



## MYTHS VS. FACTS: JANUARY 6TH

Donald Trump has consistently refused to testify under oath about his efforts to overthrow Joe Biden's lawful election and "continue" his own presidency, in the lead up to January 6, 2021, as well as on that day. Instead, he and his allies have continued to spread lies, myths, and conspiracy theories about the 2020 election and the January 6th insurrectionary assault on the U.S. Capitol. These myths are easily debunked by anyone who cares to find out the truth about what happened.

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**MYTH #1:** Donald Trump actually won the 2020 presidential election, and Joe Biden became president only because of massive election fraud.

**FACT:** Joe Biden beat Donald Trump by more than 7 million votes in the 2020 presidential election and defeated him 306-232 in the Electoral College. Despite knowing he had lost, President Trump promoted wild claims he knew to be false in an effort to overturn the legitimate election results—and every federal and state court that considered his allegations of election fraud ruled against him.

Joe Biden received 306 electoral votes to President Trump's 232 and also won the national popular vote by over 7 million votes—results that both the [Federal Election Commission](#) and the [National Archives](#) have certified. Trump and his allies filed [62 lawsuits](#) challenging the results in key states: [61 were](#) dismissed, withdrawn, or led to rulings against Trump (including by judges Trump himself [appointed](#)); and the [single](#) favorable ruling was on a narrow procedural issue unrelated to fraud and that did not affect the election outcome. Trump's own Attorney General, William Barr, publicly [stated](#) that the Department of Justice (DOJ) found no evidence of "fraud on a scale that could have effected a different outcome in the election." Barr also told the House Select Committee to Investigate the January 6th Attack on the U.S. Capitol that he told Trump directly that his claims about election fraud were "bullshit." He also testified that Trump had "no interest in what the actual facts were," and that if Trump really believed that he had won the election, then he had "become detached from reality." The Cybersecurity and Infrastructure Security Agency (CISA) [declared](#) that the 2020 election was "the most secure in American history." And multiple Trump White House lawyers, including Trump's White House Counsel, and senior campaign officials told Trump repeatedly that his fraud claims were false. Several of Trump's attorneys who repeatedly promoted the false claims—including [Rudy Giuliani](#), [Sidney Powell](#), [Kenneth Chesebro](#), and [Jenna Ellis](#)—have since been disbarred, pleaded guilty to crimes related to their election interference efforts, or both.

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**MYTH #2:** Trump did not pardon any of the people who committed violence or who beat police officers on January 6th.

**FACT:** Trump pardoned or commuted the sentences of all 1,600 participants in the January 6th attack on the Capitol, both nonviolent and violent offenders. The pardons included

hundreds of defendants who were convicted of beating police officers with flagpoles, fire extinguishers, baseball bats, and other weapons, as well as spraying officers with bear spray and pepper spray. Trump also commuted the sentences of Oath Keepers and Proud Boys who plotted to violently prevent the lawful transfer of power and had been convicted of “seditious conspiracy,” i.e. conspiracy to overthrow or put down the government of the United States.

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**MYTH #3:** January 6th was a “false flag” operation in which left-wing Antifa agitators goaded and deceived protesters into attacking the Capitol and its police officers.

**FACT:** January 6th was exactly as it appeared on camera: a violent and insurrectionary attack on the Capitol by organized right-wing extremists and die-hard MAGA supporters who were whipped into a frenzy by the President’s Big Lie and incendiary rhetoric.

The January 6th attackers were self-identified Trump supporters acting based on Trump’s false claims that the election was stolen. Trump’s Federal Bureau of Investigation (FBI) Director, Christopher Wray, [testified](#) that the Bureau “ha[s] not, to date, seen any evidence of anarchist violent extremists or people subscribing to Antifa in connection to the 6th” and [called](#) the suggestion that the FBI had been involved in the attack “ludicrous.” A December 2024 DOJ Inspector General [report](#) likewise [found](#) “no evidence” that undercover FBI employees orchestrated the riot. Rioters themselves [rejected](#) the notion that Antifa was involved in the attack, taking offense at such suggestions and “proudly” emphasizing that Trump supporters alone stormed the Capitol. The January 6th Select Committee found no evidence that Antifa was involved in leading or participating in the assault on the Capitol.

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**MYTH #4:** The people who attacked the Capitol on January 6th were a disorganized mob acting spontaneously and impetuously.

