

REMORSE OR DOUBLE-DOWN? THOSE WHO STORMED THE CAPITOL ARE REMORSEFUL, BUT DO NOT REPUDIATE TRUMP'S BIG LIE

**An Analysis of Remorse Statements Made by Those Sentenced
for Storming the US Capitol**

September 14, 2022



Image Credit: William J. Hennessey Jr, CBS

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FOREWORD

The violent assault on the US Capitol that took place January 6, 2021 is a major act of domestic political violence the like of which is unfamiliar in recent U.S. history.

We need to take the threat of increased levels of domestic extremist attacks seriously. The ingredients are all there to accelerate movement growth:

- A leader with demonstrated support for extra-legal activity
- Grievances perceived by large masses of people (stolen election)
- A Deadly Focal Point event: The Jan 6 storming of the US Capitol, leaving 5 dead

It is also vital to understand who we are dealing with in the new movement and targeting pre-2021 far-right organizations will not solve the problem. Political violence coming from a new mass movement requires new political solutions.

We hope this report will shed light on the patterns of individuals within this movement and inform policies to safeguard American democracy.

A handwritten signature in black ink, reading "Robert A. Pape". The signature is fluid and cursive, with the first name "Robert" and last name "Pape" clearly legible.

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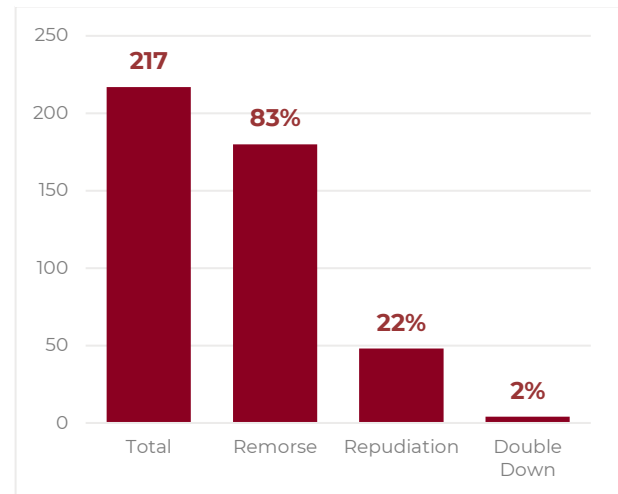
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1. ANALYZING REMORSE, REPUDIATION, AND DOUBLING DOWN

On January 6th, 2021, the United States experienced the most serious act of domestic political violence since the American civil war. In a remarkable challenge to the idea that the people of the United States should choose their leaders through the process identified in its Constitution and elections laws, 2,000 American citizens took the outcome of the 2020 presidential election into their own hands.¹ Fired up by a speech by then President Donald Trump and told to pressure weak Republican leaders in Congress to halt the certification of Joe Biden as president, the violent mob broke into the US Capitol and effectively sought to nullify the will of over 150 million American voters to select their leaders through peaceful elections rather than by the force of a minority.²

Now that nearly 900 have been charged for offenses at the Capitol on that day, and 217 have completed the judicial process through sentencing (as of July 15, 2022), we can ask the question: With the passage of time and experience of prosecution, have those who posed the most severe domestic challenge to America's democracy in modern history had a change of heart? Do they now recognize that they not only broke laws but challenged the foundations of democracy? Have they, after reflection, come to reject the anti-democratic goals driving the attack on Congress on January 6?

FIGURE 1. DISTRIBUTION OF REMORSE, REPUDIATION, AND DOUBLE-DOWNS



Based on what we can tell from the January 6th defendants' public statements of remorse, the answer is no.

Almost every person who has been sentenced has expressed some degree of remorse. 83% of people who have been sentenced have made a public statement, either in their court documents or in media coverage, that expresses remorse or apology for their actions on January 6th. But, as legal scholars have long pointed out, this kind of expression of remorse is not always sincere. Since contrition is a factor in sentencing, defendants have incentive to make these statements.³

Given the unreliability of mere statements of contrition, we also look at statements of *repudiation*: statements which go beyond remorse for breaking the law where a defendant specifically denounces one of the principle political motives for the event of January 6th. As Figure 1 above shows, while almost every defendant expresses

¹ Ryan J. Reilly, "The Feds Have Made 625+ Capitol Riot Arrests. They Still Have A Long Way To Go.," *HuffPost*, October 6, 2021, https://www.huffpost.com/entry/feds-made-capitol-riot-arrests-quarter-way-there_n_615c6fafa4b0f7776310fe37.

