

**Statement of**

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**to the**

**United States House of Representatives  
Select Committee to Investigate the January 6th Attack on the United States Capitol**

**on**

**“The Oath Keepers: Background and Trajectory Towards the Insurrection”**

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One of the most visible elements during the January 6 insurrection at the U.S Capitol was the Oath Keepers; as of March 7, 2022, 27 members of the group have been charged with federal crimes for actions on that day, including 11 who have been charged with seditious conspiracy.<sup>1</sup> Founded in 2009, this group is a far-right antigovernment organization that is part of the patriot/militia movement.<sup>2</sup> In 2020, Columbia University Press published my book on the organization, entitled *Oath Keepers: Patriotism And The Edge Of Violence In A Right-Wing Antigovernment Group*.<sup>3</sup> This testimony is largely based on my research on the organization since 2015; it also relies on research and reporting from other scholars and journalists, including George Washington University’s Program on Extremism. Additionally, this testimony also draws on my testimony for a 2021 House Veterans’ Affairs Committee hearing on Violent Domestic Extremist Groups and the Recruitment of Veterans.<sup>4</sup> In the following pages, I provide information about the organization’s foundations and the buildup to its participation in the January 6 insurrection.

### **Ideology**

As a group, Oath Keepers is organized around a two-part argument: (1) government in America (primarily the federal government, but also many state and local governments) is tyrannical, violating the rights of everyday Americans in dramatic and systematic ways; and (2) those who the group believes to be patriots have the right and responsibility to resist tyrannical government, with violence if necessary.

The organization’s name refers to the oath that is commonly taken by individuals who are professionally engaged in public service (most prominently the military and law enforcement, but also elected officials, civil servants, and others) – an oath that, among other things, includes the promise to “support and defend the Constitution of the United States against all enemies, foreign and domestic.”<sup>5</sup> Broadly speaking, Oath Keepers has focused primarily on those it perceives to be domestic enemies. To a lesser extent, the organization also worries about foreign enemies, though even then it tends to focus on foreign enemies that it believes have a domestic presence.<sup>6</sup>

On its face, this desire to support and defend the Constitution is reasonable. But the ideology of the Oath Keepers is filled with conspiracy theories that describe evil-intentioned elites working for their own benefit at the expense of everyday Americans, and these conspiracy theories – which are not based on meaningful evidence – serve as the basis for the group’s identification of domestic enemies of the Constitution.<sup>7</sup> For example, the organization has portrayed Agenda 21 (a non-binding United Nations plan to reduce some of the harms of climate change) as a plot to “depopulate the rural areas of America,” forcing residents of these areas to move into urban areas

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<sup>1</sup> Data on current charges can be found at <https://extremism.gwu.edu/Capitol-Hill-Cases>.

<sup>2</sup> For more on how I use the terms “far-right,” “antigovernment,” and “patriot/militia movement,” see Jackson, *Oath Keepers*, 9–28. I also discuss these terms with less focus on Oath Keepers in Jackson, “A Schema of Right-Wing Extremism in the United States.”

<sup>3</sup> Jackson, *Oath Keepers*.

<sup>4</sup> Jackson, Violent Domestic Extremist Groups and the Recruitment of Veterans.

<sup>5</sup> Enlistment oath: who may administer; Oath of office. Variations on this oath are also common at the state level. For example, public officers in New York swear to “support the constitution of the United States, and the constitution of the State of New York.” The Constitution of the State of New York.

<sup>6</sup> For example, in September 2020, Stewart Rhodes described antifa as “an international terrorist organization” that killed a man in Portland, Oregon. He also described Black Lives Matter activists as engaging in an “open communist insurrection.” Jackson, “The Long, Dangerous History of Right-Wing Calls for Violence and Civil War.”

<sup>7</sup> Jackson, “Conspiracy Theories in the Patriot/Militia Movement.”

where they will be easier to control.<sup>8</sup> As another example, the organization has suggested that FEMA is tasked with identifying and detaining political dissidents.<sup>9</sup>

This conspiracism – or a tendency to see events as driven by evil-intentioned actors working together in secret<sup>10</sup> – can also be seen in one of the central documents for the group, its “Declaration of Orders We Will Not Obey.”<sup>11</sup> In this document, the group describes a number of potential orders that it anticipates members of law enforcement and the military might receive that the group argues these individuals should refuse to carry out. The issues – including gun confiscation, the use of foreign troops on American soil during an emergency, and declarations of martial law, among others – are not depicted as abstract hypotheticals; instead, the group sees each of these as real possibilities in the near-term future that will require members of the military and law enforcement to choose whether to carry out orders to participate in those possibilities.

