Former Oath Keeper speaks about his journey



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David Moerschel could face a decade in prison for his actions on Jan. 6, 2021 at the U.S. Capitol.

Moerschel tells *The Daily Sun* he thought group would be 'law-abiding'

By **FRANK DIFIORE**
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FBI PHOTO

Punta Gorda resident David Moerschel, center, was arrested in connection with breaching the U.S. Capitol on Jan. 6, 2021. He is now one of several defendants convicted of seditious conspiracy and will be sentenced Friday.

PUNTA GORDA — When David Moerschel first joined the Oath Keepers in 2020, he admired the group's stated goal of upholding the law and the rights of Americans under the U.S. Constitution.

Moerschel himself, a neurophysiologist and a chaplain, said he saw the collection of former law enforcement and military veterans as people who would defend rather than attack.

"You would think they would be law-abiding," Moerschel told *The Daily Sun* on Monday.

Three months after Moerschel joined the Oath Keepers — sending in an application and a $50 fee — he was added to the group's chat on the Signal messaging app.

By Jan. 4, 2021, David Moerschel finally met two other Oath Keepers in person. They would all travel to Washington D.C. two days later to join up with a larger group, who wound up entering the U.S. Capitol hours after the first intruders were reported.

Moerschel, 45, was among several defendants later charged with seditious conspiracy and other

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FROM PAGE 1A

charges related to the Jan. 6 Capitol riot, as prosecutors alleged that he was part of a scheme by the Oath Keepers to derail the certification of the 2020 Presidential election and allow Donald Trump to remain as President.

Despite being convicted on some of those charges earlier this year, Moerschel continues to profess his innocence.

He said he never heard of plans to enter the U.S. Capitol or support a coup in the Oath Keepers' group chat, though he cut ties with the organization after Jan. 6.

"They were so disorganized," Moerschel said, citing the three-month delay between his application and him being added to the group chat.

MOERSCHEL: 'HOW DID THAT HAPPEN?'

In another world, Moerschel said he may not even have gotten involved in Jan. 6. He was not sure he would even get the time off from work to travel up to D.C. until the last minute.

The Oath Keepers' involvement on Jan. 6, as he understood it, was not to support Donald Trump or any other candidate — instead, the group was supposedly there to provide security for those attending.

Moerschel himself was asked to come as a medic and a crisis chaplain to support the group's operation. He said he had done similar work in the aftermath of Hurricane Katrina back in 2005.

He recalled being told by senior Oath Keepers, like Florida chapter head Kelly Meggs, that they would be working with the Secret Service and providing security for members of Congress.

"The wheels fell off almost immediately," Moerschel said.

The group spent two hours waiting to be allowed into the pro-Trump "Stop the Steal" rally, before being brought to the VIP section rather than working security. Then they were asked to escort protest organizer Ali Alexander to a second protest location – only for him to blow them off.

Sometime in the afternoon, Moerschel remembered hearing people were breaching the U.S. Capitol during the election certification.

"How did that happen?" Moerschel said, recalling what he thought to himself at the time. "This is the most secure building in the world."

Soon after, the group's members received an order from Meggs. He said a medic station near the Capitol had been overrun and help was needed.

Moerschel said he deferred to the former law enforcement and veterans in the group, and prepared his medical kit to offer aid.

At that point, his group walked to the Capitol and entered through a damaged doorway where the medic supposedly was. He claimed to see no violent acts as his group entered the building nor barriers placed to prevent entry.

After about 11 minutes, Moerschel said something did not seem right about the way Meggs and the rest of the group were acting. He left the Capitol behind and returned to his D.C. hotel. By the next day, he had cut ties with the Oath Keepers.

TRYING THE CASE

While he may have left the Oath Keepers, Moerschel found himself tied to the events of that day. By May 2021, he received word that he was being investigated – he had already seen news about other members being arrested.

Moerschel retained attorney Scott Weinberg, of Suarez, Rios, & Weinberg, P.A., and remained in contact with federal authorities. Weinberg would eventually hand over gear and weapons Moerschel had as part of an investigation and a show of good faith.

Weinberg shared his client's views of the Oath Keepers' disorganization and lack of seriousness on Monday. He noted one Signal messaging exchange where Oath Keepers mentioned "intel on lunch."

