

# January 6 (2020) Insurrection

Review the events leading up to January 6.

Define “Insurrection”

Define “Domestic Terrorism”

Define “Treason”

Define “Hate Groups”

What does the Constitution and federal law say about insurrection/treason?

↳ (relevant IF sitting lawmakers or future candidates were involved)

What are your protest rights?

The elements of treason are the same under state and federal law:

- the defendant owes allegiance to the government, and
- the defendant intentionally betrays that allegiance by either
  - levying war against the government, or
  - giving aid or comfort to the government's enemies.

Because treason must be intentional, someone who unintentionally aids the enemy or is forced to by duress or coercion isn't guilty of treason. There can be no accomplice liability for treason; every participant is considered a principal.

Depending on the jurisdiction, there are both State and Federal penalties for treason

What is the difference between a Rebellion and an Insurrection?

- rebellion is (uncountable) armed resistance to an established government or ruler while insurrection is an organized opposition to an authority

## The Law

### Federal Law

#### §2383. Rebellion or insurrection

“Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.”

<https://uscode.house.gov/view.xhtml?path=/prelim@title18/part1/chapter115&edition=prelim>

<https://www.law.cornell.edu/uscode/text/18/2383>

### Federal Law

#### §2384. Seditious conspiracy

“If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.”

<https://uscode.house.gov/view.xhtml?path=/prelim@title18/part1/chapter115&edition=prelim>

↳ Note: in terms of Seditious speech (not actions). the Brandenburg v. Ohio U.S. Supreme Court decision maintains that seditious speech—including speech that constitutes an incitement to violence—is protected by the First Amendment to the United States Constitution as long as it does not indicate an "imminent" threat.

#### US Constitution, Article III, Section 3, Clause 1:

“Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the testimony of two Witnesses to the same overt Act, or on Confession in open Court.”

↳ Note: treason is the only crime defined in the Constitution

# White Supremacists / Hate Groups

(who had a presence on January 6; look for them in news coverage of the insurrection)



"Oath Keepers"

Founded 2009

Far-right, anti-government group

Two-thirds of members appear to be former military or police; and one-tenth are active duty. Number estimates vary between 5,000-38,000. Associated with the "sovereign citizen" movement



"Proud Boys"

Founded 2016

Name comes from a Disney Aladdin song!

Believe in the white replacement/genocide conspiracy theory



"QAnon"

far right, cult characteristics. Who is Q?

Asserts that a group of Satanic, cannibalistic, pedophiles operate a global trafficking ring that conspired against Trump, who is out to arrest them (angry that "The Storm" did not happen)



"3 Percenters"

(name derives from the inaccurate claim that the revolutionaries in 1776 never amounted to more than 3% of the Colonists).

Based in America, also active in Canada.

Canada declared the group a terrorist entity

Founded in 2008.

Far right, anti-government group

# V i d e o

NYTimes film – Timeline of January 6 insurrection (40 min)

*Emphasis of the crowds' arrival to Congress and departure. No pre-riot speeches or post-riot disbursement, or unsolved pipe bombs. Comprehensive overview otherwise*

<https://www.nytimes.com/video/us/politics/100000007606996/capitol-riot-trump-supporters.html>

January 6 Committee Hearings, the final report by PBS News Hour

<https://www.youtube.com/watch?v=YtwItbTPWNE> (3 hr, 20 min)

Starts 7:06 into the video

Jan.6 Committee Presents Key Video Evidence Compilation

<https://www.youtube.com/watch?v=zuWaOJshp0o> (12 min)