One central issue for the group is gun control. Oath Keepers summarizes its view of firearms in the “Declaration of Orders We Will Not Obey”: the organization says that “that the purpose of the Second Amendment is to preserve the military power of the people so that they will, in the last resort, have effective final recourse to arms and to the God of Hosts in the face of tyranny.” Put more simply: Oath Keepers believes that American patriots should be armed so that they can fight against tyrannical government. The group has also suggested that the government would try to use emergencies as a pretext to confiscate firearms from civilians, pointing to the limited instances where this took place in the context of the government’s response to Hurricane Katrina as an example.<sup>12</sup> (The journalist Adam Weinstein explained that arguments about gun confiscation in the aftermath of the storm are often mistaken; in short, such confiscation was rather limited and some law enforcement agencies even explicitly instructed their personnel not to confiscate firearms outside of criminal investigations.<sup>13</sup>)

This organization has long believed that violent conflict with government is inevitable. To make sense of the threat the group believes is posed by the government and the broader contemporary political context, the group frequently refers to the Revolutionary War.<sup>14</sup> Through discussion of that conflict, Oath Keepers portrays the contemporary government as similar to the British government of the 18<sup>th</sup> century and contemporary “patriots” as similar to those who fought against the British. The group looks to the past for guidance in interpreting ongoing events and for examples of appropriate and effective behavior in response to those events. Indeed, the setting of group’s first public event – a muster on the Lexington Common outside of Boston, Massachusetts,

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<sup>8</sup> Jackson, *Oath Keepers*, 117.

<sup>9</sup> Jackson, 36.

<sup>10</sup> Barkun, *A Culture of Conspiracy*, 3–4.

<sup>11</sup> To minimize any potential of increasing the Oath Keepers’ audience, I do not link directly to content produced, hosted, or shared by the organization in this testimony. However, an archive of the primary documents that served as the basis for my research can be found at <https://github.com/sjacks26/OK-archive-2020>. For more on the “Declaration of Orders We Will Not Obey,” see Jackson, *Oath Keepers*, 77–80. This document is also reproduced in Jackson, 141–48.

<sup>12</sup> For a more detailed discussion of how the organization has talked about Hurricane Katrina and the government’s response, see Jackson, *Oath Keepers*, 99–109.

<sup>13</sup> Weinstein, “The NRA Twisted a Tiny Part of the Katrina Disaster to Fit Its Bigger Agenda”; Jackson, *Oath Keepers*, 178–79 note 24.

<sup>14</sup> For more on the group’s discussion of perceived parallels between the Revolutionary War and contemporary America, see Jackson, *Oath Keepers*, 75–90.

on April 19, 2009 – was deliberately chosen by Stewart Rhodes, the founder and president of the group, “to remind us all of where we have come from.... The blood of patriots was spilled on that Green, and we need to have the same conviction they had, when it comes to carrying out our duty.”<sup>15</sup>

Oath Keepers has recognized that this belief in a coming conflict might not be convincing – or even palatable – to many Americans, and the group has strategized ways to help Americans get ready for that conflict while hiding that goal. In 2013, the organization launched its “Community Preparedness Teams” (CPT) program, which is effectively an armed neighborhood watch modeled on Special Forces teams. To encourage more people to participate, Rhodes suggested that those organizing CPT units talk about it as a form of FEMA’s Community Emergency Response Teams (CERT) or to frame paramilitary training as part of the CPT program as preparation for fending off armed criminal or terrorists, because training to fend off ISIS would also prepare individuals to fight against the “secret police.”<sup>16</sup>

Unlike other far right organizations and movements, Oath Keepers is not organized around a perceived racial identity or a perceived threat to that identity. Put more simply, Oath Keepers should not be understood as a racist, white supremacist, or white power movement as such. It is certainly true that the organization has engaged in bigoted rhetoric and action, and it is also true that racist and xenophobic individuals might join the organization. And as Dr. Amy Cooter has argued about a militia group in Michigan, Oath Keepers advocates for policies, systems, and structures that disproportionately harm minoritized communities.<sup>17</sup> But the group does not explicitly promote racism – even a sanitized or “white-washed” version of racism – directly.

Overall, the Oath Keepers ideology posits domestic enemies of the Constitution who would violate the rights of Americans for their own evil and selfish purposes and encourages Americans to prepare to fight back against those enemies.

### **Formation of the Group**

The Oath Keepers organization formally launched in early 2009. Its first public event took place on April 19, though Stewart Rhodes spent the days and weeks before that event speaking at Tea Party rallies (for example, in Knoxville, Tennessee, on April 15, he led the crowd in an oath-swearing ceremony). Rhodes has said that he and his colleagues decided to form the organization prior to the outcome of the 2008 presidential election, while he was volunteering for Ron Paul’s presidential campaign in Nevada.<sup>18</sup>

Since its founding, the group has oriented itself around encouraging current and former members of the military and law enforcement to honor their oath to the Constitution (given the organization’s particular understanding of that oath and what it would mean to honor it). At the same time, the group welcomes people with no military or law enforcement (or other first responder) experience to join as well. (Those without such experience are called “associate

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<sup>15</sup> Jackson, 76.

<sup>16</sup> Jackson, 44.

<sup>17</sup> Cooter, “Americanness, Masculinity, and Whiteness: How Michigan Militia Men Navigate Evolving Social Norms.”