**FACT:** The January 6th attack involved significant advance planning and premeditation by organized extremist groups, including the Oath Keepers and the Proud Boys, who coordinated closely with Trump allies and operatives in the weeks leading up to the attack.

Leaders of the Proud Boys and Oath Keepers—who were ultimately convicted for seditious conspiracy—began planning for January 6th many weeks in advance. They [set up](#) encrypted communication channels with names like “DC OP: Jan 6 21” and “Boots on the Ground” to coordinate their activities. The January 6th Select Committee [revealed](#) evidence of an encrypted chat with MAGA luminary Roger Stone called “F.O.S.” (“Friends of Stone”) that included leaders of both the Proud Boys and Oath Keepers, as well as the organizer of Trump’s January 6 rally. The Oath Keepers also staged a “Quick Reaction Force” in Arlington, Virginia, stockpiling firearms, ammunition, and tactical equipment. One member [testified](#) that the weapons cache was so large it resembled what he’d seen “in the military.” Former D.C. Homeland Security Chief Donell Harvin [testified](#) that intelligence showed “very, very violent individuals” from these groups were coordinating to come to Washington, D.C., warning that “when you have armed militia ... collaborating with White supremacy groups, collaborating with conspiracy theory groups online all for the common goal, you start seeing what we call in, you know, terrorism.”

Evidence presented before the January 6th Select Committee and in numerous criminal trials demonstrates that significant tactical planning and coordination took place among various extremist groups that attacked the police and the Capitol. In late December 2020, Proud Boys chairman Enrique Tarrio [established](#) a secret leadership structure called the “Ministry of Self-Defense,” which communicated through encrypted channels to plan the attack. And in the ensuing weeks, members of the Proud Boys and Oath Keepers traded equipment recommendations, shared maps marked with law enforcement positions, and established command-and-control structures.

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**MYTH #5: Trump had nothing to do with the violence on January 6th.**

**FACT:** Trump whipped his supporters into a violent frenzy by knowingly lying to them for months about the election results, summoning them to the Ellipse on January 6, directing them to march to the Capitol, encouraging them to press Vice President Mike Pence to abandon his constitutional duties, and then refusing for hours to tell them to stop their attack.

In the weeks following the 2020 election, Trump’s own senior officials repeatedly told him that his claims of widespread election fraud were false. He continued to spread the lies anyway. He convinced sponsoring groups like Concerned Women for America First to change the date of their planned protests from January 20, Inauguration Day, which Trump saw as too late to change the course of events, to January 6, when he thought the transfer of power to Biden could be blocked and his presidency continued. He told his followers on Twitter to come to Washington on January 6: “Be there, will be wild!” he promised. On January 6, Trump addressed tens of thousands of supporters at the Ellipse, where he [used](#) the word “fight” approximately 20 times, telling them that to “fight and fight like hell or you won’t have a country anymore,” and “you’ll never take back our country with weakness.” He singled out Vice President Pence, falsely claiming Pence had the power to overturn the election and urging him to do so. At 2:24 p.m., while rioters were storming the Capitol and calling for Pence to be hanged, Trump [tweeted](#) an attack on Pence for lacking the “courage” to do what needed to be done—which Trump’s deputy national security adviser called “the opposite of what we really needed.” Special Counsel Jack Smith’s Volume I report accordingly [concluded](#) that “the evidence established that the violence was foreseeable to Mr. Trump, that he caused it, that it was beneficial to his plan to interfere with the certification, and that when it occurred, he made a conscious choice not to stop it and instead to leverage it for more delay.”

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**MYTH #6: Capitol Police officers deliberately opened doors for rioters and allowed them to enter, or even ushered them into, the Capitol building.**

**FACT:** Rioters forcibly breached the Capitol using violent means, and the vastly outnumbered Capitol Police did their best to defend the Capitol and to de-escalate the situation and maintain order.

The evidence overwhelmingly demonstrates that rioters breached the Capitol through force and violence, not by walking through open doors or with police cooperation. Rioters violently attacked

officers at the Peace Circle, climbed the Capitol's exterior walls, smashed windows with makeshift weapons and stolen police riot shields, and broke through doors to enter the building. Officers then attempted to de-escalate the situation after rioters had already breached the building. As a Capitol Police spokesperson [explained](#), officers in one widely-shared video were "blocking the hallway and attempting to de-escalate the situation, as they are trained to, by telling the crowd to not attack or assault and to remain calm." All the while, rioters were using weapons to violently attack law enforcement: more than 600 January 6th defendants [were charged with assaulting or obstructing law enforcement](#), and approximately 140 Capitol Police and D.C. Metropolitan Police officers [were assaulted](#) that day with weapons including flagpoles, steel pipes, broken furniture, chemical sprays, and other objects.

