

Posted 2/14/25

WHO'S UNDER THE GUN? *THE FBI, THAT'S WHOM*

Going after the FBI for going after the Capitol rioters



For Police Issues by Julius (Jay) Wachtel. “[Be there, will be wild!](#)” President Trump’s Dec. 19, 2020 tweet invited supporters to meet with him on January 6th. to protest a Joint Session of Congress that was scheduled to affirm Joe Biden’s electoral victory.

Their gathering took place at “The Ellipse,” a 52-acre park located south of the White House and about two miles from the Capitol. Trump’s hour-long address ended about one p.m. Throughout, [his message seemed unmistakable](#):

We will stop the steal. Today I will lay out just some of the evidence proving that we won this election and we won it by a landslide. This was not a close election...And after this...we're going to walk down to the Capitol, and we're going to cheer on our brave senators and congressmen and women, and we're probably not going to be cheering so much for some of them. Because you'll never take back our country with weakness. You have to show strength and you have to be strong. We have come to demand that Congress do the right thing and only count the electors who have been lawfully slated...I know that everyone here will soon be marching over to the Capitol building to peacefully and patriotically make your voices heard...

Our images form a timeline of that fraught day. They were clipped from four videos of the Capitol assault. (For links to the full videos see below. Click [here](#) for our edited compilation.)

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- A crowd assembled by 9:00 am. Note that “Save America March” banner. By then, many protesters were already on a trek to the Capitol:



- Well before Trump’s speech came to an end, the massive rush was on:



- Members of Congress began taking their seats about one p.m. Proud Boys soon fought their way past Capitol police and broke in through a window:



- The session got underway shortly after two p.m. By then rioters had overwhelmed the Capitol’s defenders and were streaming in:



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- Rioters soon burst into the Speaker's office:



- Officials abruptly ended the session shortly before 3 pm. Members of Congress scrambled for their lives:



- President Trump was kept informed throughout. About four p.m. [he urged the rioters to set aside their hurt](#) over the election's theft and be peaceful:



“We had an election that was stolen from us. It was a landslide election and everyone knows it, especially the other side. But you have to go home now, we have to have peace...we have to respect our great people in law and order...There's never been a time like this, where such a thing happens, where they could take it away from all of us: from me, from you, from our country...”

Had his “landslide” re-election been officially recognized, there would have been no reason for this post. But not even V.P. Mike Pence was willing to endorse Trump's lament. In due course, the new, lawfully elected President's legal team moved in. [According to the Justice Department](#), 944 rioters were ultimately convicted of a Federal offense. Of these, 562 received prison terms and 172 got home detention. Those numbers are accurate as of August 6th, 2024, when DOJ posted its tally. (At this writing that page is still there. If not, click [here](#).)

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According to [NBC News](#), the Capitol riot led to “the largest FBI investigation ever, with criminal charges against more than 1,500 people and criminal convictions against more than 1,100 defendants.” A few days after newly-elected President Trump carried through on his promise to pardon the rioters, [DOJ’s official list](#) of those convicted for the assault was taken down. But *Wikipedia* preserved it for posterity (click [here](#).)

Here’s an outtake from [President Trump’s January 20, 2025 proclamation](#) that granted the pardons:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA A PROCLAMATION

This proclamation ends a grave national injustice that has been perpetrated upon the American people over the last four years and begins a process of national reconciliation...Acting pursuant to the grant of authority in Article II, Section 2, of the Constitution of the United States, I do hereby:

(a) commute the sentences of the following individuals convicted of offenses related to events that occurred at or near the United States Capitol on January 6, 2021, to time served as of January 20, 2025 [fourteen names listed]...

(b) grant a full, complete and unconditional pardon to all other individuals convicted of offenses related to events that occurred at or near the United States Capitol on January 6, 2021...

I further direct the Attorney General to pursue dismissal with prejudice to the government of all pending indictments...

What’s missing? Any mention of the consequences for the Capitol’s defenders. [More than 140 police officers were reportedly injured](#). Three died during the following days: Capitol Officer Brian D. Sicknick, from a stroke, and Capitol police officer Howard S. Liebengood and D.C. police officer Jeffrey Smith, by suicide. Two rioters were killed during the attack, including a woman who was shot by a police officer when she climbed over an interior partition.