<sup>18</sup> Jackson, *Oath Keepers*, 33.

members,” while “full membership” is reserved for those with that experience; I am unaware of any substantive difference between these categories.)<sup>19</sup>

### **Organizational Structure**

As an organization, Oath Keepers is structured around two levels: (1) the national organization and (2) state and local chapters.

The national organization, led by Rhodes, is primarily responsible for managing the Oath Keepers brand, creating organization-wide initiatives (like the CPT program), and organizing and promoting high profile events (such as the first muster in 2009, the Bundy Ranch standoff in Nevada in 2014, and so-called security operations like Operation Protect the Protectors, which was intended to provide armed security at military recruiting offices after deadly shootings at a recruiting center and Navy Reserve location in Chattanooga, Tennessee, in 2015). The national organization also controls official membership in the group, collecting dues and administering members-only forums<sup>20</sup> and online meetings.

State and local chapters seem to have a substantial degree of autonomy much of the time, deciding what activities to engage in (from recruiting to conventional political activism to paramilitary training to so-called security operations) and how to carry them out. For example, the New York state chapter held an annual awards dinner for several years;<sup>21</sup> chapters in Pennsylvania and West Virginia have held multi-day summits that included speeches and trainings.<sup>22</sup> Additionally, it seems possible that an individual could be affiliated with a state or local chapter without being a dues-paying member of the national organization (or vice versa).

Since the organization’s founding, it has claimed to have state and local chapters across the country. It is difficult to verify which states and localities have actually had active chapters, though it is safe to say that there have been chapters throughout the country, from California to Texas to Florida to New Hampshire to Ohio to Montana and many places in between.

Some high-profile events start out as local chapter initiatives before catching the attention of national leadership. For example, the Sugar Pine Mine security operation in 2015 was primarily led by the local Josephine County, Oregon chapter; later, the national organization issued a wide call to action for members and supporters to travel to rural southwest Oregon to take part in the operation, and the national organization also organized fundraising efforts intended to reimburse participants for travel expenses and to allow the group to provide gear (like body armor) for volunteers who did not have their own equipment.<sup>23</sup>

National leadership has also vetoed local initiatives at times. For example, members of Oath Keepers were present in Ferguson, Missouri, starting in 2014 in the context of Black Lives Matter protests after Michael Brown was shot and killed by a law enforcement officer. One of the Oath

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<sup>19</sup> Jackson, 31.

<sup>20</sup> Members-only forums managed by the organization have existed at different times during the group’s history, though I am unable to confirm if they always existed or were always active when they did exist.

<sup>21</sup> Trafton, “Former Sheriff Recognized by Oath Keepers”; Anti-Defamation League, “Wisconsin Sheriff David Clarke, Jr., Reported Headed to DHS, Has Ties to Extremist Groups.”

<sup>22</sup> “Oath Keepers Group Sets Local Summit.”

<sup>23</sup> Jackson, *Oath Keepers*, 1-3, 49-50.

Keepers present in Ferguson, Sam Andrews, announced that he wanted to organize an open carry march with members of the organization alongside residents of the area. The national vice president at the time told Andrews that he would need national leadership to sign off on the idea; the Board of Directors eventually decided that the organization would not participate in an open carry march.<sup>24</sup>

### **Key Figures**

The most important individual within the Oath Keepers organization is Stewart Rhodes, the founder and president. According to the group's bylaws, he is the president of the group for life unless he resigns or is found incompetent by the group's Board of Directors.<sup>25</sup>

After Rhodes was arrested on federal charges of seditious conspiracy on January 13, 2022, Kellye SoRelle (who is the organization's general counsel) announced that she would serve as acting president while Rhodes remains detained; after Rhodes was denied bail, SoRelle tweeted on February 8, 2022, that someone else would step in to lead the group.<sup>26</sup>

The composition of the Board of Directors has changed over time. At various times, the Board has included David Freeman (also the Vice President when the group launched), W. Rand Cardwell, David R. Gillie, David T. Helms, Michele Imburgia, John Karriman, Richard Mack, Rex H. McTyeire, John Shirley, and Franklin Shook (a.k.a. Elias Alias), among others.<sup>27</sup>

From the group's founding through November 2016, Shook, more commonly known as "Elias Alias," also served as the editor of the Oath Keepers website. Alias served in the military during the Vietnam War. As editor, Alias wrote many articles promoting conspiracy theories that used rather apocalyptic language. For example, an article he wrote about the Jade Helm 15 conspiracy theory described that military training exercise as an elaborate "psy-op" (psychological operation) targeting Americans with the goal of increasing the chances that they would not resist violations of their rights.<sup>28</sup> Alias has also been the long-time administrator for The Mental Militia, a website and forum that has operated intermittently since late 1999 in various forms.<sup>29</sup>

Jason Van Tatenhove was another influential public-facing member of the national organization. From 2014-2018, he was a spokesperson and media director for Oath Keepers. In addition to speaking to the media, Van Tatenhove also created content for the organization, and he co-hosted a podcast called "The Liberty Brothers Radio Show." According to media reports, he left the group in 2018 and wants to "atone" for his actions while with Oath Keepers.<sup>30</sup>

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<sup>24</sup> Jackson, 47-49, 52-53.

