

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

April 1, 2025

The Honorable Pamela J. Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Bondi:

We write to inquire what role, if any, the Department of Justice (DOJ) played in the pardons and commutations issued by President Donald Trump to individuals convicted of crimes in connection with the Capitol riot on January 6, 2021. Additionally, we seek greater clarity regarding the Department's position on the scope of criminal acts covered by these pardons and commutations.

As you know, on January 20, 2025, President Trump granted clemency to every person convicted for their role in the deadly attack on the U.S. Capitol on January 6, 2021.¹ This decision resulted in the immediate release of the individuals responsible for the crimes committed during the Capitol assault, including violent assaults against law enforcement that resulted in the death of five law enforcement officers and injuries to more than 140 others such as cracked ribs, traumatic brain injuries, smashed spinal discs, and a heart attack.²

We harbor grave concerns over the threat these individuals pose given their release without consideration of their risk of recidivism, lack of rehabilitation, and absence of planning for their successful reentry into society. For example, the following individuals were included in President Trump's "full, complete and unconditional pardon[s]" despite having been convicted of violent crimes:

- David Dempsey, who was convicted of assaulting police officers by using "his hands, feet, flag poles, crutches, pepper spray, broken pieces of furniture, and anything else he could get his hands on" as weapons;³

¹ The White House, Presidential Proclamation, *GRANTING PARDONS AND COMMUTATION OF SENTENCES FOR CERTAIN OFFENSES RELATING TO THE EVENTS AT OR NEAR THE UNITED STATES CAPITOL ON JANUARY 6, 2021*, January 20, 2025 (available online at <https://www.whitehouse.gov/presidential-actions/2025/01/granting-pardons-and-commutation-of-sentences-for-certain-offenses-relating-to-the-events-at-or-near-the-united-states-capitol-on-january-6-2021/>).

² Carrie Johnson, Tom Dreisbach, Barbara Van Woerkom, Ari Shapiro, *Trump Gave pardons to hundreds of violent Jan. 6 rioters. Here's what they did*, NPR, January 21, 2025 (available online at <https://www.npr.org/2025/01/21/nx-s1-5268919/trump-issues-jan-6-pardons-attack-capitol-clemency>).

³ U.S. Department of Justice, United States Attorney's Office District of Columbia, Press Release, *California Man sentenced for Assaulting Law Enforcement with a dangerous Weapon During Jan. 6 Capitol Breach*, August 9, 2024 (available online at <https://www.justice.gov/usao-dc/pr/california-man-sentenced-assaulting-law-enforcement-dangerous-weapon-during-jan-6>).

- Shane Jenkins, who was convicted of using two axes to break into the Capitol and assaulting police officers by throwing a desk drawer and a flagpole at them;⁴
- Kyle Fitzsimons, who was convicted of five separate assaults against law enforcement, including one that caused career-ending and life-altering injuries to U.S. Capitol Police Sergeant Aquilino Gonell;⁵ and
- Kenneth Bonawitz, a member of the so-called Proud Boys, who assaulted at least six officers, placing one officer in a chokehold and lifting him up by the neck.⁶ Bonawitz injured one officer, who was also a first responder to the September 11, 2001 terrorist attack at the Pentagon, so severely that the officer was forced to retire from the Capitol Police.⁷

The ongoing danger to public safety posed by the President’s pardons is further demonstrated by the lengthy criminal histories of many of the pardoned offenders, including prior convictions or pending charges for sexual assault, sexual abuse of a minor, domestic violence, manslaughter, production of child sexual abuse materials, and drug trafficking.⁸

It is clear that most, if not all, of the individuals subject to the President’s order would not qualify for a pardon under the longstanding DOJ guidelines concerning Standards for Considering Pardon Petitions (9-140.12). These guidelines require, “In general, a pardon is granted on the basis of the petitioner’s good conduct for a substantial period of time after conviction and service of sentence.”⁹ The Justice Manual further provides:

- “An individual’s demonstrated ability to lead a responsible and productive life for a significant period after conviction or release from confinement is strong evidence of rehabilitation and worthiness for pardon.”¹⁰
- “When an offense is very serious . . .e.g., a violent crime . . . a suitable length of time should have elapsed in order to avoid denigrating the seriousness of the offense or undermining the deterrent effect of the conviction.”¹¹

⁴ Department of Justice, United States Attorney’s Office District of Columbia, Press Release, *Texas Man Sentenced on Felony and Misdemeanor Charges for Actions During Jan. 6 Capitol Breach*, October 6, 2023 (available online at <https://www.justice.gov/usao-dc/pr/texas-man-sentenced-felony-and-misdemeanor-charges-actions-during-jan-6-capitol-breach-0>).

⁵U.S. Department of Justice, United States Attorney’s Office District of Columbia, Press Release, *Maine Man Sentenced For Assaulting Law Enforcement Officers During Jan. 6 Capitol Breach*, July 13, 2023 (available online at <https://www.justice.gov/usao-dc/pr/maine-man-sentenced-assaulting-law-enforcement-officers-during-jan-6-capitol-breach>).

⁶ U.S. Department of Justice, United States Attorney’s Office District of Columbia, Press Release, *Florida “Proud Boy” Sentenced to Prison for Assaulting Law Enforcement and Other Charges During Jan. 6 Capitol Breach*, January 17, 2024 (available online at <https://www.justice.gov/usao-dc/pr/florida-proud-boy-sentenced-prison-assaulting-law-enforcement-and-other-charges-during>).

⁷ *Id.*

⁸ Tom Dreisbach, *Criminal records of Jan. 6 rioters pardoned by Trump include rape, domestic violence*, NPR, January 30, 2025 (available online at <https://www.npr.org/2025/01/30/nx-s1-5276336/donald-trump-jan-6-rape-assault-pardons-rioters>).

⁹ Department of Justice, Justice Manual, *Title 9: Criminal, 9-140.112 - Standards for Considering Pardon Petitions* (available online at <https://www.justice.gov/jm/jm-9-140000-pardon-attorney#9-140.112>).

¹⁰ *Id.*

¹¹ *Id.*

- “The extent to which a petitioner has accepted responsibility for his or her criminal conduct and made restitution to its victims are important considerations. A petitioner should be genuinely desirous of forgiveness rather than vindication.”¹²
- “The comments and recommendations of concerned and knowledgeable officials, particularly the United States Attorney or Assistant Attorney General whose office prosecuted the case and the sentencing judge, are carefully considered.”¹³

We are also deeply concerned by the recent shift in the Department's position regarding the scope of the criminal conduct covered by the President's January 6 clemency order. After initially concluding that the pardons covered only crimes committed at the Capitol on January 6, various DOJ prosecutors now assert “after consultation” with Department leaders, that President Trump intended to pardon unrelated offenses.¹⁴

Thankfully, federal courts are rejecting these spurious claims. For example, U.S. District Judge Dabney Friedrich, who was appointed by President Trump, rejected the Department's effort to expand the scope of the pardon, writing that “DOJ's position contradicts the clear and unambiguous” language of Trump's order,¹⁵ which said that clemency applied to “individuals convicted of offenses related to events that occurred at or near the United States Capitol on January 6, 2021.”¹⁶ Furthermore, Judge Friedrich found the contention that the order extended to other crimes discovered during the course of authorities' investigation illogical, writing, “To interpret the Presidential Pardon to apply to any type of offense – no matter when or where that offense was committed – simply because evidence of that offense was uncovered incident to a January 6-related search warrant would ‘defy rationality.’”¹⁷

At the same time, President Trump has continued to voice support for and defend the actions of the January 6 rioters, who he falsely claims were “hostages” who “were assaulted by our government.”¹⁸ For example, just this past week, he said his Administration is considering the creation of a compensation fund for the rioters.¹⁹ President Trump also indicated that the Justice Department may stop defending the government against the wrongful death lawsuit filed by the family of Ashli Babbitt, who was shot and killed as she and other rioters tried to storm the Senate chamber on January 6.²⁰ The President also vowed to “take a look” at the actions of Capitol Police Lieutenant Michael Byrd, who bravely defended the U.S. Capitol on January 6 and was

¹² *Id.*

¹³ *Id.*

¹⁴ Kyle Cheney, Josh Gerstein, *Judge rejects DOJ's effort to expand reach of Trump's Jan. 6 pardon*, Politico, March 13, 2025 (available online at <https://www.politico.com/news/2025/03/13/judge-rejects-trump-pardon-expansion-00230518>).

