

Judicial Bias

The Unacknowledged Disadvantage for January 6th Defendants in the District of Columbia

By Shawn Bradley Witzemann - Condemned USA

According to the Code of Conduct for United States Judges¹, “An independent and honorable judiciary is indispensable to justice in our society.” In furtherance of this noble pursuit, Canon 2 demands that “A Judge Should Avoid Impropriety and the Appearance of Impropriety in all Activities.”

In the cavalcade of politicized cases, being prosecuted by a weaponized Department of Justice, a majority of Judges in the District of Columbia seem to have forgotten this Code. Instead of avoiding any appearance of impropriety or bias, many have labeled ALL defendants as insurrectionists or terrorists — casting long shadows of doubt that they can receive a fair trial in Washington, D.C.

THE OBVIOUS DISADVANTAGE

¹ <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>

28 U.S. Code § 144² states:

***“Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.*”**

Although the question of Judicial Bias has been raised repeatedly within the small sphere of January 6th defendants, no meaningful efforts to address the issue have so-far been made. Many defense attorneys have shied away from this idea — repeatedly expressing their concerns with potentially insulting or angering the judges. Consequently, much of the focus has been centered on the makeup of the D.C. jury pool, while not giving nearly enough attention to the problem of political and/or ideological bias that exists within the Judiciary itself.

The Code of Conduct for United States Judges³, Commentary on Canon 2, Section A, explains:

“An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge’s honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired.”

A reasonable mind would consider the statistically based analysis⁴ of the prevailing political ideology within the District of Columbia as it relates to inherent bias against January 6th defendants.

Armed with the data, it’s objectively reasonable to consider the idea that the judges themselves are influenced to the point of prejudicial bias, through their own susceptibility to the well-documented group-think that exists within the “Beltway Bubble”.

² <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>

³ <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>

⁴ <https://condemnedusa.org/?p=4975>

Canon 2, Section B, explains:

“A judge should not allow family, social, political, financial, or other relationships to influence judicial conduct or judgment”.

In apparent defiance of this section of the Canon, a majority of D.C. judges have flagrantly exposed their bias.

Canon 3, Section A, Subsection 6 states:

“The prohibition on public comment on the merits does not extend to public statements made in the course of the judge’s official duties, to explanations of court procedures, or to scholarly presentations made for purposes of legal education.”

Allowing for leeway in regards to “public statements made in the course of the judge’s official duties” does not absolve a “reasonable mind” from recognizing the irreversible impact these statements have had.

The unprecedented number of cases being overseen by such a relatively small number of judges has only increased the number of opportunities for improprieties to appear.

Throughout the last two years, many hundreds of January 6th defendants have been repeatedly denigrated by a majority of D.C. judges. They’ve been slandered and defamed as insurrectionists and terrorists — all while being expected to somehow atone for “thought crimes” that are well within the bounds of their First Amendment rights. They’ve been punished for reasonable opinions on the validity of the 2020 election, ridiculed for not taking the Covid “vaccine”, and openly mocked for not aligning their ideology and/or political leanings with the standards set forth and all but codified into law by the District of Columbia judiciary.

THE RECORD

CHIEF DISTRICT JUDGE

JUDGE BERYL HOWELL

“Beryl Howell asked⁵ during a sentencing hearing whether misdemeanor charges recommended by prosecutors were appropriate for ‘the crime of the century.’”

“Beryl Howell, the chief judge of the federal court in Washington deluged with more than 550 prosecutions from the Capitol riot, raised questions about why some defendants were being permitted to resolve their criminal cases by pleading guilty to a misdemeanor and why the amount of money prosecutors are seeking to recover through those plea deals was based on a relatively paltry estimate of about \$1.5 million in damages caused by the rioters.”⁶

“Howell is in an influential position, and her rulings and her bully pulpit could have an impact on other judges⁷. She excoriated the rioters early on, and has repeatedly pressed prosecutors on their approach to the cases, including the plea deals.”⁸