<sup>25</sup> Jackson, 30.

<sup>26</sup> <https://web.archive.org/web/20220310133636/https://twitter.com/kellyesorelle/status/1491168200167669760>

<sup>27</sup> This list is compiled from information from the Nevada Secretary of State, including documents I obtained in 2014 and information found via Nevada's online business entity search tool (<https://esos.nv.gov/EntitySearch/OnlineEntitySearch>).

<sup>28</sup> Jackson, *Oath Keepers*, 50.

<sup>29</sup> <https://web.archive.org/web/20210128042047/https://thementalmilitia.net/about/>

<sup>30</sup> Allam and Hsu, "Oath Keepers Founder Draws Scrutiny from Federal Officials and Followers."

Richard Mack served on the Board for several years as well (from 2010 through 2015).<sup>31</sup> Mack is a former Arizona sheriff who has been active in antigovernment extremism since at least the 1990s, when “he sued the federal government over a provision of the Brady Bill that required state law enforcement officers to approve of firearm transfers on an interim basis while the federal government’s National Instant Criminal Background Check System was created.”<sup>32</sup> In 2011, Mack started the Constitutional Sheriffs and Peace Officers Association (CSPOA), an advocacy organization that attempts to convince sheriffs that they are the supreme law enforcement authority within their counties, with the right and responsibility to prevent laws or legal orders deemed unconstitutional from being enforced in their jurisdiction.<sup>33</sup>

Another important figure who promoted conspiracy theories on the Oath Keepers website was the pseudonymous “NavyJack.” This individual, who claimed to be a Navy veteran, wrote a number of articles from 2016 through early 2018.<sup>34</sup> Many of them focused on a belief that the 2016 election would be manipulated by the Democratic Party and left-leaning Americans to steal the presidency from Donald Trump. NavyJack also wrote posts about the group’s Operation Sabot (to monitor polling places for anticipated voter fraud) and Operation HYPO (to infiltrate groups that were believed to be working to prevent Trump from being inaugurated) in the days and weeks surrounding the election.

Throughout the group’s history, some individuals have played important roles in specific events (some of which are discussed below). Additionally, this list of key figures focuses on those who have been key for the national organization. Other individuals have played prominent roles for state or local chapters (such as some of the members of the organization who have been charged for actions on January 6, 2021). As my research has focused on the national organization, I am unable to list key figures for various state and local chapters.

## **Key Events**

### *Launch*

The first key event for the organization was its gathering on April 19, 2009, on the Lexington Common outside of Boston, Massachusetts. This muster served as a formal launch event for the group, and it featured speeches from a number of key figures and special guests, including Stewart Rhodes, Richard Mack, and others.<sup>35</sup>

### *Bundy Ranch Standoff*

The organization did not engage in another high-profile event until 2014.<sup>36</sup> In April 2014, members of Oath Keepers traveled to Bunkerville, Nevada, answering Cliven Bundy’s call for like-minded individuals to support his efforts to prevent the Bureau of Land Management and supporting law enforcement agencies from carrying out a federal court order to confiscate some of Bundy’s cattle in lieu of more than \$1,000,000 in unpaid fees and penalties (accumulated over years of Bundy

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<sup>31</sup> Mencimer, “He Was a Board Member of the Oath Keepers. Now He’s Holding State-Approved Trainings for Law Enforcement in Texas.”

<sup>32</sup> Jackson, *Oath Keepers*, 39–40.

<sup>33</sup> Anti-Defamation League, “The Constitutional Sheriffs and Peace Officers Association (CSPOA) and Richard Mack”; Jackson, *Oath Keepers*, 20–21, 151n8.

<sup>34</sup> <https://web.archive.org/web/20200516081310/https://oathkeepers.org/author/navy-jack/>

<sup>35</sup> Jackson, *Oath Keepers*, 39–41.

<sup>36</sup> For a brief discussion of the lower-profile events between the Lexington muster and 2014, see Jackson, 41–46.

refusing to pay required fees to graze his cattle on federal land).<sup>37</sup> The Oath Keepers contingent included Stewart Rhodes, Richard Mack, Jerry Delemus<sup>38</sup> (from New Hampshire; Delemus served 6 years in federal prison after pleading guilty to two federal charges related to the standoff<sup>39</sup>), Brandon Rapolla, Steve Homan (then a member of the Board of Directors and the leader of the Nebraska chapter), David Helms (then vice president of the organization), Sheriff Brad Rogers (from Indiana), Sheriff Denny Peyman (from Kentucky), and Sheriff Jeff Christopher (from Delaware), among others. Members of the organization engaged in a range of activities at the Bundy Ranch, including scouting Bureau of Land Management and law enforcement positions and helping to move temporary fencing put in place by federal employees. After the Bureau of Land Management operation ended, members of Oath Keepers remained at the ranch; Rhodes suggested that the group viewed an ongoing presence as necessary to prevent the government from resuming its efforts to enforce the court order.