² Dalton Bennett et al., "D.C. Police Requested Backup at Least 17 Times in 78 Minutes during Capitol Riot," *Washington Post*, April 15, 2021, sec. Visual Forensics, <https://www.washingtonpost.com/investigations/interactive/2021/dc-police-records-capitol-riot/>.

³ Griffen, "Exploring Remorse Behaviors" (U Alabama PHD dissertation, 2011) pp. 10-11; R. Slovenko, R. (2006). *Remorse*. *The Journal of Psychiatry & Law*, 34, 397-432. Ward, B. (2006). *Sentencing without remorse*. *Loyola University Chicago Law Journal*, 38, 131-166. Weisman, R. (2004). Showing remorse: Reflections on the gap between expression and attribution in cases of wrongful conviction. *Canadian Journal of Criminology and Criminal Justice*, 46, 121-138. Wood, L. A., & MacMartin, C. (2007). Constructing remorse: Judges' sentencing decisions in child sexual assault cases. *Journal of Language and Social Psychology*, 26, 343-362.

remorse, repudiation is much rarer: only a quarter—22%, or 48 of 217—offer such a statement. Of those, only 10 of the 217 defendants made a statement acknowledging that the 2020 election was not stolen.

January 6th was not merely criminal behavior or violent entry into a public building. It was violent action meant to stop the peaceful transfer of presidential power and so violated the core idea of democracy: that the people as a whole – rather than a self-appointed minority – should decide who governs. The fact that so few of the January 6th defendants publicly acknowledge this core democratic principle should give pause.

2. REPUDIATIONS

Although they constitute a minority, the statements of repudiation are in many ways the most important. Overall, the individuals making these statements are likely the most disenchanted with the anti-democratic purposes that drove the attack on the Capitol, since these statements go beyond basic contrition and could risk angering supporters of January 6th and the former president. In this sense, therefore, repudiation statements are a reasonable, if crude, indicator that the person rejects the anti-democratic goals of January 6th.

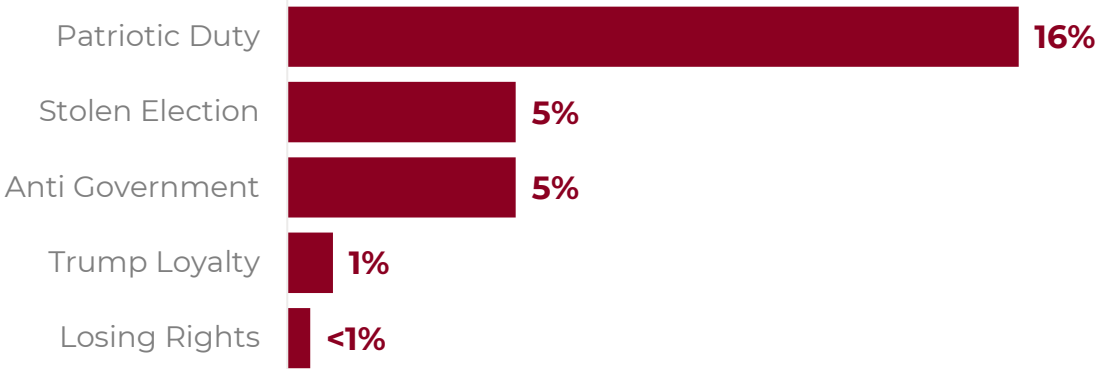
We count repudiations by the types of motives they reject, using the framework we discovered in our “stated motives” report.⁴ Specifically, we search for people who say either (1) the 2020 election was not stolen, (2) they support U.S. institutions, (3) the actions taken on January 6th were not patriotic, (4) that their rights are not actually under threat, or (5) that they acknowledge that Trump lied to them about the election. Of the 48 defendants with at least one repudiation statement, 8 repudiated multiple motives (the maximum observed is repudiating three motives).

