

Attorney General Merrick B. Garland Delivers Remarks on the First Anniversary of the Attack on the Capitol

Remarks as Delivered

Good afternoon.

It's nice to see some of you here in the Great Hall. And to be able to connect with all of you virtually today.

On my first day as Attorney General, I spoke with all of you — the more than 115,000 employees of the Department of Justice — for the first time.

Today, I have brought us all together again, for two reasons.

First and foremost, to thank you. Thank you for the work you have done, not just over the last 10 months, but over the past several years. Work that you have done in the face of unprecedented challenges — ranging from an unprecedented deadly pandemic to an unprecedented attack on our democracy.

Thank you for your service, for your sacrifice, and for your dedication. I am honored to serve alongside you.

And second, as we begin a new year — and as we prepare to mark a solemn anniversary tomorrow — it is a fitting time to reaffirm that we at the Department of Justice will do everything in our power to defend the American people and American democracy.

We will defend our democratic institutions from attack.

We will protect those who serve the public from violence and threats of violence.

We will protect the cornerstone of our democracy: the right to every eligible citizen to cast a vote that counts.

And we will do all of this in a manner that adheres to the rule of law and honors our obligation to protect the civil rights and civil liberties of everyone in this country.

Tomorrow will mark the first anniversary of January 6th, 2021 — the day the United States Capitol was attacked while lawmakers met to affirm the results of a presidential election.

In the early afternoon of January 6th — as the United States Senate and House of Representatives were meeting to certify the vote count of the Electoral College — a large crowd gathered outside the Capitol building.

Shortly after 2 p.m., individuals in the crowd began to force entry into the Capitol, by smashing windows and assaulting U.S. Capitol police, who were stationed there to protect the members of Congress as they took part in one of the most solemn proceedings of our democracy. Others in the crowd encouraged and assisted those who attacked the police.

Over the course of several hours, outnumbered law enforcement officers sustained a barrage of repeated, violent attacks. About 80 Capitol Police and 60 D.C. Metropolitan Police were assaulted.

As our own court filings and thousands of public videos of the event attest,

- Perpetrators punched dozens of law enforcement officers, knocking some officers unconscious.

- Some perpetrators tackled and dragged law enforcement officers. Among the many examples of such violence: One officer was crushed in a door. Another was dragged down a set of stairs, face down, repeatedly tased and beaten, and suffered a heart attack.
- Some perpetrators attacked law enforcement officers with chemical agents that burned their eyes and skin.
- And some assaulted officers with pipes, poles, and other dangerous or deadly weapons.
- Perpetrators also targeted, assaulted, tackled and harassed journalists and destroyed their equipment.

With increasing numbers of individuals having breached the Capitol, members of the Senate and the House of Representatives — including the President of the Senate, Vice President Mike Pence — had to be evacuated.

As a consequence, proceedings in both chambers were disrupted for hours — interfering with a fundamental element of American democracy: the peaceful transfer of power from one administration to the next.

Those involved must be held accountable, and there is no higher priority for us at the Department of Justice.

It is impossible to overstate the heroism of the Capitol Police officers, Washington D.C. Metropolitan Police Department officers, and other law enforcement officers who defended and secured the Capitol that day. They demonstrated to all of us, and to our country, what true courage looks like.

Their resolve, their sacrifice, and their bravery protected thousands of people working inside the Capitol that day.

Five officers who responded selflessly to the attack on January 6th have since lost their lives.

I ask everyone to please join me in a moment of silence in recognition of the service and sacrifice of:

Officer Brian Sicknick.

Officer Howard Liebengood.

Officer Jeffrey Smith.

Officer Gunther Hashida.

And Officer Kyle DeFreytag.

I know I speak for all of us in saying that tomorrow, and in our work in the days ahead, we will not only remember them — we will do everything we can to honor them.

In the aftermath of the attack, the Justice Department began its work on what has become one of the largest, most complex, and most resource-intensive investigations in our history.

