

# Roll Call

## Democrats say ‘weaponization’ panel is rewriting history of Jan. 6

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March 7, 2024

Michael Fanone sat on one end of the witness table, called by Democrats to describe how he and fellow police officers defended the Capitol on Jan. 6, 2021. On the other side was Jordan Peterson, the Canadian psychologist and podcaster, who used terms like “the superstate” and warned, “We’re in danger of eliminating the private sphere.”

Between them sat three conservative scholars who weighed in on a pair of laws dating back to the 1970s, the Bank Secrecy Act and the Right to Financial Privacy Act.

As those unlikely witnesses testified before the Select Subcommittee on the Weaponization of the Federal Government at a fiery hearing Thursday, the tensions that have marked its short existence were on display.

Democrats accused their colleagues across the aisle of trying to rewrite history, provide cover for former President Donald Trump and minimize the threat of his election denialism.

Meanwhile, Republicans on the subcommittee, led by House Judiciary Chairman Jim Jordan, argued that federal agencies are unfairly targeting conservatives. They sought to make the case that the FBI seeking records of gun purchases by rioters who stormed the Capitol on Jan. 6 is a sign of government overreach that poses a wider threat to the civil liberties of American citizens.

“If you’ve got the wrong political beliefs, well, you’re potentially a domestic violent extremist,” Jordan said during the hearing.

Ranking member Stacey Plaskett, D-V.I., said the surveillance was not a sweeping abuse of power, as Republicans framed it, but instead a targeted effort to prevent a second attack like Jan. 6 on the Capitol during the inauguration on Jan. 20, 2021.

According to Plaskett, the FBI sought records from Bank of America on people who met three criteria: They were present at the Capitol on Jan. 6, had purchased a weapon in the six months prior to the attack and had booked accommodations or made other transactions signaling they intended to return to Washington for the inauguration.

A former prosecutor, Plaskett said she saw nothing wrong with law enforcement seeking bank records in that case. “You use the tools that you have to prevent crimes from happening,” she said.

“I happen to be and my family happen to be gun owners, but I’m not afraid that the FBI is going to be searching my account because I was also not a rioter on Jan. 6,” she said.

The Justice Department continues to prosecute individuals charged with crimes related to the 2021 breach of the Capitol. As of March 5, more than 1,358 defendants have been charged, and approximately 497 have been sentenced to periods of incarceration.

Fanone, a former Metropolitan Police Department officer, testified in the hearing Thursday that Jan. 6 was not a gathering of peaceful protesters but a violent attack on law enforcement officers attempting to secure the Capitol.

“My encounter was brutal. It was violent. It involved a number of individuals restraining me, beating me. At least one individual ... subjecting me to electroshock from a Taser device on my neck, all the while resulting in injuries,” including a traumatic brain injury and a heart attack, Fanone said.

Jordan and other Republicans repeatedly stressed that the FBI went after the bank records without a warrant. But as witnesses called by the GOP majority testified, law enforcement can do so under the anti-money-laundering law known as the Bank Secrecy Act.

Jordan said the committee was first made aware of the FBI records search by George Hill, a former FBI supervisory intelligence analyst in the Boston field office. Hill did not testify at the hearing on Thursday, and his full closed-door interview with the committee has not been released.

Norbert Michel, director of the Cato Institute’s Center for Monetary and Financial Alternatives, testified Thursday that he believes Congress should never have passed the Bank Secrecy Act in the first place. “Its relationship to the Fourth Amendment to the Constitution was controversial enough to spur several legal challenges, two of which ended in split decisions at the U.S. Supreme Court during the 1970s,” Michel added.

When Republicans continued to drill down on the warrant issue, Plaskett, whose legal career included a stint at the Justice Department during the George W. Bush administration, said, “Go back to criminal procedure.”

The ranking member added: “Everyone who opens a bank account is told when they open their bank account that their information may be disclosed to law enforcement.”

California Republican Rep. Darrell Issa said the question for him was larger than any one example. “The question is, will we amend law so that no matter where the data is being grabbed by the government, it’s being grabbed pursuant to a reasonable expectation that you have a reason to get it and a judge who agrees,” he said.

When Republicans created the select subcommittee at the beginning of the current Congress, they touted it as part of their aggressive approach to oversight of the Biden administration and pledged to rein in what they described as an overstepping Justice Department. So far, the panel has held several hearings, on topics like the supposed politicization of the FBI and the release of documents from Elon Musk known as the “Twitter Files.”

The hearing on Thursday oscillated between the abstract and the concrete. Peterson warned of a future of surveillance that “George Orwell could scarcely imagine” in which governments “collude” with “corporate agents to develop a picture not only of our actions, but of our thoughts and words.”

And Democrats played body camera footage that offered a stark reminder of the violence police encountered on Jan. 6.

In a clip showing Fanone being dragged by rioters into a crowd, he yells, “I’ve got kids.” In the next clip, police officers carrying Fanone are heard calling for a medic as Fanone’s police partner says, “Mike, stay in there, buddy.”

“That’s a battle scene. That’s what that is. That’s a battle scene. That is not political discord. That’s criminal behavior,” Plaskett said.