⁵ <https://www.wusa9.com/article/news/national/capitol-riots/resolving-the-crime-of-the-century-with-misdemeanors-judge-skewers-doj-at-january-6-sentencing-beryl-howell-jack-griffith-anna-morgan-lloyd/65-352274e8-7279-4792-a878-cf4cb0cc20ae>

⁶ <https://www.politico.com/news/2021/08/09/judge-feds-lenient-jan-6-503052>

⁷ <https://www.cnn.com/2021/08/13/politics/judges-riot-court-describe-january-6-chilling-disgrace-tyranny/index.html>

⁸ <https://www.cnn.com/2021/10/28/politics/dc-federal-judge-january-6-cases/index.html>

SENIOR DISTRICT JUDGES

JUDGE THOMAS F. HOGAN (Retired)

“There’s no question in my mind that you joined a group that attempted to overthrow the government,” Hogan said. “Jan. 6 was an insurrection that was probably the worst thing that’s happened in our democratic way of life in our history except perhaps the War of 1812.”⁹

“Judge Thomas Hogan, a Reagan appointee, said,¹⁰ ‘It’s become evident to me that many of the defendants pleading guilty do not truly accept responsibility.’”¹¹

“After going through the building and finally being forced out essentially by the police, you went back to your hotel room and then said Trump should invoke the Insurrection Act and take over the country by force and the army,” Hogan said. “That comes close to sedition.”¹²

“During a sentencing hearing for Kenneth Reda on Wednesday, Senior U.S. District Judge Thomas Hogan said the psychology of the Donald Trump supporters who overran police and stormed the Capitol on Jan. 6 reminded him of ‘lynchings hundreds of years ago.’

Hogan also criticized efforts to minimize the damage done that day, specifically calling out the ‘narrative by some people, and by some legislators, that it was a picnic and nothing serious was going on’ except for a couple of violent agitators.”¹³

⁹ <https://www.mcall.com/news/mc-nws-luzerne-county-woman-jan-6-sentencing-20220302-6v7wx36g6nh3fijid7ie4i5o64-story.html>

¹⁰ <https://www.newsweek.com/january-6-defendants-dont-seem-truly-accepting-responsibility-federal-judge-says-1637230>

¹¹ <https://www.lawfareblog.com/dc-district-court-and-jan-6-cases>

¹² <https://stlrecord.com/stories/638747958-local-jan-6er-sentenced-to-7-days-of-imprisonment-for-illegally-entering-the-u-s-capitol>

¹³ <https://lawandcrime.com/u-s-capitol-breach/federal-judge-compares-jan-6-riot-to-lynch-mob-they-regret-it-afterwards-but-they-joined-in-it/>

JUDGE ROYCE C. LAMBERTH

“ ‘Some of these defendants are not going to do what you did. They're not going to say they did anything wrong. They, to this day, would still participate in the demonstration,’ Lamberth said. ‘... I don't want to create the impression that probation is the automatic outcome here, because it's not going to be.’

Still, the judge said what happened on January 6 was ‘a serious crime’ and a ‘disgrace’ to the country. He praised the media for its coverage of the assault and pointed out that ‘much of the public remains outraged at what occurred.’

‘This wasn't a peaceful demonstration... it wasn't an accident that it turned violent,’ he said.”¹⁴

“Lamberth didn't offer a lengthy explanation for his decision, as some judges have done in these cases, pausing only for a few seconds after the lawyers finished arguing before announcing the sentence. But he said earlier in the hearing that even people like Scavo who weren't charged with violence were responsible for making up the mob that brought the government to a ‘screeching halt.’”¹⁵

“Judge Royce Lamberth, a Reagan appointee, sentenced¹⁶ a defendant who had chartered buses of Capitol rioters to 60 days in jail and a \$5,000 fine, even though prosecutors had asked for 14 days and no fine.”¹⁷

JUDGE PAUL L. FRIEDMAN

“Unlike the other two branches of government, the courts are charged with making decisions grounded in facts, never on alternative facts,”¹⁸