So who *didn’t* President Trump pardon? The FBI. Its lead role in investigating the affair clearly stuck in his craw. So much so, that on the day he forgave the rioters the new Prez issued an executive order entitled “[Ending the Weaponization of the Federal](#)



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[Government](#).” His fiery screed complained that the previous Administration “ruthlessly prosecuted more than 1,500 individuals associated with January 6” but “simultaneously dropped nearly all cases against BLM rioters.” [He was referring, of course](#), to the George Floyd-inspired protests by Black Lives Matter. A thorough housecleaning was clearly in order:



...The Attorney General, in consultation with the heads of all departments and agencies of the United States, shall take appropriate action to review the activities of all departments and agencies exercising civil or criminal enforcement authority of the United States, including, but not limited to, the Department of Justice, the Securities and Exchange Commission, and the Federal Trade Commission, over the last 4 years and identify any instances where a department’s or agency’s conduct appears to have been contrary to the purposes and policies of this order, and prepare a report to be submitted to the President...with recommendations for appropriate remedial actions to be taken to fulfill the purposes and policies of this order.

President Trump’s inclinations led to [the resignation of FBI Director Christopher Wray](#), who wished “to not thrust the FBI deeper into the fray.” He was promptly replaced by respected, long-standing agent Brian Driscoll. His first order of business was hardly uplifting. Citing that “weaponization,” newly-installed acting Deputy Attorney General Emil Bove ordered him [to identify all current and former FBI agents](#) who helped investigate the Capitol assault “to determine whether any additional personnel actions are necessary.” What’s more, these agents (they’re supposedly in the “thousands”) [would have to complete questionnaires](#) about their involvement in the case.

These moves led several FBI agents and the agent’s guild to sue their masters. [One of these actions](#), which was filed by nine unnamed agents, claims that the inquiries were unlawful, violated their privacy rights, and placed them and their families at personal risk. In short time the Government [promised to keep agent names under wraps](#), so for now that aspect of the dispute seems resolved. But President Trump, whom was himself an FBI target, warns that agent firings remain very much in the offing:

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I got to know a lot about that business, that world. I got to know a lot about that world, and we had some corrupt agents, and those people are gone, or they will be gone, and it will be done quickly and very surgically.

It's not just "ordinary" agents who are under the gun. [A memo recently issued](#) by Deputy A.G. Bove accuses top FBI officials (including its new boss) of "insubordination" for resisting his attempts "to identify the core team" of agents who went after the Capitol rioters. Still, that despicable "core" aside, he insists that agents "who simply followed orders and carried out their duties in an ethical manner" would not be penalized.

It's not just the FBI. [DOJ fired](#) the handful of career Federal prosecutors who produced the now-dismissed indictments charging President Trump with hoarding classified documents and trying to undermine the results of the 2020 election. [According to Politico](#), many supposedly "non-career" hires were also let go. Including them would increase the count of those let go to the "dozens."



And it's not just the FBI and DOJ. ATF, where [your blogger](#) served as an agent and street-level supervisor, was slapped with an [Executive Order](#) that suggests its regulations, which have tightened dealer oversight and banned pistol braces and ghost guns, "may have impinged on the Second Amendment rights of law-abiding citizens."

Still, did former President Biden's administration overreact to the Capitol assault? According to Ed Martin, Trump's newly-appointed U.S. Attorney for D.C., [the answer is a resounding "yes!"](#). His predecessor [charged 350 rioters](#) with violating [18 USC 1512\(c\)\(2\)](#), obstructing an official proceeding. Fifty-two were convicted, and 27 were imprisoned. But the Supreme Court [has since ruled](#) that the statute only applies to interfering with the use of records and such. Calling its application "a great failure of our office," Mr. Martin opened an internal investigation. Not-so-incidentally, he's also "ruled" that District Judge Amit P. Mehta [was wrong to bar](#) the fourteen rioters (eight were *Oath Keepers*) whose prison terms President Trump commuted from the Capital city. And the Eleventh Circuit has agreed that they can indeed come and go as they please. So there!

What do *we* think? Grab another look at our [video](#). Did President Trump's words threaten democracy? And what about those rioters? What if they had succeeded? What does absolving them imply? Six-plus decades ago your writer's parents dragged him away from Argentina and its implacable [Peronistas](#). Might America be at risk of going down a like, authoritarian track?