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**MYTH #7:** The FBI planted the pipe bombs found near the Democratic and Republican party headquarters on the eve of the January 6th attack.

**FACT:** The suspect arrested on suspicion of planting the bombs told federal investigators that he was a Trump supporter who believed in the 2020 election conspiracies promoted by Trump's allies and right-wing forces. He had no relationship to the FBI.

In December 2025, federal authorities [arrested](#) Brian Cole Jr. of Virginia and [charged](#) him with transporting an explosive device and attempted malicious destruction using explosives. According to public reports, Cole [confessed](#) to the FBI and [stated](#) that he supported President Trump and believed conspiracy theories that the 2020 election was stolen. A December 2024 DOJ Inspector General [report](#) about FBI informants at the Capitol [found](#) no evidence that federal agents participated in the January 6th riots or in any associated violence, including planting the bombs.

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**MYTH #8:** January 6th defendants were nonviolent "political prisoners" and "hostages" who were wrongly convicted and mistreated even though they posed no public safety threat.

**FACT:** Many of the January 6th defendants who Trump pardoned were convicted of violent crimes and have gone on to commit other dangerous crimes in their communities even since their pardon and release.

More than 600 January 6th defendants were [charged](#) with assaulting or obstructing law enforcement, and around 70 [pled guilty](#) to assaulting law enforcement with a dangerous or deadly weapon; leaders of extremist groups were likewise convicted of seditious conspiracy. Trump pardoned virtually all of them and commuted the sentences of the few who weren't pardoned. [Dozens](#) of the pardoned defendants had prior convictions or pending charges for serious crimes, including rape, sexual abuse of a minor, domestic violence, and production of child sexual abuse material. And at least 10 pardoned January 6th defendants have [already](#) been rearrested or charged with new crimes, including illegal firearms possession, violent assaults, child sexual abuse, drunk-driving homicides, and even plotting to murder FBI agents.

The January 6th prosecutions began in the final days of Trump's first term, when his own political appointee, acting U.S. Attorney for the District of Columbia Michael Sherwin, [announced](#) that

rioters would be held accountable. The investigations were led by career federal prosecutors and FBI agents. Approximately 250 defendants were convicted following trials before federal judges, and multiple Trump-appointed judges presided over those cases and found defendants [guilty](#).

Reagan-appointed Judge Royce Lamberth, who oversaw dozens of January 6th cases, [condemned](#) efforts to “rewrite history” by characterizing rioters as “political prisoners” or “hostages,” calling such claims “preposterous.” Political prisoners are incarcerated for their beliefs and ideas, not for their violent actions. Hostages are persons illegally abducted by terrorists or criminal groups and held for financial or political ransom. None of the January 6th defendants was illegally abducted by a terrorist or criminal group, and none was held for ransom.

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**MYTH #9: Vice President Pence had the power to overturn the results of the 2020 election during the certification of the Electoral College vote.**

**FACT:** **Neither the Constitution nor federal law gives the Vice President the authority to overturn the will of the American people by unilaterally rejecting Electoral College votes and selecting the President.** Vice President Pence did his constitutional duty by refusing President Trump’s illegal demand to reject election results certified by the states on January 6, 2021.

The Constitution assigns the Vice President a strictly [ministerial role](#) in the electoral count process—to open and count the certified electoral votes, not to reject or adjudicate them. On January 6, Pence issued a public [letter](#) emphasizing that his oath to the Constitution “constrains me from claiming unilateral authority to determine which electoral votes should be counted.” The [Electoral Count Reform Act of 2022](#) has since made even more explicit the broad consensus of legal experts from across the political spectrum: the Vice President [has](#) “no power to solely determine, accept, reject, or otherwise adjudicate or resolve” electoral votes.

