

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :
 :
 : **No. 1:21-cr-175-3 (TJK)**
 v. :
 :
 :
 ZACHARY REHL, :
 :
 :
 Defendant. :

**GOVERNMENT’S SUPPLEMENT IN SUPPORT OF ITS OPPOSITION TO
DEFENDANT’S MOTION TO REOPEN DETENTION HEARING**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby submits this supplement in support of its opposition to defendant’s motion to reopen the detention hearing. At a hearing on the defendant’s motion on October 7, 2022, the government intended to proffer text messages between defendant and his wife. When the defendant raised a potential objection, the Court directed the government to file any supplement by Wednesday, October 12, 2022, after seeing whether the parties could resolve any objections. The government and defense conferred but were unable to agree on whether any privilege that may have surrounded text messages sent from Zach to Amanda Rehl has been waived. Although the government does not agree with the defense’s position, the government is not submitting those text messages at this juncture. Rather, the government submits herewith five additional exhibits that address issues raised by defense counsel during the hearing.

During the hearing, defense counsel argued that Rehl (1) is non-violent and did not encourage violence, (2) has an affinity for police as the result of his father and grandfather’s prior service as law enforcement, and (3) neither took nor encouraged violent action at the Capitol on

January 6. These arguments are contradicted by the evidence adduced at prior hearings, as well as the evidence attached hereto.

Exhibit 1 is a text message sent by defendant Rehl to his mother from January 7, 2021, stating, “When people started relinquishing control of the capital to the pigs, I kinda just rolled out with my friends. I’m not driving btw.” This message—referring to the U.S. Capitol Police Officers and those who assisted them on January 6th as “pigs”—rebutts the claim made by Rehl at the hearing that as the son and grandson of police officers, he harbors no ill will towards police.

The government is also submitting four video exhibits for consideration: Exhibit 2 is a video, taken by Zachary Rehl at 12:54 p.m., showing the breach of the police barriers near the Peace Monument as the initial wave of rioters overwhelmed the handful of officers assigned to guard the walkway. At approximately the 0:15 time stamp on the video, Rehl (as the videographer) can be seen moving toward the violent confrontation and exclaiming, “Fuck them! Storm the Capitol!” Were there any doubt whether Mr. Rehl was simply “caught up in the moment,” later that evening, at 12:08 a.m. on January 7, 2021, Rehl posted a copy of this same video to his Parler account, shortly after posting, “Some dumbass thinks that today wasn’t a historical day. Shut up child. Maybe you will learn to take a history class, otherwise stfu. Seriously, stop being an idiot.” After the video, Rehl’s caption states, “It all started over a ‘USA’ chant. I love this country. The silent majority is no longer silent.” Exhibit 2 shows Rehl’s participation in the conspiracy and his disdain for the police who guarded the Capitol on January 6, 2021. Not only does he scream “Fuck them! Storm the Capitol!” as those police were being attacked, the video demonstrates how close

Rehl was to the violence, which makes his decision to push forward as an on-the-ground leader much more egregious.¹

Exhibit 3 is a video, taken by co-conspirator Joseph Biggs shortly after Biggs and Nordean combined to destroy a metal fence, during which Biggs advised those around him to cover their faces because “they’re getting pictures,” and Rehl replied, “fuck, it’s too late for that bud. Fuck it,” before pulling a neck gaiter over his face. This video, taken by Biggs on the West Plaza, shows (among other things) his and his co-defendant’s consciousness of guilt—noting that “it’s too late for” effectively concealing their identities—and provides a voice exemplar for comparison to Rehl’s voice in Exhibit 2.

Rehl’s encouragement of violence was not confined to January 6. Exhibit 4 and 5 are videos posted by Rehl to his Parler account on November 14, 2020, the day of the first large post-election rally attended by Proud Boys in D.C. following the election. The caption he posted below Exhibit 4 reads, “Video before the Antifa woman was knocked out last night, she clearly had a knife, clearly was threatening to use it, and clearly swiped it at someone trying to de-escalate the situation. She got what she deserved!”² Exhibit 5, which was also posted on November 14, had no caption, but is compilation of violent confrontations that occurred at points during that rally, and Rehl posted it approvingly. Both videos show that in the lead-up to January 6, 2021, the defendant celebrated and endorsed violent confrontations by the Proud Boys.

¹ Exhibit 2a is a clip of solely the defendant’s audio, repeated five times, for the Court’s convenience.

² As the Court can see, the video in fact shows that the woman, who was not the aggressor, being punched in the head from behind and then falling to the ground, seemingly unable to get up.

Rehl was selected by Tarrío to be an organizational leader of the Ministry of Self Defense for a reason. Rehl's conduct leading up to and on January 6 prove that Tarrío selected wisely.

Conclusion

The government asks that the Court consider the attached messages and videos as it decides whether to reopen the detention hearing.

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