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Before the Select Subcommittee to
Investigate Remaining Questions Surrounding January 6, 2021

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Good afternoon, Chairman Loudermilk, Ranking Member Swalwell, and members of the Subcommittee. Thank you for the opportunity to discuss the Federal Bureau of Investigation and its handling of the Capitol Hill pipe bomb case. It is an honor to speak with you today.

My name is Michael Romano. I was an attorney at the Department of Justice for almost eighteen years; immediately before my resignation, I was a Deputy Chief of the Capitol Siege Section here in Washington, D.C. It was a great privilege to serve the United States by prosecuting crimes arising out of the violent riot at the U.S. Capitol on January 6, 2021.

I commend the Department's work in identifying and arresting Brian Cole for planting pipe bombs outside the Republican and Democratic National Committee Headquarters on the evening of January 5, 2021. This was a difficult case to solve, given the needle-in-a-haystack nature of the evidence. Among other things, it required sustained effort, over years, to gather and analyze tens of thousands of apparently innocent financial transactions. But solving it was important, both because of the harm that the pipe bombs could have caused and because of the suspect's apparent motivation—political violence.

Of course, the political violence at the Capitol did not end on January 5, when the pipe bombs were planted, or on January 6, when they were discovered. That same day, a riot broke out as the President's supporters descended on the Capitol grounds, broke down barriers, overwhelmed police, and stormed the building. This, too, was political violence. Rioters openly broke the law. In fact, they bragged about it—in some cases, filming themselves and sharing their conduct on social media. Their willingness to self-identify made them much easier to apprehend than the pipe bomber was.

Today, I speak as a career prosecutor who oversaw hundreds of prosecutions of Capitol rioters. Every day for four years, I reviewed evidence of crimes

committed throughout the Capitol and its grounds on January 6. My experience helps me better to understand the political violence of that day, the damage that violence caused to our law enforcement and our country, and the way that misdemeanor defendants enabled that violence by joining the mob.

The rioters understood their conduct in political terms. I saw this repeatedly in the evidence we gathered. I saw rioters circulate in advance, via Facebook, a picture of the U.S. Capitol with text superimposed over it: “Occupy Congress. If they won’t hear us, they will fear us. The great betrayal is over. Election Fraud is Treason. January 6, 2021.” Rioters sending these messages planned to storm the Capitol; their conduct wasn’t spontaneous. One rioter I prosecuted, Cody Mattice, recorded himself as he marched to Capitol Hill, saying “We’re going to go fuck some shit up. It’s about to be nuts.” On reaching the Capitol, he said (of the building) “We’re getting up front, and we’re taking this shit.” He was not peacefully marching to the Capitol. Mattice recorded his co-defendant, James Mault, asking officers to stand down because “We had your guys’ back when you were under attack,” and promising that “your jobs will be here ... after we kick the shit out of” Members of Congress. He was not instigated by the police. The evidence showed me that the mob shared their sentiments.

The mob had a purpose: to prevent the certification of the electoral college vote through violence, or threats of violence. After smashing their way into the building, rioters demanded of Officer Goodman: “Where are they counting the fucking votes?” At the door to the House, I saw rioters overwhelm police, then heard rioters—including misdemeanor defendants—scream at other members of the mob to “use the helmet!” and “use the crowbar!” to break through and get into the House Chamber. At the door to the Senate, rioters like Brady Knowlton and Patrick Montgomery asked officers to “step out of the way,” telling them “This is a moment in history. Right now is a moment in history. We don’t want to push through here.” Throughout the day, I witnessed rioters tell police officers they had a right to rebel. Some compared their behavior to the Revolutionary War. One defendant, Kevin Seefried, carried the confederate battle flag into the Capitol.

Capitol Police officers and others bravely stood in the way and suffered violence for it. They were battered with poles, tackled, punched, kicked, and stomped on, hit with chairs, crushed in doors, blasted with pepper and bear spray, and shocked with stun guns. Rioters brought firearms and Molotov cocktails to Washington, D.C. One rioter, Daniel Ball, lobbed an explosive into a tight crowd of officers. Officers were wounded, physically and psychologically.

Now these rioters have been pardoned. And on the five-year anniversary of January 6, the White House hosted propaganda on its official website. It claimed—falsely—that Capitol Police instigated the crowd and escalated tensions, which isn't true. It claimed that Capitol police invited people into the building, which isn't true. It claims that our work represented a political weaponization of the Department against patriotic Americans, which isn't true. Rioters were convicted in overwhelming numbers because the evidence against them was overwhelming.

The pardons were permission for political violence, in the future, in support of this President and his administration. And from what I have seen, the rioters understand the pardons in these terms. Indeed, last week—on the five-year anniversary of January 6—I saw that formerly-convicted felons traveled to Washington, D.C., and recorded themselves taunting the same police officers they attacked five years ago. They know that if they do violence again, in support of the President, the President will have their back. They know because he *did* have, and *has* had, their back.

It is good that the pipe bomber was arrested; it is good that he will face justice. But just as planting those bombs was an act of political violence, we cannot forget the violence committed by hundreds and enabled by the thousands of people who joined the mob. The brave police officers who defended the Capitol did not deserve to be assaulted. They do not deserve, now, to be blamed for the violence on January 6, with false claims that they escalated tensions, nor to be verbally abused by those same people. You, Members of Congress, did not deserve to be put in fear for your lives. The United States did not deserve the damage to its institutions brought about by the riot, nor by the pardons, nor by the White House's willingness to spread falsehoods about what happened on January 6.

This committee is tasked with investigating remaining questions around January 6. I am here, and I am willing to answer any questions you may have—and to speak to the importance of my team's work.