The most common motive repudiated is that January 6th was “patriotic action”: 35 defendants stated in one form or another that actions taken on January 6th had not been patriotic and had harmed or shamed the United States. Ten defendants, less than 5% of the total so far sentenced, said that the election was not stolen or that Biden is the president. Only three, about 1% of the total, repudiated Trump.

Figure 2 below shows the percentage of the 217 sentenced defendants who made statements that repudiated each of the main stated motives for the January 6th insurrection:

⁴ “IN THEIR OWN WORDS: WHY THOUSANDS OF TRUMP SUPPORTERS THREATENED DEMOCRACY ON JANUARY 6, 2021: Analysis of Stated Motives of those Charged with Storming the US Capitol,” (Chicago: University of Chicago Project on Security and Threats, September 12, 2022).

FIGURE 2. PERCENT OF THOSE SENTENCED WHO HAVE REPUDIATED MOTIVES FOR JANUARY 6



The appendix contains a set of eighteen defendants and examples of their repudiation statements.

3. DOUBLE-DOWNS

Although rare, four defendants who have been sentenced made statements *reinforcing* their commitment and enthusiasm for the political goals of the January 6th attack without some later statement of repudiation. For instance, at his sentencing hearing John Lolos begins his statement by insisting that he saw voter fraud on television during the 2020 election, David Ticas insisted that all the violence at the Capitol was the product of U.S. government provocateurs, and Jenny Cudd said that she wished that the 2020 election had never been certified. The four double-down statements are included in Table 1 below.

TABLE 1. DOUBLE-DOWN STATEMENTS EXAMPLES

| Case | Double-Down Text |
|--|---|
| Cudd, Jenny Sentenced: 3/22/2022 | <p>According to media reports, at her sentencing hearing "Cudd herself delivered a short statement promising to continue to fight for 'free, fair and transparent elections' and saying she'd suffered financial and social consequences from her arrest, including threats against her and her business. She also expressed regret — that the challenge to certification of electoral votes on Jan. 6 was disrupted. 'I believe we would have a very different country if that debate process had not been interrupted that day,' Cudd said." (WUSA9). No official transcript of the sentencing hearing has been filed.</p> <p>Source: Media Report Doubles Down On: <i>Election Stolen</i></p> |
| Evans, Derrick Sentenced: 6/22/2022 | <p>In an interview with NewsMaxx one week after his sentencing hearing, former member of the WV House of Delegates Derrick Evans was asked if he had any regrets. Evans replied: "You know, I regret I would be away from my family for the next three months... but I'm never going to regret standing up for what I believe in and fighting for the Constitution and America." Asked what he had hoped to accomplish, Evans said he came to "exercise my freedom of speech and support President [Donald] Trump. He's the greatest president of my lifetime." Asked again if he had any regrets, Evans stated: "Absolutely not. No. I went there peacefully exercising freedom of speech. We have a constitutional right to do that in this country. And I believe I am being held captive as a political prisoner along with many other January 6 defendants." (NewsMaxx).</p> <p>Source: Media Interview Doubles Down On: <i>Patriotic Duty, Losing Rights, Trump Loyalty</i></p> |
| Lolos, John Sentenced: 11/19/2021 | <p>Lolos opens his statement to the court by doubling down on election fraud: "So I saw voter fraud on TV ... I heard testimony, ordered reports of over 2,000 sworn, signed affidavits from truck drivers delivering ballots from New York City, taking them down to Philadelphia and other states, from people who worked in the polling places...." (Sentencing Hearing Transcript, pp. 30-31).</p> <p>Source: Hearing Transcript Doubles Down On: <i>Election Stolen</i></p> |

| Case | Double-Down Text |
|--|---|
| Ticas, David Sentenced: 7/15/2022 | <p>In his letter to the court submitted with the sentencing memorandum, after acknowledging Biden as commander in chief, Ticas doubles down, maintaining that the election was stolen ("The 2020 election was decided by ballot harvesting and illegal voting by mail."). He explains that Trump warned of a "one world government" under which "the United States would cease to exist." He states that violence at the Capitol began "the moment U.S. Capitol Police, under cover federal agents, or their informants began throwing tear gas and concussion grenades into the crowd" and that "The U.S. government has a very troubling pattern of committing acts of violence and entrapment on their citizens." (Defendent's Sentencing Memo, Exhibit J, pp 39-41)</p> <p>Source: Sentencing Memo Doubles Down On: <i>Anti-Government, Election Stolen, Losing Rights</i></p> |