¹⁴ <https://www.cnn.com/2021/06/23/politics/capitol-rioter-sentenced/index.html>

¹⁵ <https://www.buzzfeednews.com/article/zoetillman/judge-capitol-rioter-sentence>

¹⁶ <https://www.politico.com/news/2021/11/22/jan-6-rioter-misdemeanor-sentence-523181>

¹⁷ <https://www.lawfareblog.com/dc-district-court-and-jan-6-cases>

¹⁸ <https://lawandcrime.com/high-profile/the-judiciary-strikes-back-federal-judge-shreds-trump-barbs-says-courts-dont-make-decisions-on-alternative-facts/>

JUDGE EMMET G. SULLIVAN

“‘So many people, up until Jan. 6, were outstanding members of the community, never been in trouble ... but on Jan. 6, they morphed into, they morphed into terrorists,’ Sullivan said.

Judge Sullivan referred to the ‘the domestic terrorist events’ of Jan. 6. and referenced former President George W. Bush’s comments about the threat of ‘violent extremists at home’¹⁹ during an event marking the 20th anniversary of the Sept. 11 attacks.

‘That’s a pretty scary statement for any former United States president to say,’ Sullivan said. ‘I agree with him.’”²⁰

“Judge Emmet Sullivan, an appointee of former President Bill Clinton, lamented last week that during the events of Jan. 6, a number of ordinary, law-abiding Americans ‘morphed into terrorists.’”²¹

JUDGE REGGIE B. WALTON

“‘It makes for a very difficult situation because I’m not unsympathetic to people being radicalized to engage in abhorrent behavior. We saw it happen in Nazi Germany — a very educated, intelligent population was able to be swayed to engage in the atrocities that took place in Germany based upon a demagogue,’ Walton said.

‘I think our democracy is in trouble because, unfortunately, we have charlatans like our former president, who doesn’t, in my view, really care about democracy but only about power,’ Walton said. ‘And as a result of that, it’s tearing this country apart.’”²²

¹⁹ <https://www.reuters.com/world/us/george-w-bush-calls-out-threat-domestic-terrorism-911-anniversary-2021-09-11/>

²⁰ https://www.huffpost.com/entry/dawn-bancroft-capitol-attack-trump_n_61537341e4b075408bcfc39e

²¹ <https://www.politico.com/news/2021/10/04/black-lives-matter-comparison-roils-court-in-jan-6-cases-515086>

²² <https://www.businessinsider.com/judge-compares-trump-election-false-claims-stolen-nazi-germany-capitol-2022-11>

“Judge Reggie Walton, a George W. Bush appointee, scolded ²³another: ‘You’ve disgraced this country in the eyes of the world and I find it outrageous that American citizens would act as you did. My inclination would be to lock you up, but since the government isn’t asking me to do it ... I won’t.’

‘I know that these types of comments have an impact As judges, we’re getting all kinds of threats and hostile phone calls when we have these cases before us, because there are unfortunately other people out there who buy in on this proposition, even though there was no proof, that somehow the election was fraudulent.’”²⁴

“Walton described the pro-Trump violence targeting the federal government on January 6 as an ‘insurgency.’”²⁵

JUDGE JOHN D. BATES

“U.S. District Court Judge John Bates cited the select committee’s report and criminal referrals to swat down a Jan. 6 defendant’s claim that he believed Trump had authorized him and other rioters to enter the Capitol when he urged the crowd to march down Pennsylvania Avenue. A federal judge indicated Wednesday that then-President Donald Trump's remarks on Jan. 6, 2021, telling a crowd to ‘fight like hell’ before the Capitol attack could have signaled to his supporters that he wanted them ‘to do something more’ than just protest.”²⁶

“‘It was a travesty in American history, a shocking attack on our democratic values and institutions,’ the judge said. ‘All who participated in that insurrection, I think it can be called, must be held responsible.’”²⁷

²³ <https://www.cnn.com/2021/09/24/politics/judge-says-capitol-rioter-disgraced-this-country/index.html>

