

F.B.I. Didn't Instruct Informants to Encourage Violence at Capitol, Report Says

The review acknowledged that several informants were in Washington on Jan. 6, but said that only a handful were collecting information for the F.B.I. that day, contrary to conspiracy theories.



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More than two dozen F.B.I. informants were in Washington on Jan. 6, 2021, but contrary to widespread conspiracy theories, bureau officials did not order anyone to break the law as a pro-Trump mob stormed the Capitol that day, according to a report by a Justice Department watchdog released on Thursday.

After a nearly four-year investigation, the department's inspector general, Michael E. Horowitz, also determined that the F.B.I. had not stationed any undercover agents in the crowd that gathered at the Capitol to disrupt the certification of Joseph R. Biden Jr.'s electoral victory over Donald J. Trump in the 2020 election.

In his nearly 90-page report, Mr. Horowitz said the bureau "undertook significant efforts to identify domestic terrorism subjects" who planned to travel to the Washington area on Jan. 6. But he criticized its leaders for failing to recognize the potential dangers posed by the rioters before they descended on the city.

Moreover, he specifically chided the F.B.I.'s top ranks for failing to follow through on their promise to canvass their field offices for intelligence on potential threats after the 2020 election.

Referring to the informants, Mr. Horowitz wrote that both the F.B.I.'s central headquarters and its Washington field office "could have taken an additional step to leverage an intelligence resource that is unique to the F.B.I." that might have mitigated the violence, but did not.

Bureau officials responded to the report with a two-page memo, saying that they had addressed the shortcomings identified in the report, while disputing unspecified "factual assertions" made by Mr. Horowitz's team.

The most significant impact of the report, in the view of bureau officials, was to tamp down baseless assertions about the involvement of the F.B.I. in the assault on the Capitol by Mr. Trump's supporters.

The accusation that the bureau somehow instigated the riot has long been one of the most persistent and pernicious conspiracy theories surrounding the events of Jan. 6, promoted over the past four years by several right-wing figures in the news media and Republican officials.

Mr. Horowitz's work undercut those allegations, noting that none of the F.B.I. informants in Washington on Jan. 6 was given permission to enter the Capitol or directed by the bureau to encourage others to violate the law.

The review concluded that no confidential human source, or C.H.S., for the F.B.I. "was authorized to enter the Capitol or a restricted area, or to otherwise break the law on Jan. 6, nor was any C.H.S. directed by the F.B.I. to encourage others to commit illegal acts on Jan. 6," Mr. Horowitz wrote.

Three of the bureau's informants had been sent to Washington that day "tasked by F.B.I. field offices to report on specific domestic terrorism case subjects," the report found. One of them actually entered the Capitol during the riot, and the other two breached the "restricted area" around the building, investigators found.

More than 20 other informants who had a history of working with the F.B.I. were in Washington that day and attended events related to Jan. 6, but they did so of their own volition, not at the bureau's request, the report found. Of those, three entered the Capitol and 11 breached the building's restricted grounds.

It has long been known that there were F.B.I. informants in the crowd at the Capitol. But Mr. Horowitz's report provided a few new details on the bureau's efforts to gather information in the months leading up to Jan. 6 from informants in two far-right extremist groups that played a central role in the attack: the Proud Boys and the Oath Keepers militia.

The report noted, for example, that the F.B.I. had at least two informants providing information on Stewart Rhodes, the leader of the Oath Keepers, in the run-up to Jan. 6. Mr. Rhodes was ultimately convicted of seditious conspiracy in connection with the Capitol attack.

The bureau also had a network of several informants "who reported on various chapters or members of the Proud Boys," it said. One of those informants, the report disclosed, was in contact on the evening of Jan. 5 with the group's former leader, Enrique Tarrio, who was also found guilty of seditious conspiracy.

Still, none of the information provided by the informants on the Oath Keepers and Proud Boys "concerned specific plans to attack the Capitol building in connection with the Jan. 6 proceedings," according to the report. It also noted that, overall, the information provided by the bureau's covert sources was of limited use and "no more specific" than other sources of information.

Mr. Horowitz noted that none of the F.B.I. informants who were at the Capitol have faced charges from federal prosecutors — including those who went into the building. After reviewing a draft of the report, the U.S. attorney's office in Washington told the inspector general that prosecutors have tended not to charge individuals whose only crime was entering the restricted grounds surrounding the Capitol.

Mr. Horowitz's report was issued as the investigative efforts surrounding Jan. 6 could soon be on the wane.

Almost 1,600 people have been charged so far in connection with the riot, in the largest inquiry the Justice Department has ever undertaken. But Mr. Trump has promised to pardon some or all of the defendants and the future of the broader investigation remains unclear.

The separate criminal prosecution of Mr. Trump for his role in inspiring the attack is also dead, and Christopher A. Wray, the Trump-appointed F.B.I. director who oversaw the bureau's actions that day, announced on Wednesday that he intended to step down before Mr. Trump takes office.

The Justice Department commissioned Mr. Horowitz's review in the days after the attack to examine flaws in the run-up to the riot and the response of federal law enforcement. Mr. Horowitz said he was forced to delay his investigation for years in deference to federal criminal investigations.

Internal bureau alerts, made public earlier this year, showed that bureau officials initially believed the pro-Trump gathering would be peaceful, if raucous, but that their view of the situation changed sharply as the day progressed and the protesters became increasingly violent.

The report contained an exhaustive digest of the bureau's internal communications on Jan. 6, and in the days leading up to the riot. More than anything, the back-and-forth vividly documented confusion in dealing with the challenge, and identified several missed opportunities to get ahead of the mob.

For instance, two days before the attack, a confidential informant told his handler that 35 to 45 members of the Proud Boys had gathered to plan their actions. While the source said there were "no specific discussions of weapons or planned violence," they warned that members could face attacks "which could lead to death" as they held the line "to allow our main forces in."

The handling agent did not pass the information up the line, the inspector general found.

Until now, the F.B.I.'s activities that day have been somewhat shrouded in mystery, in part because bureau officials and agents were reluctant to testify about its intelligence failures to the House committee that investigated the attack.

Almost from the outset, right-wing conspiracy theorists filled the information void with rumor, conjecture and, in some cases, conspiracy theories. Many argued, without providing evidence, that provocateurs working for the government had purposefully goaded members of the mob into attacking the Capitol as a way to discredit Mr. Trump and his supporters.

But no Jan. 6 defendant has successfully argued entrapment as a defense in court. Even a lawyer for a Proud Boys leader charged with seditious conspiracy in connection with the attack, stood up in court last year and called that theory “slander.”

Representative Clay Higgins, a Louisiana Republican known for making wild claims, has attempted to shift blame from Mr. Trump and his supporters to the federal government by accusing the F.B.I. of inciting the riot, saying it brought in “ghost buses” full of provocateurs.

“The original seeds of riotous or illegal or occupation behavior among these groups were planted by the F.B.I.-embedded agents in those groups,” Mr. Higgins said.

Mr. Trump did call for supporters to amass in Washington on Jan. 6, telling them, “Be there, will be wild!”

Glenn Thrush covers the Department of Justice and has also written about gun violence, civil rights and conditions in the country's jails and prisons. [More about Glenn Thrush](#)

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