4. DEMOGRAPHIC, SENTENCING DIFFERENCES?

We examined a variety of demographic characteristics and found only minor differences for remorse, repudiations, and double-downs by gender, age, and the type of charge (violent/non-violent). This reinforces the finding in our stated motives report that there are few notable cleavages in the mindset that stormed the Capitol on January 6th. Data available upon request.

APPENDIX: SELECTED CASES

Table 3 below presents 18 individuals who repudiated at least one of the five primary motives that drove people to storm the Capitol on January 6th. Included for each is one of their statements and the specific motives they repudiated, as well as the source for the statement.

Key for Repudiated Motives

- **Election Stolen:** they accept the *2020 election was not stolen*
- **Anti-Government:** they express *support for U.S. institutions*
- **Patriotic Duty:** the actions taken on *January 6th were not patriotic*
- **Losing Rights:** that their *rights are not actually under threat*
- **Trump Loyalty:** they acknowledge that *Trump lied to them*

TABLE 2. REPUDIATION STATEMENTS EXAMPLES

| Case | Repudiation Text |
|--|---|
| Griffith, Jack Sentenced: 10/28/2021 | At his sentencing hearing, Griffith, apologizes for being part of a violent attack on the Capitol: "And without my presence and the presence of thousands of others, I know that there would not have been an attempted coup; and I know I added on to that, and I apologize for doing so." Source: Hearing Transcript: Sentencing Hearing Transcript, p. 65 Repudiates: <i>Patriotic Duty</i> |
| Herendeen, Daniel Sentenced: 4/1/2022 | In his letter to the court submitted in support of his sentencing memorandum, Herendeen wrote: "To everyone that was working in the capital representing the American people, the heroes protecting the capital and the American people watching, I truly do apologize for what transpired January 6th and my involvement on that day . It is a black spot on this nations history." Source: Letter to Court: Defendant's Sentencing Memorandum - Exhibit 3 Repudiates: <i>Patriotic Duty</i> |
| Howell, Annie Sentenced: 3/2/2022 | In her letter to the court in support of her sentencing, Howell wrote: "January 6th, 2021 was supposed to be a day of democratic protest, patriotism and unity. Instead, it was an egregious instance of extremism. It was a riot. Propelled by propaganda, hatred, fear, political division, manipulation and violent characters with radical ideologies." Source: Letter to Court: Defendant's Sentencing Memorandum – Exhibit A Repudiates: <i>Patriotic Duty</i> |

