



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, D.C. 20515

February 24, 2021

Speaker Pelosi and Majority Leader Schumer,

Thank you for your efforts to establish an independent commission to investigate the recent attack on our democracy. I am writing to ensure that the commission is authorized to investigate the full scope of that attack—including actions taken in the months before and after the 2020 election.

Just like the September 11, 2001 terrorist attacks, the riot at the U.S. Capitol on January 6, 2021 did not materialize in a single day. Efforts to discredit the 2020 presidential election were underway before any votes were cast, and disinformation campaigns disputing the veracity of the results began long before the winners of any contests were projected or certified. The January 6, 2021 attack was the culmination of months of conduct by private and government actors that placed our democracy in grave peril.

Accordingly, any commission established by Congress to investigate the January 6, 2021 attack and related matters must have jurisdiction that is commensurate with the scope of

the attack that our democracy faced. The January 6, 2021 riot was not simply a national security failure. It was the product of broader effort by a violent minority to dispute and attempt to overturn the results of a free and fair election.

For that reason, the commission you seek to create should be empowered to investigate and present findings regarding:

- Gaps in intelligence and physical and informational security at the U.S. Capitol;
- Delays in reacting to the security crisis at the U.S. Capitol on January 6, 2021, including the timing and reasons for the delay in providing requested assistance;
- The systemic failure to identify and respond to security threats posed by extremist and white nationalist groups;
- The systemic failure to identify and respond to security threats posed by the political supporters of an incumbent president;
- The absence of Senate-confirmed leadership at federal departments and agencies in the months preceding January 6, 2021;
- The role, if any, of political appointees or other individuals installed at federal departments and agencies in planning or facilitating the insurrection in the months preceding January 6, 2021;
- The nature and extent of any planning or coordination of the insurrection on January 6, 2021—including between white nationalist and extremist groups, public officials, and/or organizers of the January 6, 2021 “stop the steal” rally;
- The use of disinformation and conspiracy theories to cultivate distrust in election procedures and results both before and after the election;
- The role of social media and anonymous political spending in the spread of disinformation and conspiracy theories;
- The roles of federal officials¹ in spreading disinformation about the 2020 presidential election, planning “stop the steal” and related rallies, aiding or abetting the attack on the United States Capitol, or attempting to set aside the results of the presidential election in several states;

¹The term “federal official” means any individual who holds an elected, appointed, or other office in the executive or legislative branch of the United States.

- Efforts by federal officials to pressure state election officials to invalidate the votes cast by thousands of Americans;
- The resurgence of white nationalism and other hate groups and the public embrace of those groups by federal officials;
- The role of efforts to prevent Americans from voting and to spread disinformation about legal voting options in numerous states, including actions taken by the postmaster general to imperil the right of Americans in many states to vote by mail; and
- Efforts by federal officials to undermine the rule of law, by among other things, misusing the pardon power, attacking the independence and integrity of law enforcement agencies, and other actions that had the effect of signaling that certain individuals would not face consequences for criminal misconduct.

No stone should go unturned—especially not the role of any official action or actor in precipitating this attack on our democracy. The 9/11 Commission was specifically entrusted to investigate “any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure” relevant to the September 11 terrorist attacks.² A January 6 Commission should be entrusted to apply the same scrutiny to the official and unofficial actions of all federal policymakers in the executive and legislative branches in the months leading up to January 6, 2021. As with the 9/11 Commission, the January 6 Commission should endeavor to make recommendations that will help prevent the recurrence of this type of attack, which demands a thorough examination of all of the causes of the insurrection.

Truth and accountability are not competing objectives. Both are essential to the future of our democracy. The commission’s work is no replacement for the criminal investigations that, where merited, should be pursued against those who participated in or organized the riot and those who conspired to overturn the election. By the same token, the work being done by the Department of Justice and other law enforcement agencies to hold individuals

² Pub. L. 107–306, title VI, § 604(a)(2), Nov. 27, 2002, 116 Stat. 2408, as amended by Pub. L. 108–207, § 1, Mar. 16, 2004, 118 Stat. 556.

accountable is also no replacement for a full and unflinching account of how our democracy was placed in such tremendous jeopardy.

Sincerely,

A handwritten signature in blue ink, appearing to read "Noah Bookbinder". The signature is fluid and cursive, with the first name "Noah" written in a larger, more prominent script than the last name "Bookbinder".

Noah Bookbinder
President
Citizens for Responsibility and
Ethics in Washington