²⁴ <https://www.lawfareblog.com/dc-district-court-and-jan-6-cases>

²⁵ <https://www.newsweek.com/gop-appointed-judge-says-trump-doesnt-care-about-democracy-only-power-1698228>

²⁶ <https://www.politico.com/news/2022/12/28/jan-6-committee-trump-rally-00075696>

²⁷ <https://apnews.com/article/capitol-siege-prisons-congress-government-and-politics-e92224f875d2003ab4f290f0c4e06ead>

JUDGE RICHARD J. LEON

As of this moment, Judge Leon is not known to have been assigned to, or preside over a January 6th case. There is nothing in his known record of public statements that would lead us to believe that he has shown prejudicial bias in the matter of January 6th prosecutions.

DISTRICT JUDGES

JUDGE COLLEEN KOLLAR-KOTELLY

“Kollar-Kotelly repeatedly described Caldwell as an ‘insurrectionist’... ‘You’re entitled to your political views but not to an insurrection,’ the judge said. ‘You were an insurrectionist.’²⁸

“‘There was a group of people who knew the election wasn't stolen, yet rioted to install 'their preferred candidate.’ She also drew parallels between the Jan. 6 attack and the reaction after the presidential election of 1860, referring to the attack as ‘bloody.’ She drew comparisons to ‘Chavez's Venezuela, Pinochet's Chile and Argentina's Dirty War’ in describing the ongoing threat to U.S. democracy.”²⁹

“Kollar-Kotelly's words echo rhetoric in the House Jan. 6 select committee's final report, which alleges that Trump engaged in a ‘[multi-part conspiracy](#)’³⁰ to overturn the lawful results of the 2020 Presidential election.”³¹

“In November, Kollar-Kotelly compared the Jan. 6 insurrection to the discord that led up to the Civil War.”³²

²⁸ <https://www.politico.com/news/2023/02/01/jan-6-defendant-sentenced-00080732>

²⁹ <https://www.cbsnews.com/news/judge-warns-of-threat-to-democracy-and-lawlessness-in-one-of-the-final-jan-6-sentencing-hearings-before-election-day/>

³⁰ <https://www.axios.com/2022/12/23/january-6-committee-final-report>

³¹ <https://www.axios.com/2023/01/18/jan6-capitol-riot-trump-instructions>

³² <https://www.gpb.org/news/2023/01/06/federal-case-against-savannah-man-charged-in-jan-6-insurrection-on-track-proceed>

JUDGE JAMES E. BOASBERG

“One difficulty, Boasberg told students, is that the January 6th trials are operating in an area with ‘a lot of law still to be made.’ Matching the defendants’ alleged crimes to statutes is one challenge; as Judge Boasberg pointed out, ‘there were no statutes that were written that said, ‘it is a criminal offense to storm the capital and interfere with the counting of certification of the electoral college after the presidential election’ ... No one could fathom something like this.’”³³

“You attempted, with others, to undermine one of our country's bedrock acts, which is the peaceful transfer of power.”³⁴

“The cornerstone of our democratic republic is the peaceful transfer of power after elections,” the judge told Bennett. “What you and others did on January 6th was nothing less than an attempt to undermine that system of government.”³⁵

JUDGE AMY BERMAN JACKSON

“Wrigley posted a photo on social media of him holding a 1776 flag during the riot. The judge said the gesture didn’t honor the nation’s founders.

‘The point of 1776 was to let the people decide who would rule them. But the point of the attack on the Capitol was to stop that from happening,’ Jackson said. ‘The point of the attack on the Capitol was to subvert democracy, to substitute the will of the people with the will of the mob.’”³⁶

³³ <https://www.law.uchicago.edu/news/law-school-visit-judge-boasberg-discusses-career-paths-january-6-trials-and-politicization>

³⁴ <https://www.wusa9.com/article/news/national/capitol-riots/judge-sentences-ohio-men-to-45-days-in-jail-for-capitol-riot-derek-jancart-erik-rau-january-6-disorderly-conduct/65-67a8d9a4-334e-4864-953b-2a9fc6f0c6a7>

³⁵ <https://why.org/articles/capitol-rioters-social-media-posts-influencing-sentencings/>

³⁶ <https://why.org/articles/capitol-rioters-social-media-posts-influencing-sentencings/>

“Judge Amy Berman Jackson rejected the argument that rioters were ‘patriots,’ ...