| Case | Repudiation Text |
|--|---|
| Jackson, Micajah Sented: 3/24/2022 | <p>In his letter to the court submitted as part of his sentencing memorandum and dated 2/1/2021, Jackson wrote: "...January 6th was a dark day for every American citizen. As a Marine, I failed to uphold myself to a higher standard that I was trained to be....Therefore, my actions require consequences by the rule of law to be held in our country....The mayhem that occurred outside and inside our sacred United State Capitol was uncalled for. Americans went far beyond the First Amendment to peacefully petition the government."</p> <p>Source: Letter to Court: Defendant's Sentencing Memorandum, Exhibit 2 Repudiates: <i>Patriotic Duty, Anti-Government, Losing Rights</i></p> |
| Kelly, Kenneth Sented: 1/14/2022 | <p>At his sentencing hearing, Kelly expresses remorse and repudiates anti-government and patriotism motives: "I greatly regret my error in judgment, and I know it was wrong, and it always will be wrong. Congress, my country, and my loved ones deserve better from me. I realize that the country I love was built on the very laws that I breached."</p> <p>Source: Hearing Transcript: Sentencing Hearing Transcript pp. 20-21 Repudiates: <i>Patriotic Duty, Anti-Government</i></p> |
| Markofski, Abram Sented: 12/10/2021 | <p>In his letter submitted as part of his sentencing memorandum, Markofski wrote: "I did not travel to Washington to cause harm to our government, but I got caught up in the moment....My actions put me on the other side of the line from my brothers in the Army. The wrong side. Had I lived in the area, I would have been called up to defend the Capitol and restore order. That's what I took an oath to do, but my actions put my oath into question. My actions brought dishonor to my beloved U.S. Army National Guard."</p> <p>Source: Letter to Court: Defendant's Sentencing Memorandum - Exhibit B Repudiates: <i>Patriotic Duty</i></p> |
| Mattice, Cody Sented: 7/15/2022 | <p>In his letter to the court submitted as part of his sentencing memorandum, Mattice wrote: "I wish I could take it all back. My immature actions that day were filled with ignorance, confusion, fear and a belief being relentlessly pounded into my head all day that what we were doing was standing up for America and the people. I feel as if my love for this beautiful country and the freedom America stands for was used against me for ones [sic] political motivations and gains."</p> <p>Source: Letter to Court: Defendant's Senetencing Memorandum - Exhibit 2, p. 5 Repudiates: <i>Patriotic Duty, Trump Loyalty</i></p> |
| Nelson, Brandon Sented: 12/10/2021 | <p>In a letter submitted to the judge as part of his sentencing memorandum, Nelson wrote: " My participation in the riot was completely unwarranted, and instead I was swept up in emotion and irrationality. Nobody should have gotten hurt that day and that was not the case. There were law enforcement that got hurt and died in the event, and in no circumstance is that ever okay, People should not have to be fearful of fellow citizens and people they are around. I'm sorry and ashamed that by being a part of this I have caused many people to feel that way..."</p> <p>Source: Letter to Court: Defendant's Sentencing Memorandum – Exhibit B Repudiates: <i>Patriotic Duty</i></p> |

| Case | Repudiation Text |
|--|---|
| Palmer, Robert Sentenced: 12/17/2021 | <p>In his letter to the court submitted with his sentencing memorandum, Palmer wrote: "...I realize that we meaning Trump supporters were lied to by those that at the time had great power meaning the then sitting President, as well as those acting on his behalf. They kept spitting out the false narrative about a stolen election and how it was "our duty" to stand up to tyrants. Little did I realize that they were the tyrannical ones desperate to hold onto power..."</p> <p>Source: Letter to the Court, Defendant's Sentencing Memorandum – Exhibit B Repudiates: <i>Patriotic Duty, Election Stolen, Trump Loyalty</i></p> |
| Petrosh, Robert Sentenced: 3/25/2022 | <p>At his sentencing hearing, Petrosh told the court: "...I spent a lot of time thinking about the events on January 6 and am disappointed in myself for getting caught up in the chaos and acting in a way that is out of character for me. My actions that day are unacceptable, wrong and disrespectful. I'm embarrassed by my actions and would like to apologize to my wife and my children, to my extended family, my friends, the staffers inside the Capitol building, this Court and the American people."</p> <p>Source: Hearing Transcript: Sentencing Hearing Transcript, pp. 25-26 Repudiates: <i>Patriotic Duty</i></p> |
| Reed, Blake Sentenced: 4/14/2022 | <p>At his sentencing hearing, after being asked by the judge whether he still believed Trump was president, Reed affirmed to the court that "as of right now, the president of the United States is Joe Biden."</p> <p>Source: Hearing Transcript: Sentencing Hearing Transcript, p. 70 Repudiates: <i>Election Stolen</i></p> |
| Reimler, Nicholas Sentenced: 12/10/2021 | <p>According to media coverage of his sentencing hearing, Reimler told the court: "I want to say I'm sincerely sorry for being in and around the Capitol building that day," he said. "I'm sorry for the United States Capitol police officers who should have never had to defend lawmakers and their staff in the fashion they had to. ...And I'm sorry to the people of this country for threatening the democracy that makes this country so great."</p> <p>Source: Hearing Media Repudiates: <i>Patriotic Duty</i></p> |
| Rosa, Eliel Sentenced: 10/12/2021 | <p>At his sentencing hearing, Eliel Rosa stated to the court: "I better understand now and the real world the meaning of something I have always believed, which is that American citizenship is a privilege to be earned not a right to be entitled to... As probably the only one non citizen charged for that day's events at the Capitol, I know my action shocked many American friends and misrepresented many law abiding immigrants who came before me."</p> <p>Source: Hearing Transcript: Sentencing Hearing Transcript, p. 20 Repudiates: <i>Patriotic Duty</i></p> |

