

U.S. judge rules Proud Boys members must face January 6th charges

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Supporters of then-President Donald Trump stormed the US Capitol building in January 2021 as Congress was meeting to certify Joe Biden's election victory [Jose Luis Magana/Reuters]

Washington, December 29 (RHC)-- A U.S. judge has denied a motion by four leaders of the Proud Boys far-right group to dismiss federal criminal charges stemming from the January 6th attack on the U.S. Capitol building.

The defendants — Ethan Nordean, Joseph Biggs, Zachary Rehl and Charles Donohoe — were charged with violating a federal law that makes it a felony to obstruct an official government proceeding, among other charges.

That obstruction charge has been used by prosecutors in more than 230 of the 700 criminal cases against participants in the deadly Capitol insurrection, which took place as Congress was meeting to certify President Joe Biden's 2020 election victory.

Lawyers for the four men had argued the charges should be dismissed on the grounds that the underlying laws are unconstitutional, and should not apply because of free speech protections.

U.S. District Judge Thomas Kelly on Tuesday rejected those arguments, meaning criminal proceedings against the four Proud Boys members will go forward. "No matter defendants political motivations or any political message they wished to express, this alleged conduct is simply not protected by the First Amendment," Judge Kelly said in a 43-page ruling.

"Defendants are not, as they argue, charged with anything like burning flags, wearing black armbands, or participating in mere sit-ins or protests."

The case against the four men is a focus of the U.S. Justice Department's sprawling investigation of the insurrection on January 6, 2021, when a group of former U.S. President Donald Trump's supporters stormed the US Capitol building.

More than three dozen people charged in the Capitol siege have been identified by federal authorities as Proud Boys leaders, members or associates, including at least 16 defendants charged with conspiracy.

Nordean, Biggs, Rehl, and Donohoe were indicted in March on charges, including conspiracy and obstructing an official proceeding. All four remain in jail while they await a trial scheduled for May.

Nordean, of Auburn, Washington, was a Proud Boys chapter president and member of the group's national "Elders Council." Biggs, of Ormond Beach, Florida, is a self-described Proud Boys organizer. Rehl, of Philadelphia, Pennsylvania, and Donohoe, of Kernersville, North Carolina, served as presidents of their local Proud Boys chapters, according to their indictment.

On the morning of January 6, Proud Boys members met at the Washington Monument and marched to the Capitol before Trump had finished addressing thousands of supporters near the White House. They followed a crowd of people who breached pedestrian barriers at the Capitol, the indictment says. Several Proud Boys entered the Capitol building itself after the mob smashed windows and forced open doors.

In a milestone deal last week, Proud Boys member Matthew Greene pleaded guilty to storming the Capitol with two other members of the far-right group. Greene had travelled from Syracuse, New York, to Washington, DC, and he was arrested in April after a grand jury indicted him. He is cooperating with authorities under the terms of his plea agreement.

About 40 defendants allegedly affiliated with far-right groups like the Proud Boys, the anti-government Oath Keepers, and the Three Percenters, have been charged with conspiring to impede Congress or law enforcement protecting the Capitol.

Of the 700 people charged with federal crimes related to the Capitol riot, at least 165 of them have pleaded guilty — mostly to misdemeanour offences punishable by up to six months in prison.

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