In late April, the group claimed that it had received credible intelligence that Eric Holder, then the Attorney General, had authorized a drone strike against Bundy and his supporters. Oath Keepers shared this information with those at the ranch while it attempted to confirm it. The organization concluded that the information was sufficiently credible that it was worth acting on, and it encouraged those at the ranch to either create hardened positions that would offer protection from a missile attack or to relocate away from the ranch temporarily. When members of Oath Keepers pulled out to relocate, other supporters of Bundy said they were cowards and deserters; Oath Keepers later released a video on YouTube defending its members' actions and attacking other supporters of Bundy.<sup>40</sup> Despite this conflict, the organization (and the broader antigovernment far right) has looked on the Bundy Ranch standoff as a success and as an example of how those it considers to be patriots should resist actions seen as tyranny.

### *Ferguson, Missouri*

In November 2014, the organization began to have an intermittent presence in Ferguson, Missouri that would last through August 2015. After a police officer shot and killed Michael Brown in August, the local community engaged in protests, contributing to the growth of the Black Lives Matter movement. Initially, Oath Keepers released statements opposing the aggressive law enforcement response to those protests. By the time members of the group were on site, though, their focus changed to providing armed security for local businesses. Local police ordered these members of Oath Keepers to stop their activity, arguing that they were operating as an unlicensed security outfit; after initially complying, the individuals returned to their activity while arguing that they did not need a license since they were volunteers. John Karriman (then an instructor at Missouri Southern State University's Police Academy) and Sam Andrews were two of the leading Oath Keepers figures in Ferguson.<sup>41</sup>

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<sup>37</sup> Jackson, 46–47.

<sup>38</sup> Delemus has been identified as a member of the organization, although comments from Rhodes in 2014 suggest that Rhodes did not know Delemus before the Bundy Ranch standoff. For identification of Delemus as a member, see Garrison, Bensinger, and Hernandez, “Oath Keepers Founder Betrayed Mission, Former Members Say”; Jackson, *Oath Keepers*, 46. For Rhodes's comments, see [https://github.com/sjacks26/OK-archive-2020/blob/master/data/Raw\\_text\\_video\\_transcripts/Oath%20Keepers%20Bundy%20Ranch%20Debrief.txt](https://github.com/sjacks26/OK-archive-2020/blob/master/data/Raw_text_video_transcripts/Oath%20Keepers%20Bundy%20Ranch%20Debrief.txt)

<sup>39</sup> Crompton, “Rochester Man Imprisoned for Role in Nevada Standoff Returns Home.”

<sup>40</sup> Jackson, *Oath Keepers*, 47.

<sup>41</sup> Jackson, 47–49.



In August 2015, Sam Andrews announced that he wanted to organize an open carry march with members of the organization alongside residents of the area as protests over Michael Brown's death continued. The national vice president at the time told Andrews that he would need national leadership to sign off on the idea; the Board of Directors eventually decided that the organization would not participate in an open carry march. Andrews decried this as a racist double standard and left the organization; in return, the organization posted a video to YouTube saying that they had learned that Andrews was unstable and possibly violent.<sup>42</sup>

### *Sugar Pine Mine*

In April 2015, the Josephine County (Oregon) chapter of Oath Keepers began a so-called security operation at the Sugar Pine Mine. The Bureau of Land Management ordered the two miners who held the Sugar Pine Mine claim to stop work. The miners filed an appeal against the order, but they believed that the Bureau of Land Management might come onto their land and damage their property (believing that Bureau of Land Management has engaged in this type of activity for years to harass operators of small extractive industries). The miners asked the local chapter of Oath Keepers to provide security for their claim. Joseph Rice, the leader of the Josephine County Oath Keepers, organized a 24/7 operation, releasing calls to action for volunteers and donations. The operation was large enough that one Oath Keeper, Mary Emerick, served as a public information officer, liaising with media who came to report on the activity. Emerick claimed that at least 700 volunteers participated in the security operation, fulfilling roles from armed security to camp cook. The Bureau of Land Management announced that it had no intention of taking any action while the miners' appeal was pending. Eventually, the security operation ended with the Oath Keepers declaring victory despite no conflict with the federal employees or law enforcement: they argued that their presence prevented the government from violating the miners' due process rights.<sup>43</sup>

### *Jade Helm 15*

Moving into summer 2015, Oath Keepers began to pay attention to Jade Helm 15, a large military exercise taking place in a number of states in the Southwest. Along with other Americans, the organization promoted conspiracy theories about the exercise, wondering whether it would be a practice run for implementing martial law or would actually be the first steps of martial law itself. To my knowledge, the organization did not engage in any noteworthy offline activity related to Jade Helm 15, but the broader conspiracy theorizing that Oath Keepers contributed to grew so prominent that Texas governor Greg Abbott ordered the Texas State Guard to monitor the exercise within his state to ensure that Texans' rights weren't violated.<sup>44</sup>

### *Operation Protect the Protectors*

On July 16, 2015, a man shot and killed four Marines and a Navy sailor at a recruiting center and Naval Reserve installation in Chattanooga, Tennessee. Oath Keepers responded to this event with a new initiative to provide armed security at military recruiting centers, called "Operation Protect the Protectors." A few days after several state chapters started doing this, the national organization put out a nationwide call to action to expand the effort. Rhodes said that members of the group should do this "until the DOD [Department of Defense] changes its idiotic policy of insisting that recruiters go unarmed."<sup>45</sup>

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<sup>42</sup> Jackson, 47-49, 52-53.