"These guys text like idiots playing 'Call of Duty,'" Weinberg said.

As the investigation went on, Moerschel learned that he would not only be charged with trespassing and obstructing Congress — he would also be one of the defendants facing charges of conspiracy to commit sedition against the United States.

Weinberg focused his case on two planks: First, that Moerschel was a low-level member who was kept out of the loop by the likes of group leaders like Meggs. And second, that the Oath Keepers leadership themselves were so unserious that their play-acting on Signal could not represent a genuine attempt to overthrow the government.

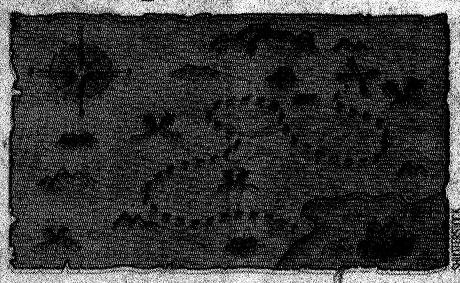
Moerschel himself stressed that the election certification had already been stopped by the time the Oath Keepers entered the Capitol, with Vice President Mike Pence and House Speaker Nancy Pelosi escorted out of chambers as rioters entered the building.

In his mind, they had no impact on stalling the vote that had already stalled — especially him, who left minutes after entering rather than stay and drag out the occupation.

Weinberg spent weeks combing through messages on Signal and video of the Oath Keepers at the Capitol, trying to parse relevant evidence from the tetrabytes of data that federal prosecutors provided to him in discovery.

Connor Martin, Weinberg's co-counsel, noted Moerschel's part of the trial largely rested on the Signal messages he either wrote or could reasonably have seen.

One person's trash is another person's treasure



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"This case was largely focused on what was the intent of the people who had gone to D.C.," Martin said.

Moerschel and his attorneys also had the culture shock between Southwest Florida and Washington D.C. to navigate. The jury in the largely Democratic district was empowered to decide the culpability of a group of Oath Keepers portrayed as loyal to the outgoing, unpopular Republican President.

Many prospective jurors had also endured a curfew that was enacted in response to the events at the Capitol building that day.

"A lot of attorneys in D.C. didn't want to take this case," Weinberg said.

Despite the odds, Weinberg said he and Martin were able to make some good impressions.

At one point, Weinberg said prosecutors attempted to use Moerschel's messages in a discussion about guns — including him saying his favorite pistol had "extra stopping power" and his ownership of an AR-style rifle — to portray him as ready to enact violence on Jan. 6.

Weinberg was able to use his own knowledge of firearms to frame those statements as ones made by an aficionado comparing different models; during cross-examination, he even got an FBI agent to admit that he also had a AR-15 for legal, recreational use.

'WHEN CRISIS COMES, YOU NEED PEOPLE'

Moerschel was ultimately convicted on most of the counts brought against him, though he was acquitted on charges of tampering with documents or proceedings and destroying government property.

On June 2, he was given a prison sentence of three years — the shortest of any Oath Keeper defendant.

As of Tuesday, Moerschel is still under house arrest. He was fired from his medical job after he was charged in connection with Jan. 6; since then, he has transitioned to contractor work and odd jobs to support his wife and their children.

Despite the "social fallout" that accompanied his prosecution — both he and Weinberg have said that they received "hate mail" connected to media coverage of the case — Moerschel said that his family have been helped by aid and prayers from local churches.

Moerschel also thanked Weinberg and his firm for helping him through the investigation and subsequent trial, remarking that they probably could have talked him out of going in the first place if he knew them at the time.

"When crisis comes, you need people," Moerschel said.

Weinberg maintains that the lion's share of blame for the Oath Keepers lay with national leader Elmer Stewart Rhodes III, who he said egged on other members of the group to keep money flowing into the group, and Meggs, who himself made the decision to enter the Capitol and misled members like Moerschel.

It is currently unclear when exactly Moerschel will have to report to prison to start his three-year sentence. As of June 16, he has filed to appeal his conviction to the District of Columbia Court of Appeals, which will be handled by a different attorney.

When asked what the future three years hold for him, Moerschel said he and his family will put their faith in God.

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