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Trump's Jan. 6 pardons were a brazen first test. Texas Republicans failed | Opinion



Bridget Grumet
Austin American-Statesman

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Inside the D.C. jail on Tuesday afternoon were 22 holdovers from the Jan. 6 insurrection, among them Tom Vournas, a Proud Boys member who pleaded guilty to assaulting police with pepper-spray; Edward Jacob "Jake" Lang, whom prosecutors accused of beating officers with an aluminum baseball bat and a riot shield; and Jonathan Daniel Pollock, once a fugitive worth a $30,000 reward, then a defendant awaiting trial for allegedly tackling and punching police and dragging one officer to the ground by his neck.

Austin-area U.S. Rep. Chip Roy stood impatiently outside the D.C. jail. President Donald Trump had pardoned these men the previous evening, along with nearly everyone else accused in the Jan. 6, 2021 attack on the U.S. Capitol. Why, Roy wondered, was it taking so long to spring these two dozen inmates?

"They should be released. That's the message we're delivering here," Roy told a TV reporter Tuesday with Real America's Voice, gathered with three fellow members of the House Freedom Caucus. "We're hoping that our presence is helping and expediting things."

It was astonishing to watch, like a body-snatcher moment. Roy, a law-and-order type who typically touts his Texas Attorney General's Office resume and his great-great-grandfather's service as a Texas Ranger, now sided with those accused of beating cops and battering our democracy.

The sweeping pardons of nearly 1,600 Jan. 6 defendants — including about 122 from Texas, the state with the second largest number of participants — marked a brazen opening act of the second Trump presidency and a test for the rest of us. You could see the sorting happen in real time: Those who would bend themselves toward Trump's recasting of Jan. 6 vs. those who would stand with the truth.

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More: Donald Trump pardons nearly 1,600 defendants from Jan. 6, keeping campaign pledge and outraging critics

The pardons may rewrite the endings of those court cases, but they don't change the facts of what happened that day. Watch the video footage. Listen to the harrowing accounts of the police officers caught in that abhorrently un-American melee. Jan. 6 was the day when rioters tried to overturn an election and end the peaceful transfer of power in America.

Whatever a person's politics, condemning such assaults on law enforcement officers should be the easiest thing, the freebie points you get on a test just for showing up and writing your name. But too many Republicans this week couldn't even muster that.

Some, like our senior Texas Sen. John Cornyn, seemed desperate to change the subject. Asked about Trump's pardons of the Jan. 6 defendants, Cornyn told reporters: "As we've seen with President Biden's preemptive pardons — pardons of his own family — the power to issue a pardon is one granted to a President, and there's really no role for Congress... It's the President's prerogative."

Right. Who's a member of Congress to opine on the president's doings? And why should the elected officials who had to barricade doors and scramble to safety during the Jan. 6 Capitol siege care so much about these defendants, anyway?

What a disappointing retreat from Cornyn's principled stance four years ago that "those who planned and participated in the violence (of Jan. 6) should be prosecuted to the fullest extent of the law."

As for Biden: Yes, his 11th-hour pardons of his own family members were a distasteful use of a power that's meant for granting mercy or correcting injustices, not immunizing loved ones. Voters should care about the way each president uses this precious trust. But Biden's unseemly actions are no reason to shrug off Trump's pardons of the insurrectionists who heeded Trump's call to "fight like hell" after he lost the 2020 presidential election.

Four years ago, even after attempting bad-faith procedural challenges to delay certifying the presidential election, Texas' junior Sen. Ted Cruz denounced the violence that unfolded outside: "The attack at the Capitol was a despicable act of terrorism and a shocking assault on our democratic system," Cruz said in 2021, on the day after the Capitol breach.

And now? "I think the Biden administration abused its power, targeting people for peaceful speech," Cruz told the nonprofit news outlet NOTUS this week, ignoring the 140 police officers injured Jan. 6 and the $2.9 million in damage inflicted on the Capitol. "I'm glad that President Trump corrected that abuse of power."

But Trump didn't tailor the pardons to those accused of nonviolent offenses, such as entering a restricted building. He pardoned virtually everyone, including about 600 people who had been charged with assaulting, resisting or impeding law enforcement. Since it took time to process everyone, a few still lingered at the D.C. jail on Tuesday.

Roy's office didn't respond to my questions this week, but the congressman spoke on the air Tuesday with conservative talk radio host Guy Benson as he drove to the lockup that critics have branded the "D.C. gulag."

"These guys have been in jail now or dealing with all of this nonsense for four years," Roy told Benson, as if the nuisance of facing accountability were the real crime here.

"By the way, we all know that there may be a handful of people who did things they shouldn't have done, right?" Roy continued. "And that's why I think there were a couple of commutations, and not just blanket pardons."

Yes, 14 commutations, which had the same effect of freeing the most violent Jan. 6 offenders, including the former leaders of the extremist Oath Keepers and the Proud Boys held in prisons elsewhere. It was a distinction with little difference.

By Tuesday night, more of the pardoned inmates from the D.C. jail trickled out — including Vournas, Lang and Pollock, according to reporting by WUSA, the local CBS affiliate.

As more Jan. 6 defendants stepped out of jail and into a changed America, I kept thinking of Roy's remarks on talk radio that afternoon: "This is four years later."

By the numbers

1,575 — Defendants charged by federal prosecutors in the Jan. 6 attack
1,030 — Defendants who pleaded guilty
257 — Defendants convicted at trial on some or all charges
4 — Defendants acquitted at trial
14 — Cases dismissed
64% — Percentage of sentenced defendants who received prison time
8 months — Median prison sentence

Source: NPR database of Jan. 6 federal prosecutions

Grumet is the Statesman's Metro columnist. Her column contains her opinions. Share yours via email at bgrumet@statesman.com, or via X or Bluesky at @bgrumet. Find her previous work at statesman.com/opinion/columns.