‘The heated and inflammatory rhetoric that brought the defendant to the district has not subsided. The lie that the election was stolen and illegitimate is still being perpetrated. Indeed, it is being amplified, not only on social media but on mainstream news outlets. And worse, it has become heresy for a member of the former president’s party to say otherwise,’ Jackson said from her Washington, D.C., courtroom.

‘It needs to be crystal clear that it is not patriotism, it is not standing up for America, and it is not justified to descend on the nation’s capital at the direction of a disappointed candidate and threaten members of the other party,’ she said prior to imposing the sentence.’³⁷

JUDGE RUDOLPH CONTRERAS

As of this moment, Judge Contreras is not known to have made any public statements that would lead us to believe that he has shown prejudicial bias in the matter of January 6th prosecutions.

JUDGE CHRISTOPHER R. COOPER

“Judge Christopher Cooper told a defendant who had tweeted that she was ‘definitely not going to jail’ because she had ‘blonde hair white skin’ that her sentence needed to demonstrate that the Capitol siege was ‘an assault on our democracy...and that it should never happen again.’”³⁸

JUDGE TANYA S. CHUTKAN

“‘When Ms. Bissey got home, she was not struck with remorse or regret for what she had done,’ Chutkan said. ‘She is celebrating and bragging about her participation in what amounted to an attempted overthrow of the government.’”³⁹

³⁷ <https://www.ajc.com/news/jan-6-riot-not-patriotism-judge-says-in-sentencing-ga-man/X2PYATWQDRE5RBBCJZ5NVQ5QZE/>

³⁸ <https://www.lawfareblog.com/dc-district-court-and-jan-6-cases>

³⁹ <https://why.org/articles/capitol-rioters-social-media-posts-influencing-sentencings/>

“‘There have to be consequences for participating in an attempted violent overthrow of the government, beyond sitting at home.’ A judge on Monday ordered Capitol rioter Matthew Mazzocco to spend 45 days in prison, rejecting not only the defense’s argument for probation but also the prosecution’s recommendation that he be sentenced to home confinement instead of time behind bars.”⁴⁰

“‘What happened ... was nothing less than a violent mob trying to prevent the orderly, peaceful transfer of power as part of an election,’ said Chutkan, an appointee of former President Barack Obama. ‘That mob was trying to overthrow the government. ... That is no mere protest.’”⁴¹

“Judge Tanya Chutkan, an Obama appointee and former public defender, has sentenced four rioters to jail despite prosecutors’ recommendations of probation
Judge Chutkan, in imposing sentences of 20 and 14 days in jail on an Ohio couple who had crawled into the Capitol through a broken window, said⁴²: ‘The country is watching. There have to be consequences for participating in the attempted overthrow of the government.’”⁴³

JUDGE RANDOLPH D. MOSS

“‘There are events in our history that get seared into our collective consciousness — traumatic events we experience as a whole — and I think this is one of those that's going to leave a scar,’ Moss said.”⁴⁴

⁴⁰ <https://www.buzzfeednews.com/article/zoetillman/judge-capitol-rioter-prison-harsher-sentence>

⁴¹ <https://www.politico.com/news/2021/10/04/black-lives-matter-comparison-roils-court-in-jan-6-cases-515086>

⁴² https://www.huffpost.com/entry/capitol-attack-sentencing-judge-tanya-chutkan_n_615b1877e4b099230d2645d3

⁴³ <https://www.lawfareblog.com/dc-district-court-and-jan-6-cases>

⁴⁴ <https://www.wusa9.com/article/news/national/capitol-riots/patriot-boys-of-north-texas-militia-founder-sentenced-to-4-years-in-prison-for-assault-with-dangerous-weapon-lucas-denney-donald-hazard-fanone/65-85a82ffa-0343-4e17-b21e-305c0b43b57b>