<sup>43</sup> Jackson, 1-3, 49-50.

<sup>44</sup> Jackson, 50; Jackson, "Conspiracy Theories in the Patriot/Militia Movement," 12-13.

<sup>45</sup> Quoted in Jackson, *Oath Keepers*, 51.

### *Kim Davis*

In September 2015, the organization turned its attention to another developing situation.<sup>46</sup> After the Supreme Court ruled in *Obergefell v. Hodges* that same-sex couples have a constitutionally-protected right to marriage, the clerk of Rowan County, Kentucky – Kim Davis – refused to issue marriage licenses to same sex couples. After further refusing to comply with a federal judge’s specific order to Davis to resume issuing marriage licenses, that judge found her in contempt of court and decided that she would be incarcerated until she agreed to comply with the legal order. After several days during which Davis’s deputies issued marriage licenses, the judge released Davis from custody. One day later, Oath Keepers publicly offered to provide the clerk with armed security to prevent her from being taken into custody again, if she were to again decide not to comply with the legal order. The group said that her imprisonment for contempt of court violated Davis’s “due process rights, and in particular her right to a jury trial,” decrying the act as an example of an “imperial judiciary” that tries to “swallow up our Bill of Rights.”<sup>47</sup> The organization declared that it was preparing to deploy an armed security team to Kentucky to protect Davis, and that the organization would attempt to “teach” the Rowan County sheriff about his rights and responsibilities to protect those in his county from tyrannical government. However, Davis’s legal team quickly turned down this offer for armed security. Oath Keepers announced that its members would not travel to Kentucky for this security operation, because the group “always seek[s] the full consent and cooperation of anyone we protect.”<sup>48</sup>

### *Malheur National Wildlife Refuge*

Just a few months later, Oath Keepers would find a new situation that would capture its attention.<sup>49</sup> In late 2015, antigovernment activists traveled to Burns, Oregon, to demonstrate on behalf of father-and-son ranchers Dwight and Steven Hammond. The Hammonds had been convicted on federal charges of arson in 2012. Their original prison sentence was substantially less than the statutory minimum; the Department of Justice appealed the sentence in 2015, and an appeals court ruled that the Hammonds would have to return to prison to comply with the statutory requirement. Some antigovernment extremists interpreted this as double jeopardy (rather than simply being a sentence revised upon appeal), and all of the extremists viewed it as unjust.

What began as protests on behalf of the Hammonds in Burns turned into the occupation of the Malheur National Wildlife Refuge, after Ammon Bundy (one of Cliven Bundy’s sons and a leader of the protests in Burns) declared that it was time to take a “hard stand” against tyrannical government.<sup>50</sup> Bundy and his allies – many of whom openly carried firearms – occupied several administrative buildings at the Refuge for approximately a month.

Despite their support for the Bundy Ranch standoff in 2014, some of the leaders of Oath Keepers were opposed to this occupation even before it began. For example, Rhodes urged Ammon to stop using heated rhetoric in late 2015 while the focus was still on the Hammonds. Even once the

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<sup>46</sup> Jackson, 53–54.

<sup>47</sup> Quoted in Jackson, 54.

<sup>48</sup> Quoted in Jackson, 54.

<sup>49</sup> Jackson, 55–57.

<sup>50</sup> Jackson, 55–57.

occupation began, Oath Keepers continued to voice opposition: Rhodes called for Ammon to end the occupation four days after it began.<sup>51</sup>

Despite opposition from the group's leadership, some members of Oath Keepers decided to support the occupation. For example, Jon Ritzheimer participated in the occupation for most of its duration. Ritzheimer had a history of engaging in inflammatory and threatening activity: just in 2015, he organized anti-Islam events in Arizona, announced that he was driving across the country to confront a Muslim organization in New York State, and declared that he intended to arrest Senator Debbie Stabenow (D-MI) for treason for her support of the Iran nuclear agreement.<sup>52</sup>

Other members of Oath Keepers decided to participate in a "security operation" to reduce the chances of violence between law enforcement and the occupiers. The Josephine County Oath Keepers (the chapter that organized the security operation at the Sugar Pine Mine in 2015) joined with several Three Percenters<sup>53</sup> groups under the banner of the Pacific Patriots Network. Participants in this umbrella group were heavily armed, but they believed themselves to be reducing the chances of violence rather than increasing those chances. Oath Keepers leadership supported this operation: Rhodes declared it "a buffer to prevent another Waco incident," and a "righteous mission, if done right."<sup>54</sup> Ultimately, the Pacific Patriots Network took no direct action in Malheur beyond communicating with law enforcement and the occupiers.