Only a small number of perpetrators were arrested in the tumult of January 6th itself. Every day since, we have worked to identify, investigate, and apprehend defendants from across the country. And we have done so at record speed and scale — in the midst of a pandemic during which some grand juries and courtrooms were not able to operate.

Led by the U.S. Attorney's Office for the District of Columbia and the FBI's Washington Field Office, DOJ personnel across the department — in nearly all 56 field offices, in nearly all 94 United States Attorneys' Offices, and in many Main Justice components — have worked countless hours

to investigate the attack. Approximately 70 prosecutors from the District of Columbia and another 70 from other U.S. Attorney's Offices and DOJ divisions have participated in this investigation.

So far, we have issued over 5,000 subpoenas and search warrants, seized approximately 2,000 devices, pored through over 20,000 hours of video footage, and searched through an estimated 15 terabytes of data.

We have received over 300,000 tips from ordinary citizens, who have been our indispensable partners in this effort. The FBI's website continues to post photos of persons in connection with the events of January 6th, and we continue to seek the public's assistance in identifying those individuals.

As of today, we have arrested and charged more than 725 defendants, in nearly all 50 states and the District of Columbia, for their roles in the January 6th attack.

In charging the perpetrators, we have followed well-worn prosecutorial practices.

Those who assaulted officers or damaged the Capitol face greater charges.

Those who conspired with others to obstruct the vote count also face greater charges.

Those who did not undertake such conduct have been charged with lesser offenses — particularly if they accepted their responsibility early and cooperated with the investigation.

In the first months of the investigation, approximately 145 defendants pled guilty to misdemeanors, mostly defendants who did not cause injury or damage. Such pleas reflect the facts of those cases and the defendants' acceptance of responsibility. And they help conserve both judicial and prosecutorial resources, so that attention can properly focus on the more serious perpetrators.

In complex cases, initial charges are often less severe than later charged offenses. This is purposeful, as investigators methodically collect and sift through more evidence.

By now, though, we have charged over 325 defendants with felonies, many for assaulting officers and many for corruptly obstructing or attempting to obstruct an official proceeding. Twenty defendants charged with felonies have already pled guilty.

Approximately 40 defendants have been charged with conspiracy to obstruct a congressional proceeding and/or to obstruct law enforcement. In the months ahead, 17 defendants are already scheduled to go to trial for their role in felony conspiracies.

A necessary consequence of the prosecutorial approach of charging less serious offenses first is that courts impose shorter sentences before they impose longer ones.

In recent weeks, however, as judges have sentenced the first defendants convicted of assaults and related violent conduct against officers, we have seen significant sentences that reflect the seriousness of those offenses — both in terms of the injuries they caused and the serious risk they posed to our democratic institutions.

The actions we have taken thus far will not be our last.

The Justice Department remains committed to holding all January 6th perpetrators, at any level, accountable under law — whether they were present that day or were otherwise criminally responsible for the assault on our democracy. We will follow the facts wherever they lead.

Because January 6th was an unprecedented attack on the seat of our democracy, we understand that there is broad public interest in our investigation. We understand that there are questions about how long the investigation will take, and about what exactly we are doing.

Our answer is, and will continue to be, the same answer we would give with respect to any ongoing investigation: as long as it takes and whatever it takes for justice to be done — consistent with the facts and the law.

I understand that this may not be the answer some are looking for. But we will and we must speak through our work. Anything else jeopardizes the viability of our investigations and the civil liberties of our citizens.

Everyone in this room and on these screens is familiar with the way we conduct investigations, and particularly complex investigations.

We build investigations by laying a foundation. We resolve more straightforward cases first because they provide the evidentiary foundation for more complex cases.

Investigating the more overt crimes generates linkages to less overt ones. Overt actors and the evidence they provide can lead us to others who may also have been involved. And that evidence can serve as the foundation for further investigative leads and techniques.

