

United States Senate

WASHINGTON, DC 20510

May 2, 2025

The Honorable Pam Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Bondi:

We write to strongly object to the Department of Justice's argument in an April 8 court filing that the federal government should refund restitution payments made by some of the convicted January 6 insurrectionists. The arguments advanced by the government in the U.S. District Court for the District of Columbia under Interim U.S. Attorney Edward Martin's leadership are both insulting to the American people and inconsistent with separation of powers principles.

On January 6, 2021, a violent mob stormed the U.S. Capitol, attacking and injuring more than 100 law enforcement officers, causing nearly \$3 million in damages, and threatening the lives of those who serve here. After violently overpowering law enforcement to illegally enter the Capitol, insurrectionists desecrated the halls of Congress by graffitiing the building, smashing windows and doors, damaging artwork, and destroying furniture, in an attempt to disrupt Congress from certifying the results of the 2020 election.

While we can never undo the harm these insurrectionists caused to our nation and our Capitol, many of those convicted for their crimes were ordered to pay restitution to cover some of the physical damage they inflicted. Hundreds of individuals were convicted for their roles in the January 6 attack and paid about \$400,000 in court-ordered restitution. The Justice Department's assertion that the government should now offer refunds to insurrectionists and instead have the American taxpayer pay the full cost for the damage these offenders caused is offensive and flies in the face of legal precedent limiting the pardon power.

As the Justice Department acknowledged in its April 8 court filing, a pardon does not affect the vested rights of others, and the United States' right to restitution vests when the restitution has been sent to the Treasury Department.¹ Once these funds are in the Treasury, only Congress has the power to withdraw the funds; the President cannot use his pardon power to do so.² The Department should direct Interim U.S. Attorney Martin to change course and forgo any attempt to use the pardon power as a basis to usurp the United States' right to the January 6 restitution payments and impair Congress' ability to use these funds to offset the cost to taxpayers of repairs from the January 6 insurrection.

We condemn the Justice Department's position that the federal government should financially reward January 6 insurrectionists who ransacked the Capitol, attacked law enforcement officers,

¹ *United States of America v. Stacy Wade Hager*, No. 21-cr-381-TSC (D.D.C.), Government's Response to the Defendant's Motion for Reimbursement of Fees and Restitution, ECF 83 (Apr. 8, 2025).

² See *Knote v. United States*, 95 U.S. 149, 154 (1877); U.S. Const. Art. I § 9.

and threatened the lives of those who serve here. The roughly \$400,000 received in restitution is little justice for the \$3 million's worth of damage done to the Capitol, the injuries sustained by Capitol Police and D.C. Metropolitan Police Department officers serving on that day, and the terror inflicted on those trapped inside during the attack. To take the position that January 6 insurrectionists should now receive refunds is unacceptable.

Sincerely,



Alex Padilla
United States Senator
Ranking Member, Committee
on Rules and Administration



Richard J. Durbin
United States Senator
Ranking Member, Committee
on the Judiciary



Amy Klobuchar
United States Senator



Jeffrey A. Merkley
United States Senator



Peter Welch
United States Senator



Richard Blumenthal
United States Senator



Mazie K. Hirono
United States Senator



Sheldon Whitehouse
United States Senator