vacate in this case is consistent with its practice of moving the Supreme Court to vacate convictions in cases where the government has decided in its prosecutorial discretion that dismissal of a criminal case is in the interests of justice — motions that the Supreme Court routinely grants,” prosecutors wrote in a court filing signed by U.S. Attorney Jeanine Pirro.

Juries in Washington, D.C., convicted the Proud Boys and Oath Keepers leaders of [orchestrating violent plots](#) to stop the peaceful transfer of power after Trump’s 2020 election loss to Democratic President Joe Biden.

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The department's dismissal request also includes the convictions of Oath Keepers members Kelly Meggs, Kenneth Harrelson and Jessica Watkins and Proud Boys members Ethan Nordean, Joseph Biggs, Zachary Rehl and Dominic Pezzola.

Other extremist group members, including former Proud Boys national chairman Enrique Tarrío, received pardons from Trump on the first day of his second term in the White House.

Rhodes was sentenced to 18 years in prison after he and several lieutenants were convicted in one of the most consequential cases arising from the Jan. 6 attack on the Capitol by a mob of Trump supporters.

Prosecutors said Rhodes and his followers stockpiled guns for possible use by "quick reaction force" teams at a Virginia hotel, but they never deployed the weapons.

Nordean's attorney, Nicholas Smith, said they are grateful to the Justice Department for its "wise decision" in seeking dismissal of the convictions.

"We don't want a precedent that says that any physical confrontation between protesters and law enforcement means a crime akin to treason, such as seditious conspiracy," Smith said.

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Former [Metropolitan Police Officer Michael Fanone](#), who was dragged into the mob and suffered a heart attack after a rioter [shocked him with a stun gun](#), was disappointed but not surprised by the latest milestone in the dismantling of Capitol riot prosecutions.

"I would remind Americans that these were traitors to this country," Fanone said. "They planned, incited and carried out an insurrection."



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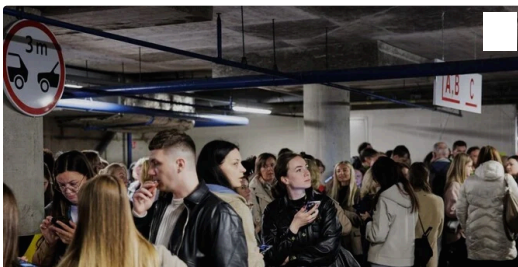
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