¹⁵ *United States of America v. Daniel Edwin Wilson*, No 1:23-cr-00427-DLF, Mem. Op. & J. at 8. (D.C. Mar. 13, 2025).

¹⁶ *Id.* at 2.

¹⁷ *Id.* at 17 (quoting *United States v. Cook*, 594 F.3d 883, 891 (D.C. Cir. 2010)).

¹⁸ Erica L. Green, *Trump Administration Considers Money for Pardoned Jan. 6 Rioters*, The New York Times, March 26, 2025 (available online at <https://www.nytimes.com/2025/03/26/us/politics/trump-jan6-rioters-compensation.html>).

¹⁹ Rebecca Falconer, *Trump says compensation fund being discussed for pardoned Jan. 6 rioters*, Axios, March 26, 2025 (available online at <https://www.axios.com/2025/03/26/trump-jan-6-rioters-compensation-fund-discussions>).

²⁰ *Id.*

previously cleared of any wrongdoing by the Department of Justice after a thorough investigation.²¹

Given the clear threat to public safety posed by President Trump's January 6 clemency grants and the Department's subsequent efforts to expand the scope of this clemency, we request your prompt response to the following questions no later than April 22, 2025:

1. Please provide a detailed explanation of the Department's role in preparing or executing President Trump's January 20, 2025, order granting clemency to all January 6 criminal defendants.
2. Please provide the names and titles of all Department of Justice officials involved in preparing or executing the President's January 20, 2025, order granting clemency to all January 6 criminal defendants.
3. As stated in the plain language of President Trump's January 20, 2025, executive grant of clemency for all January 6 criminal defendants, the pardon applies only to "convictions for offenses related to events that occurred at or near the United States Capitol on January 6, 2021." Please state:
 - a. How the Department interprets "convictions for offenses related to events that occurred at or near the United States Capitol" and its basis for making that determination.
 - b. The names and titles of all senior Department officials involved in defining what "convictions for offenses related to events that occurred at or near the United States Capitol" qualify for relief under the President's order.
4. Please provide all written memoranda or other communications to prosecutors instructing them on the scope of the January 6 pardon and/or its impact on charging decisions in all relevant criminal cases.
5. Please provide all records reflecting or relating to communications involving you, Deputy Attorney Blanche, and any other Department officials concerning the creation of a compensation fund for the January 6 rioters.
6. Please provide all records reflecting or relating to communications involving you, Deputy Attorney Blanche, and any other Department officials concerning the wrongful death lawsuit filed by the family of Ashli Babbitt.
7. Please provide all records reflecting or relating to communications involving you, Deputy Attorney Blanche, and any other Department officials concerning the Department's conclusion that insufficient evidence exists to establish beyond a reasonable doubt that Capitol Police Lieutenant Michael Byrd willfully committed a violation of 18 U.S.C. § 242 while defending the U.S. Capitol on January 6, 2021.

²¹ *Id.* Press Release: Department of Justice, United States Attorney's Office, District of Columbia, *Department of Justice Closes Investigation into the Death of Ashli Babbitt*, April 14, 2021 (available online at <https://www.justice.gov/usao-dc/pr/departement-justice-closes-investigation-death-ashli-babbitt>).

We look forward to your prompt response.

Sincerely,



Richard J. Durbin
United States Senator



Sheldon Whitehouse
United States Senator



Amy Klobuchar
United States Senator



Christopher A. Coons
United States Senator



Richard Blumenthal
United States Senator



Mazie K. Hirono
United States Senator



Adam B. Schiff
United States Senator

Cc: The Honorable Chuck Grassley, Chairman, Senate Judiciary Committee