

FACT SHEET: *District of Columbia v. Proud Boys Intl., LLC & Oath Keepers, et. al.*

Background

District of Columbia Attorney General Karl Racine is **filing a lawsuit on behalf of the District of Columbia against the Proud Boys, Oath Keepers, and more than 30 individual members/affiliates, to hold them accountable for their role in planning and carrying out the violent and deadly January 6, 2021 attack** on the United States Capitol. The complaint will be filed in the United States District Court for the District of Columbia on December 14, 2021.

The District alleges that Defendants conspired to attack the Capitol violently and unlawfully in order to prevent, interrupt, hinder, and impede, through force, intimidation, and threat:

- United States officials from discharging their official duties as part of the formal constitutional process set out by the Twelfth Amendment and 3 U.S.C § 15 for counting and certifying the count of electoral votes for the 2020 presidential election; and
- President Joseph Biden and Vice President Kamala Harris from accepting or holding the offices to which they were elected by the American people, and from discharging the duties of their respective elected positions.

Defendants' violent January 6th attack resulted in extensive harm to the District, including **costs it incurred** as a result of physical and other trauma suffered by members of the District's Metropolitan Police Department (MPD).

The Parties

Plaintiff is the District of Columbia. The Anti-Defamation League (ADL); the States United Democracy Center; Paul, Weiss, Rifkind, Wharton & Garrison LLP; and Dechert LLP are serving as pro-bono outside counsel on the case.

The Complaint names as Defendants the Proud Boys, the Oath Keepers, and 31 individuals, each of whom conspired to execute the January 6, 2021 attack. The Proud Boys is a U.S.-based group that promotes and engages in violence in the service of its agenda. The Oath Keepers is a militia movement group willing to engage in armed confrontations with individuals or groups that it perceives as supporting government actions and political beliefs different from its own. As alleged in the Complaint, “[v]iolence is an inextricable part of both organizations and a common link between them.”

General Factual Narrative

Following President Trump's defeat in the 2020 Presidential Election, the Defendants mobilized and coordinated to wreak havoc on the District as part of a violent conspiracy to thwart the electoral process that is at the heart of the Nation's democratic government. Communications prior to January 6, 2021 reveal that the Defendants devised a plan to engage in a violent assault on the federal government's electoral process on that date. They recruited co-conspirators, arranged travel, managed finances, facilitated the provision of and use of weapons and other tactical gear, conducted training, deliberated and choreographed tactical details, and even coordinated their attire, all in furtherance of their conspiracy.

As part of these efforts, individuals from across the country, including but not limited to the named individual Defendants, traveled to the District to participate in the planned insurrection.

On January 6, 2021, the Defendants and others, executed on their well-coordinated plan. Using weapons, tactical gear, and communications devices, they assaulted police officers, breached police barricades, and invaded the Capitol building and both chambers of Congress while Congress was in a special, constitutionally-prescribed joint session to certify election results.

Causes of Action

The District is bringing the following claims against the Defendants:

1. Conspiracy to Interfere with Civil Rights pursuant to 42 U.S.C. § 1985(1). This statute outlaws conspiracies, by force, intimidation, or threat, to (a) “prevent ... any person from accepting or holding any office, trust or place of confidence under the United States”; (b) prevent any person from “discharging the duties of [any office, trust or place of confidence under the United States]”; (c) “induce ... any officer of the United States to leave any State, district, or place, where his duties as an officer required to be performed”; (d) to injure [any officer of the United States] in his person or property on account of [or while engaged in] his lawful discharge of the duties of his office ...”; or (e) to injure any ... “property [of any officer of the United States] so as to molest, interrupt, hinder, or impede him in the discharge of his official duties.”

Here, the District alleges that defendants conspired to prevent the President and Vice President-elect of the United States from accepting and/or holding the highest offices in the land; conspired to prevent numerous persons and/or officers from discharging duties of their offices; caused officers of the United States to vacate the Chamber of Congress, a place where they had duties that the Constitution specifically required them to discharge; and engaged in property destruction on account of, and in an effort to interrupt and hinder, the discharge of officers’ official duties.

2. Failing to Prevent a Conspiracy to Interfere with Civil Rights pursuant to 42 U.S.C. § 1986. This statute makes liable every person who has knowledge of a Section 1985 conspiracy and has the power to prevent or aid in preventing the conspiracy but neglects to take reasonably diligent action to prevent the wrongful acts.
3. Civil Conspiracy to Commit Assault.
4. Civil Conspiracy to Commit Battery.
5. Civil Conspiracy to Commit Intentional Infliction of Emotional Distress.

Alleged Harms

The District seeks compensatory, injunctive, and punitive relief. The District was forced to deploy unprecedented resources to counter the attack on the U.S. Capitol, including but not limited to millions of dollars in expenses associated with (a) dispatching hundreds of MPD officers to defend the Capitol and its surroundings; (b) emergency and other medical treatment for injured MPD officers; and (c) paid leave for MPD officers who could not work as a result of their physical injuries and emotional trauma. The perpetrators of this violence against the District and MPD, including outsiders who traveled from across the country to terrorize the District’s residents and police officers and to thwart the democracy that the District resolutely fought to protect, are financially responsible for the harm they inflicted.

For additional information, please check out <https://statesuniteddemocracy.org/legal/dcvproudboys-legal/>