### *2016 Presidential Election and Transition*

Just as it was for the country as a whole, 2016 was an important year for Oath Keepers. In the early stages of the presidential election of that year, the organization did not come out in favor of Donald Trump's candidacy. But from the earliest days of his candidacy, it was clear that many members of the organization would support him (along with many other right-wing extremists of different types). By early November, the group had all-but come out in favor of Trump, and it was convinced that Trump would easily win the popular vote unless there was widespread voter fraud on behalf of the Democratic Party and Hillary Clinton. After the activist group Project Veritas released manipulated video footage claiming to depict Democratic Party operatives planning voter fraud, Oath Keepers decided that it should get involved in efforts to find additional evidence of this. Rhodes announced Operation Sabot, calling on the group's police, military intelligence, and "Special Warfare" veterans to "apply their considerable training in investigation, intelligence gathering, and fieldcraft to help stop voter fraud."<sup>55</sup> As part of this call, he instructed members of the group not to wear any Oath Keepers gear to reduce the chances of "partisan Democrat activists and the media (essentially the same thing)" accusing Oath Keepers of engaging in voter intimidation.<sup>56</sup>

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<sup>51</sup> Jackson, 56.

<sup>52</sup> Jackson, 56–57.

<sup>53</sup> The Three Percenters is an antigovernment extremist movement within the patriot/militia movement. Its name comes from the (unsupported) belief that three percent of the residents of what were then the British colonies in North America actively fought against the British to win independence for the United States, and that three percent of Americans today would be able to defeat the American government as well. See Jackson, "Nullification through Armed Civil Disobedience"; Southern Poverty Law Center, "Michael Brian Vanderboegh"; Anti-Defamation League, "Three Percenters."

<sup>54</sup> Quoted in Jackson, *Oath Keepers*, 57.

<sup>55</sup> Quoted in Jackson, 58.

<sup>56</sup> Quoted in Jackson, 59.

In the end, Trump won the Electoral College vote, giving him the presidency. As large protests emerged around the country opposing Trump, Oath Keepers began to say that “the political elite... is determined to subvert the will of the American people” and even that “Communists Intend to Overthrow the United States before Inauguration Day.”<sup>57</sup> In response, the organization announced Operation HYPO, in which its members would infiltrate organizations and movements involved in the protests to “collect information regarding tactics, motivations, schedules and logistics.”<sup>58</sup> In both Operation Sabot and Operation HYPO, Oath Keepers specifically decided to take covert action, hiding its identity, as an informal “counterintelligence” effort against those it perceived as domestic enemies of the Constitution.

The group also believed that anti-Trump forces would try to prevent his inauguration in January 2017. The group announced another project, “Operation DefendJ20,” in which its members would informally supplement the official security effort for Trump’s inauguration. The group claims that it provided intelligence to Washington D.C. police that prevented a plot to disrupt the DeploraBall (an inauguration party affiliated with the so-called alt-right).<sup>59</sup>

The 2016 presidential election served as an inflection point for the group. Until this point, its focus was overwhelmingly on government as the greatest threat to everyday Americans. But with its increasing focus on perceived threats posed by opponents of Donald Trump, the organization revealed its pivot to identifying other Americans as the greatest threat to America as a whole. Throughout the next several years, members of the group periodically participated in street violence against antifa and other left-leaning opponents of Trump.<sup>60</sup>

### *ACT for America Marches*

Though Oath Keepers as an organization is not structured around racism and xenophobia as such, Islamophobia has been a recurrent feature of actions and rhetoric promoted by the organization. For example, in June 2017, ACT for America (an anti-Muslim organization) planned “Marches Against Sharia” across the nation, and ACT requested that groups including Oath Keepers (and others like Lightfoot Militia units) provide security after antifa groups declared their intention to counter-demonstrate.<sup>61</sup>

### *Disaster relief*

Since its launch, Oath Keepers has periodically tried to portray itself as a civic organization. One way it has done this is via occasional community service. In 2017, the organization engaged in volunteer disaster relief efforts in Texas, Florida, and Puerto Rico after devastating hurricanes. However, even this volunteer work is tinged by the group’s ubiquitous thinking about violence and security: in Puerto Rico, members of the group provided security for a hospital, though I am

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<sup>57</sup> Quoted in Jackson, 59.

<sup>58</sup> Quoted in Jackson, 59.

<sup>59</sup> Jackson, 59–60. The Daily Beast reported that Oath Keepers worked with Project Veritas to uncover this information, which allegedly depicted anti-Trump activists plotting to attack the party with butyric acid. The Daily Beast article describes this as a “stink bomb.” Weill, “Feds Use Right-Wing Militia’s Video to Prosecute Trump Protesters.”

<sup>60</sup> Kriner and Lewis, “The Oath Keepers and Their Role in the January 6 Insurrection,” 8–10.