In circumstances like those of January 6th, a full accounting does not suddenly materialize. To ensure that all those criminally responsible are held accountable, we must collect the evidence.

We follow the physical evidence. We follow the digital evidence. We follow the money.

But most important, we follow the facts — not an agenda or an assumption. The facts tell us where to go next.

Over 40 years ago in the wake of the Watergate scandal, the Justice Department concluded that the best way to ensure the department's independence, integrity, and fair application of our laws — and, therefore, the best way to ensure the health of our democracy — is to have a set of norms to govern our work.

The central norm is that, in our criminal investigations, there cannot be different rules depending on one's political party or affiliation. There cannot be different rules for friends and foes. And there cannot be different rules for the powerful and the powerless.

There is only one rule: we follow the facts and enforce the law in a way that respects the Constitution and protects civil liberties.

We conduct every investigation guided by the same norms. And we adhere to those norms even when, and especially when, the circumstances we face are not normal.

Adhering to the department's long-standing norms is essential to our work in defending our democracy, particularly at a time when we are confronting a rise in violence and unlawful threats of violence in our shared public spaces and directed at those who serve the public.

We have all seen that Americans who serve and interact with the public at every level — many of whom make our democracy work every day — have been unlawfully targeted with threats of violence and actual violence.

Across the country, election officials and election workers; airline flight crews; school personnel; journalists; local elected officials; U.S. Senators and Representatives; and judges, prosecutors, and police officers have been threatened and/or attacked.

These are our fellow citizens — who administer our elections, ensure our safe travel, teach our children, report the news, represent their constituents, and keep our communities safe.

Some have been told that their offices would be bombed. Some have been told that they would be murdered, and precisely how — that they would be hanged; that they would be beheaded.

Police officers, who put their lives on the line every day to serve our communities, have been targeted with extraordinary levels of violence.

Flight crews have been assaulted. Journalists have been targeted. School personnel and their families have been threatened.

A member of Congress was threatened in a gruesome voicemail that asked if she had ever seen what a 50-caliber shell does to a human head. Another member of Congress — an Iraq War veteran and Purple Heart recipient — received threats that left her “terrified for [her] family.”

And in 2020, a federal judge in New Jersey was targeted by someone who had appeared before her in court. That person compiled information about where the judge and her family lived and went to church. That person found the judge’s home, shot and killed her son, and injured her husband.

These acts and threats of violence are not associated with any one set of partisan or ideological views.

But they are permeating so many parts of our national life that they risk becoming normalized and routine if we do not stop them.

That is dangerous for people’s safety. And it is deeply dangerous for our democracy.

In a democracy, people vote, argue, and debate — often vociferously — in order to achieve the policy outcomes they desire. But in a democracy, people must not employ violence or unlawful threats of violence to affect that outcome. Citizens must not be intimidated from exercising their constitutional rights to free expression and association by such unlawful conduct.

The Justice Department will continue to investigate violence and illegal threats of violence, disrupt that violence before it occurs, and hold perpetrators accountable.

We have marshaled the resources of the department to address the rising violence and criminal threats of violence against election workers, against flight crews, against school personnel, against journalists, against members of Congress, and against federal agents, prosecutors, and judges.

In 2021, the department charged more defendants in criminal threat cases than in any year in at least the last five.

As we do this work, we are guided by our commitment to protect civil liberties, including the First Amendment rights of all citizens.

The department has been clear that expressing a political belief or ideology, no matter how vociferously, is not a crime. We do not investigate or prosecute people because of their views.

Peacefully expressing a view or ideology — no matter how extreme — is protected by the First Amendment. But illegally threatening to harm or kill another person is not. There is no First Amendment right to unlawfully threaten to harm or kill someone.

As Justice Scalia noted in *R.A.V. v. City of St. Paul*, true “threats of violence are outside the First Amendment” because laws that punish such threats “protect[] individuals from the fear of violence, from the disruption that fear engenders, and from the possibility that the threatened violence will occur.”