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**MYTH #10: Speaker Nancy Pelosi was responsible for Capitol security on January 6th, and she blocked the National Guard from responding.**

**FACT:** **Responsibility for securing the Capitol on January 6th and requesting D.C. National Guard support rested not with Speaker Pelosi but with the Capitol Police and the Capitol Police Board, while ultimate authority over the D.C. National Guard lay exclusively with President Trump as Commander in Chief.**

The Capitol Police and members of the Capitol Police Board (the House and Senate Sergeants at Arms, Architect of the Capitol, and Capitol Police Chief) [had the authority](#) to make tactical security decisions leading up to and on January 6th, and they did so without needing or seeking congressional leadership approval.<sup>1</sup>

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<sup>1</sup>H. Select Comm. to Investigate the Jan. 6 Attack on the U.S. Capitol, [Transcribed Interview of Paul Irving](#), 117th Cong. (Mar. 4, 2022) at 19, 53 (The House Sergeant at Arms on January 6th, Paul Irving, testified to Congress that “[f]rom a tactical perspective, we would make decisions without the input from congressional leadership . . . I always felt that I had full authority to implement security decisions as I deemed appropriate.”).

Moreover, leading up to and on January 6th, it was President Trump who controlled the D.C. National Guard as Commander in Chief, and he [never gave any order](#) to deploy the National Guard on or before January 6th. Trump ignored numerous urgent calls from both Republican and Democratic leaders to deploy the National Guard to put down the violent insurrection he had incited.

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**MYTH #11: Special Counsel Jack Smith’s investigation was part of a project by the Biden Administration to “weaponize” the government and was based on an untested legal theory.**

**FACT:** **Jack Smith is a well-respected professional prosecutor who, unlike Donald Trump, has never been criminally prosecuted for, much less convicted of, any federal or state misdemeanor or felony offenses.** Smith’s investigation into President Trump and other January 6th conspirators clearly followed the facts and the law, developing overwhelming evidence that President Trump engaged in a criminal scheme to overturn the 2020 election and seize the presidency by unlawful means.

An acclaimed lawyer who has worked for both Republican and Democratic administrations, Jack Smith previously [served](#) as an Assistant District Attorney, an Assistant U.S. Attorney, acting U.S. Attorney, head of the DOJ’s Public Integrity Section, and chief prosecutor at an international war crimes tribunal at The Hague—roles in which he prosecuted serious criminals and officials of both parties. The federal [charges](#) against Trump, including conspiracy to defraud the United States and obstruction of an official proceeding, relied on statutes that multiple federal appellate courts had already [upheld](#) in other January 6th prosecutions. And Mr. Smith’s office [developed](#) proof beyond a reasonable doubt that Trump knowingly engaged in a conspiracy to overturn the results of the 2020 election. The Special Counsel’s office [dismissed](#) the charges against Trump only after his 2024 election victory under a longstanding DOJ policy of not pursuing prosecutions of a sitting president, but not because the charges lacked legal basis—the Special Counsel’s [report](#) concluded that the evidence was sufficient to convict at trial.

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**MYTH #12: Special Counsel Smith illegally targeted and “wiretapped” the phones of Republican U.S. Senators and spied on their conversations.**

**FACT:** **Smith never wiretapped lawmakers’ phones or listened in on their conversations.** He lawfully obtained phone records—akin to information that appears on phone bills, not the actual substance of telephone communications—as part of his investigation into President Trump’s alleged attempts to pressure lawmakers into blocking the counting of Electoral College votes in order to overturn the results of the 2020 presidential election.

On January 6th, at approximately 6:01 p.m. E.T., President Trump tried to reach two U.S. senators, and Trump also directed Rudy Giuliani to call Republican senators to recruit them to further delay the 2020 election certification vote.<sup>2</sup> Accordingly, Special Counsel Smith’s office sought a narrow

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<sup>2</sup> See [Special Counsel Report](#) at 31 n. 132.

set of historical call records from a small group of Republican senators. Critically, those records showed which numbers were called and when; they did not include the contents of any conversations.

The Special Counsel's office did not bug or tap lawmakers' calls; it obtained the historical toll records through grand jury subpoenas issued to phone companies—a lawful process that is common practice in criminal grand jury investigations, which a federal court authorized upon finding that the records were relevant to the ongoing criminal investigation. Toll records are a common investigative tool and are fundamentally different from wiretaps because they capture only metadata and not the actual contents of personal communications and conversations. Moreover, as Smith has observed, he did not pick the politicians whose call records would be subpoenaed—President Trump did by involving them, or trying to involve them, in his plot.