“Although Mr. Hodgkins was only one member of a larger mob, he actively and intentionally participated in an event that threatened not only the security of the Capitol but democracy itself,” Moss said.”⁴⁵

“The events of that day were horrifying,” Judge Randolph D. Moss said. “This was a stain on (American) history, and Mr. Montalvo participated in that.”⁴⁶

JUDGE AMIT P. MEHTA

“The invocation of the Klan Act suggests that by trying to stop the certification of Joe Biden’s election, Trump and his allies were, in effect, channeling their white supremacist predecessors. They were seeking to nullify the Black vote that had played a critical role in Biden’s victory. That Jan. 6 insurrectionists carried Confederate flags only drives home their intent.”

Mehta framed the almost unimaginable fact that an incumbent president tried to undo the results of an election in light of the well-established principles of civil conspiracy. He did an especially important service to the public and to the Jan. 6 Committee by debunking the popular misunderstanding that to be guilty of conspiracy people need to meet “secretly to hatch a plan to violate the law.”

The kinds of conspiracies that the law prohibits⁴⁷ do not “require such a degree of deliberation, formality and coordination. In fact a civil conspiracy requires only an express or “tacit” agreement to “participate in an unlawful act or a lawful act in an unlawful manner.”

It is enough, the judge wrote that members of the conspiracy “in some way or manner, or through some contrivance ... came to a mutual understanding to try to accomplish a common and unlawful plan.”

The judge detailed the steps that Trump took to “prevent, by force, intimidation or threat” congressional certification of Biden’s election to the presidency. He was clear and direct in laying out the evidence that suggests the plausibility of the plaintiffs’ contention that Trump and his allies “created the conditions that would enable the violence” that happened on Jan. 6.

⁴⁵ <https://www.npr.org/2021/07/19/1017916061/capitol-rioter-who-walked-on-senate-floor-on-jan-6-sentenced-to-8-months-in-pris>

⁴⁶ <https://www.clickorlando.com/news/local/2023/01/13/kissimmee-real-estate-agent-sentenced-to-probation-for-role-in-capitol-attack/>

⁴⁷ <https://www.findlaw.com/criminal/criminal-charges/conspiracy.html>

The president's role was, as Mehta puts it, "multifaceted." His co-conspirators included the Proud Boys, the Oath Keepers and "others who entered the Capitol ... with the intent to disrupt the certification of the Electoral College vote through force, intimidation or threats."

Mehta continued: "This happened in the context of something bigger. It happened in the context of...one of the darkest days in the history of our country," he said. "We simply cannot have a country," he said, "in which people who are on the losing side of an election think you can use violence and physical force to undo that result. We cannot function as a country if people think they can behave violently when they lose an election."⁴⁸

JUDGE TIMOTHY J. KELLY

"It snapped our previously unbroken tradition of peaceful transfer of power. We can't get that back," Kelly said.⁴⁹

Other than his strange misunderstanding of the date and time at which presidential power is transferred⁵⁰, Judge Kelly has so-far seemed to maintain an adequate level of fairness in his public statements regarding the events of January 6th.

JUDGE TREVOR McFADDEN

"I think the U.S. attorney would have more credibility if it was even-handed in its concern about riots and mobs in this city," McFadden said during Danielle Doyle's sentencing for entering the Capitol on Jan. 6 with a throng of other rioters."⁵¹

⁴⁸ <https://thehill.com/opinion/judiciary/595066-judge-in-trump-conspiracy-case-links-jan-6-to-history-of-racist-violence/>

⁴⁹ <https://apnews.com/article/capitol-siege-prisons-riots-timothy-kelly-7ed9626a6ace2e2bf51c6bd70ae9e272>

⁵⁰ <https://www.archives.gov/publications/prologue/2000/winter/inaugurations>

⁵¹ <https://www.staradvertiser.com/2021/10/01/breaking-news/federal-judge-questions-whether-jan-6-rioters-are-treated-unfairly/>

Although he has been applauded by many January 6th Defendants as being the only fair judge in D.C., it should be noted and understood that some others have argued that Judge McFadden has shown excessive deference and/or leniency to January 6th Defendants. It should also be noted that Judge McFadden has provided the only full acquittal⁵² in the entirety of January 6th cases.