<sup>61</sup> Jackson, *Oath Keepers*, 61.

unaware of any concrete threats or reports of violence that this security effort might have aimed to counter.<sup>62</sup>

### *Lead-up to 2020*

Through the Trump administration's tenure, Oath Keepers regularly identified American opposition to that administration as a threat to the country itself. In addition to participating in street violence with antifa and other perceived opponents of the Trump administration, the group suggested that formal actions taken as part of the American political system were also illegitimate. For example, in 2019 Rhodes described the potential impeachment of Trump as an attempt by the left "to simply undo the 2016 election results that they don't like."<sup>63</sup> In Oath Keepers's good-and-evil understanding of contemporary America, any action taken that the organization does not agree with is interpreted as violating core Americans principles, values, and processes.

By 2020, the rhetoric used by Oath Keepers became even more alarming. In August and September, Rhodes described antifa and the Black Lives Matter movement as terrorists and as entities engaged in "open communist insurrection."<sup>64</sup> Though the organization had long worried about martial law as a tool that a tyrannical federal government would use to violate the rights of dissenting Americans, Rhodes now openly called on the Trump administration to declare martial law to violate the rights of dissenting Americans. He argued that the shooting of a Trump supporter in Portland was "the first shot" of a new civil war.<sup>65</sup> And he further argued that, if Trump didn't take action to suppress the alleged insurrection, his organization would.<sup>66</sup> No longer content to speak about violence in an abstract way that would provide him with plausible deniability should someone decide to take action based on his words, Rhodes now was happy to openly call for violence (though still couching it in defensive terms).

### **Conclusion**

Throughout its history, Oath Keepers has perceived many threats and prepared for violent conflict in response to those threats. From 2009 to 2016, those perceived threats primarily came from the federal government thought to be tyrannical. From 2016 to 2021, the organization increasingly focused on perceived threats supposedly brought by Americans who opposed the Trump administration.

Prior to 2020, the organization was generally careful to couch its actions and rhetoric around violence as defensive in nature. The group urged Americans to prepare for violence but to wait until others (inevitably) start a violent conflict. At the same time, Oath Keepers has consistently taken action that makes violent conflict more likely. For example, at the Bundy Ranch standoff, the organization's members were heavily armed as they worked to prevent federal employees from carrying out a court order – generally speaking, being armed when confronting law enforcement increases the odds that law enforcement will see you as a threat and themselves prepare for possible violence. Cliven Bundy himself reportedly said that "one backfire of a vehicle, one firecracker, one somebody makes a crazy gunshot... there would have probably been lots of people

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<sup>62</sup> Jackson, 61.

<sup>63</sup> Quoted in Jackson, 123.

<sup>64</sup> Quoted in Jackson, "The Long, Dangerous History of Right-Wing Calls for Violence and Civil War."

<sup>65</sup> Quoted in Jackson.

<sup>66</sup> Kriner and Lewis, "The Oath Keepers and Their Role in the January 6 Insurrection," 10–12. Tweets from Oath Keepers suggesting this were sent on and around 30 Aug 2020; unavailable online, screenshots held by author.

maybe killed.”<sup>67</sup> Rhodes in particular has been risk averse, perhaps because of his legal training. As I argue throughout my book, he and his organization promote rhetoric and ideas that set the stage for individuals to decide for themselves that violence is justified.<sup>68</sup>

By 2020, this caution had been abandoned. Even in public-facing communication on Twitter, Rhodes plainly called for violence (in this case, against antifa and Black Lives Matter activists whom he portrayed as domestic enemies of the Constitution).<sup>69</sup> And as legal filings related to the seditious conspiracy charges reveal, members of the organization wanted to make members of Congress “very uncomfortable with all of us being a few hundred feet away,” strongly suggesting that these individuals wanted to coerce Congress to decline to certify the Electoral College vote.<sup>70</sup>

In both the earlier more cautious stance and the later position that more openly called for violence, Oath Keepers has posed a threat to American democracy. In addition to promoting ideas that set the stage for individuals to decide to take up violence as a tool to achieve their political goals, the group promotes a version of American politics that is a battle between good and evil, where the evildoers work in secret to benefit themselves at the expense of everyday Americans. This conspiracism is directly tied to the events of January 6, 2021, where members of the organization believed – with no real evidence – that the Constitution and the nation itself were under threat and needed to be protected with proactive, aggressive, and violent action.

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<sup>67</sup> Rogers, “Nevada Rancher Bundy Waits as FBI Probes.”

<sup>68</sup> For example, Chapter 4 examines how the group talks about “natural rights” in ways that could lead individuals to decide that their natural rights have been violated and that they have no recourse other than violence. Jackson, *Oath Keepers*, 65–74.

<sup>69</sup> Jackson, “The Long, Dangerous History of Right-Wing Calls for Violence and Civil War.”

<sup>70</sup> Jackson, Kriner, and Lewis, “Oath Keepers Leader Indictment Just the Tip of a Scary Iceberg.” This desire to intimidate elected officials to achieve a political outcome matches the definition of domestic terrorism in USA PATRIOT ACT. 18 USC § 2331(5).

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