The latter point hits particularly close to home for those of us who have investigated tragedies ranging from the Oklahoma City bombing to the January 6th attack on the Capitol. The time to address threats is when they are made, not after the tragedy has struck.

As employees of the nation's largest law enforcement agency, each of us understands that we have an obligation to protect our citizens from violence and fear of violence. And we will continue to do our part to provide that protection.

But the Justice Department cannot do it alone. The responsibility to bring an end to violence and threats of violence against those who serve the public is one that all Americans share.

Such conduct disrupts the peace of our public spaces and undermines our democracy. We are all Americans. We must protect each other.

The obligation to keep Americans and American democracy safe is part of the historical inheritance of this department. As I have noted several times before, a founding purpose of the Justice Department was to battle violent extremist attacks on our democratic institutions.

In the midst of Reconstruction following the Civil War, the department's first principal task was to secure the civil rights promised by the 13th, 14th and 15th Amendments. This meant protecting Black Americans seeking to exercise their right to vote from acts and threats of violence by white supremacists.

The framers of the Civil War Amendments recognized that access to the ballot is a fundamental aspect of citizenship and self-government. The Voting Rights Act of 1965 sought to make the promise of those amendments real. To do so, it gave the Justice Department valuable tools with which to protect the right to vote.

In recent years, however, the protections of the Voting Rights Act have been drastically weakened.

The Supreme Court's 2013 decision in the *Shelby County* case effectively eliminated the preclearance protections of Section 5, which had been the department's most effective tool for protecting voting rights over the past half-century. Subsequent decisions have substantially narrowed the reach of Section 2 as well.

Since those decisions, there has been a dramatic increase in legislative enactments that make it harder for millions of eligible voters to vote and to elect representatives of their own choosing.

Those enactments range from: practices and procedures that make voting more difficult; to redistricting maps drawn to disadvantage both minorities and citizens of opposing political parties; to abnormal post-election audits that put the integrity of the voting process at risk; to changes in voting administration meant to diminish the authority of locally elected or nonpartisan election administrators.

Some have even suggested permitting state legislators to set aside the choice of the voters themselves.

As I noted in an address to the Civil Rights Division last June, many of those enactments have been justified by unfounded claims of material vote fraud in the 2020 election.

Those claims, which have corroded people's faith in the legitimacy of our elections, have been repeatedly refuted by the law enforcement and intelligence agencies of both the last administration and this one, as well as by every court — federal and state — that has considered them.

The Department of Justice will continue to do all it can to protect voting rights with the enforcement powers we have. It is essential that Congress act to give the department the powers we need to ensure that every eligible voter can cast a vote that counts.

But as with violence and threats of violence, the Justice Department — even the Congress — cannot alone defend the right to vote. The responsibility to preserve democracy — and to maintain

faith in the legitimacy of its essential processes — lies with every elected official and with every American.

All Americans are entitled to free, fair, and secure elections that ensure they can select the representatives of their choice.

All Americans are entitled to live in a country in which their public servants can go about their jobs of serving the public free from violence and unlawful threats of violence.

And all Americans are entitled to live in a country in which the transition from one elected administration to the next is accomplished peacefully.

The Justice Department will never stop working to defend the democracy to which all Americans are entitled.

As I recognized when I first spoke with you all last March, service in the Department of Justice is more than a job and more than an honor. It is a calling.

Each of us — you and I — came to work here because we are committed to the rule of law and to seeking equal justice under law. We came to work here because we are committed to ensuring the civil rights and civil liberties of our people. We came to work here because we are committed to protecting our country — as our oath says — from all enemies, foreign and domestic.

Together, we will continue to show the American people, by word and by deed, that these are the principles that underlie our work.

The challenges that we have faced, and that we will continue to face, are extraordinary. But I am moved and humbled by the extraordinary work you do every single day to meet them.

I look forward to seeing more of you in person, soon, and to our continued work together.

Thank you all.