JUDGE DABNEY L. FRIEDRICH

“Judge Friedrich called their behavior the ‘antithesis of patriotism.’ ‘Not only are they not patriots, they are a direct threat to our democracy and will be prosecuted as such,’ she said.”⁵³

JUDGE CARL J. NICHOLS

“‘There are obvious differences between those, like Miller, who stormed the Capitol on January 6, 2021, and those who rioted in the streets of Portland in the summer of 2020,’ Nichols wrote in his decision. ‘The Portland rioters’ conduct, while obviously serious, did not target a proceeding prescribed by the Constitution and established to ensure a peaceful transition of power,’ the judge added. ‘Nor did the Portland rioters, unlike those who assailed America’s Capitol in 2021, make it past the buildings’ outer defenses.’”⁵⁴

“Nichols said that because prosecutors had not alleged that Miller took such direct action — rather, the Justice Department says he simply joined the large mob on Jan. 6 — the obstruction charge against him must be dismissed.”⁵⁵

⁵² <https://www.cbsnews.com/news/matthew-martin-january-6-defendant-not-guilty/>

⁵³ <https://www.newamericanjournal.net/2022/08/first-capitol-insurrectionist-to-go-on-trial-sentenced-to-seven-years-in-federal-prison/comment-page-1/#comments>

⁵⁴ <https://www.newsweek.com/trump-appointed-judge-denies-1-6-rioters-charge-that-doj-should-prosecute-blm-protesters-1661942>

⁵⁵ <https://www.politico.com/news/2022/03/07/judge-obstruction-charge-jan-6-defendant-00014843>

Much like Judge Kelly, other than his strange misunderstanding of the date and time at which presidential power is transferred⁵⁶, Judge Nichols has so-far seemed to maintain an adequate level of fairness in his public statements regarding the events of January 6th.

JUDGE JIA M. COBB

As of this moment, Judge Cobb is not known to have made any public statements that would lead us to believe that she has shown prejudicial bias in the matter of January 6th prosecutions.

VISITING JUDGE

JUDGE BARBARA J. ROTHSTEIN

As of this moment, Judge Rothstein is not known to have made any public statements that would lead us to believe that she has shown prejudicial bias in the matter of January 6th prosecutions.

CONCLUSION AND REMEDY

Through painstaking analysis of public statements made by members of the D.C. Judiciary, it is clear that a large majority has failed to adhere to the principles and standard required by U.S. Code and the Code of Conduct for United States Judges.

Out of 22 Judges, only 6 seem to have refrained from making statements that would lead to appearances of impropriety and/or judicial prejudice.

⁵⁶ <https://www.archives.gov/publications/prologue/2000/winter/inaugurations>

According to USA Today, as of January 6, 2023⁵⁷, “more than 950 people have been charged for their roles in the riot, and the Federal Bureau of Investigation continues to seek hundreds more.”

If the number of prosecutions reaches 1500, each judge would be presiding over an average of at least 70 or more cases each.

Should these numbers turn out to be accurate, and judicial bias in D.C. is truly as bad as analysis suggests, over 1,100 Americans will have faced prosecution within an egregiously biased judiciary that never provided the presumption of innocence, required by the U.S. Constitution.

Given what can reasonably be understood as an obvious “appearance of impropriety” any non-partisan assessment can only conclude that the large majority of D.C. judges have thoroughly exposed their biases — consequently placing themselves in the unacceptable situation where their “honesty, integrity, impartiality, temperament, or fitness to serve as a judge” has been irrevocably impaired.

Canon 3, Section C, Subsection 1, provides a simple remedy:
“A judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned.”

⁵⁷ <https://www.usatoday.com/story/news/politics/2023/01/06/how-many-people-charged-jan-6-riot/10965483002/>

