

ON OATH KEEPER JEREMY BROWN'S ASYMMETRIC TREATMENT

CNN got a lot of people in a tizzy by incorrectly claiming that a 404b notice filed Friday included new information about the Oath Keeper conspiracy (this story, from Kyle Cheney, makes no claim this is new information). None of the general allegations – that Jessica Watkins had explosives making recipe at her house, that Thomas Caldwell had a list targeting a Georgia election official, that the Oath Keepers did a variety of training sessions before the insurrection – are new. They've shown up in detention motions going back to January 2021.

Perhaps the most inflammatory allegation, regarding former Special Forces guy Jeremy Brown, describes that the grenade discovered in Brown's RV when the FBI searched his property in September was in the RV as it drove to DC for the insurrection.

Jeremy Brown is currently an unindicted co-conspirator in the Oath Keeper conspiracy.² In November 2020, Brown led the Florida chapter of the Oath Keepers in a training on "unconventional warfare." See ECF No. 167 at ¶ 22. During this period, he messaged extensively with Florida-based co-conspirators on Signal.³ For example, on November 9, he messaged, "As I am sure you all have plenty of ammo and guns. What I suspect we are not deep on are burner phones and phone cards. These will be needed in great numbers as part of a clandestine comms plan."

In preparation for January 6, 2021, Brown continued to participate on Signal chats with Rhodes and various Florida

Oath Keepers, including Meggs, Kenneth Harrelson and Caleb Berry, regarding transportation to Washington, D.C. on January 6:

We have a RV an Van going. Plenty of Gun Ports left to fill. We can pick you up... If you can, come to my house anytime Saturday. You can stop by and drop stuff off, or stay the night. This way we can load plan, route plan, and conduct PCIs (Pre Combat Inspections). I would LIKE to depart by 0645 on Sunday morning, Jan 3rd. Push through to the NC linkup on the 3rd, RON (Rest Over Night) there, then push to DC on the 4th. This will give us the 4th/5th to set up, conduct route recons, CTR (Close Target Reconnaissance) and any link ups needed with DC elements.

On January 4, 2021, Brown supplied a helmet to Florida Oath Keeper Berry, who met Brown at Brown's house, and then caravanned with Berry, Meggs, Harrelson and other Florida Oath Keepers first to North Carolina, where they rendezvoused with additional Oath Keepers, and then to the Washington, D.C. area.

The same day, January 4, Meggs informed Jessica Watkins and other co-conspirators via Signal that Brown would be assisting in the Washington, D.C. operation, writing, "Jessica you have 4 working the detail from Ohio. Padimaster you have 6 confirmed for detail from SC. If correct that gives us 27 man team I like it!! Perfect mi with 4-5 medics in the group. I'll keep working on overall contact between Natl/congress team and stop the steal team for scheduling etc... Kenneth Harrelson runs the ground team. Whippit and Jeremy Brown will assist him especially when we are moving!" Upon

arrival in the Washington, D.C. area, Brown deposited various weapons at the Comfort Inn hotel in Virginia that served as the staging area for the QRF. During this same period, Meggs informed Berry that Brown possessed explosives in his Recreational Vehicle ("RV").⁴

The government subsequently seized explosives from Brown. On September 30, 2021, pursuant to an authorized search warrant, the government seized two illegal short barrel firearms from Brown's residence and military ordinance grenades from Brown's RV—the same RV that Brown used to travel to Washington, D.C. on January 6.

⁴ The government is unaware whether Brown deposited the explosives at the Comfort Inn in Virginia or retained them in his RV, which he parked in College Park, Maryland.

Substantially that same information appeared in a detention dispute for Brown in February.

These details have, probably, gone largely unnoticed because Brown is, thus far, only charged for trespassing in conjunction with January 6; he is charged in Florida for his arsenal and some classified documents he kept from his service in Afghanistan. That trial is currently scheduled to start August 1.

Let that be a lesson not to sleep on the misdemeanor cases, because some of them are quite important!

His inclusion in this 404b notice, however, does raise questions about his asymmetric treatment, thus far. He didn't enter the building – but that's true of Thomas Caldwell (who is accused of playing a leadership role) or Bennie Parker (who is not) as well. If he is treated as an unindicted co-conspirator, then why isn't he a charged conspirator?

Indeed, Brown – who is representing himself but who as of recently had two pro bono lawyers expecting to share his discovery without filing notices of appearance – asked just that question in a status hearing on June 23. He noted that the full Oath Keeper team had been added to his case and was demanding the discovery from the sedition case, wanting to share it with those unnamed pro bono standby attorneys. He demanded to know whether he would be charged with sedition.

At the hearing, prosecutor Louis Manzo said there was no plan to add him to the sedition trial scheduled for September. When Brown noted that that didn't preclude him being added to the lesser Oath Keeper conspiracy, Manzo said that as of now DOJ had no plan to add him to either of the existing conspiracies, though wanted to avoid committing to it.

Obviously, that could change. DOJ only recently added the field leader for the day, Michael Greene/Simmons to the lesser conspiracy. And if he were acquitted in the Florida trial, DOJ would likely charge him in DC to keep him detained – they believed he was dangerous even before the insurrection.

But I can't help but wonder whether DOJ has some other plan for him.

Update: To clarify something for those claiming this asymmetry reflects a lack of seriousness on DOJ's part, what DOJ has done is charge Brown with crimes that could represent ~80 years in jail (though would more likely end up in the 10-20 year range), all without having to risk him fucking up the main sedition case, even while allowing DOJ to use his actions against the accused seditionists. That is, this may reflect a way to hold Brown accountable in a way that gives him the least ability to fuck up the main case.