| Case | Repudiation Text |
|---|---|
| Rubenacker, Greg Sented: 5/22/2022 | <p>In a letter submitted in support of his sentencing memorandum, Rubenacker apologized and repudiated the causes of January 6: "I also want to extend my apologies to the entire Country. I went there because I believed the lies that were told by members of the media and our own political figures. Lies about a corrupt and stolen election. Lies that gave me a significant false understanding that by coming to Washington, we could do something about it. ...I went with the belief that I was protesting an issue that deeply concerned me for the Country, an issue I now understand was fabricated."</p> <p>Source: Letter to Court: Defendant's Sentencing Memorandum - Exhibit 1, pp. 33-34 Repudiates: <i>Election Stolen</i></p> |
| Sywak, William Michael Sented: 12/21/2021 | <p>"Thinking back, I'm ashamed that I was involved in all of this. I believe I was misled by the President about the election...."</p> <p>Source: Letter to Court: Defendant's Sentencing Memorandum - Exhibit 1, pp. 33-34 Repudiates: <i>Election Stolen, Trump Loyalty</i></p> |
| Thompson, Devlyn Sented: 12/21/2021 | <p>Mr. Thompson wrote a lengthy letter to the judge rejecting political violence and affirming the importance of government institutions and the peaceful transfer of power: "My conservative creed still remains the same. However, the system of governance a constitutional republic, and the processes in place for deciding who sits in the oval office behind the Resolute Desk transcends any one candidate or party. That peaceful transfer of power and the method set out for achieving it are worthy of protection. My message to fellow conservative, or any American dissenting with the current administration, is that we must continue our work within the confines of the systems and condemn the actions on January 6th as atrocious...."</p> <p>Source: Letter to Court: Defendant's Sentencing Memorandum – Exhibit C Repudiates: <i>Anti-Government</i></p> |
| Wilson, Zachary Sented: 1/27/2022 | <p>At his sentencing hearing, Zachary Wilson stated: "I'm incredibly sorry for my part in what is now such a stain on American history."</p> <p>Source: Hearing Transcript: Sentencing Hearing Transcript, pp. 29-30. Repudiates: <i>Patriotic Duty</i></p> |
| Zlab, Joseph Sented: 4/1/2022 | <p>In his letter to the court submitted in support of his sentencing memorandum, Zlab wrote: "I am so sorry that I had any part of these events....This protest turned into a riot and an unruly mob, and has now left a stain on American history."</p> <p>Source: Letter to Court: Defendant's Sentencing Memorandum, Exhibit A Repudiates: <i>Patriotic Duty</i></p> |

THE DATA

The report presents data on statements of remorse, repudiations, and doubling down by individuals sentenced with participating in the January 6, 2021 attack on the US Capitol.

Below we describe the data on charged insurrectionists and the method used to code state motives.

Insurrectionist Data

The Chicago Project on Security and Threats (CPOST) conducted a comprehensive review of 217 individuals out of the 860 that had been sentenced for their role in the January 6th, 2021 attack on the U.S. Capitol. The Department of Justice is pursuing up to 2000 cases of individuals who participated in the January 6 Capitol Insurrection. The cases are compiled from court records, department of justice records, and media reports.

To be included in the data, an individual must be charged with directly participating in the breach of the US Capitol on January 6, 2021 to stop the certification of president elect Joseph Biden as the 46th president of the United States.

Common charges include:

- Entering and Remaining Capitol Building/Grounds
- Parading, Demonstrating, or Picketing in a Capitol Building
- Obstruction of Official Proceeding
- Assaulting, Resisting, or Impeding Certain Officers
- Conspiracy

We exclude the cases where direct participation cannot be verified. For example, we exclude cases of individuals charged with curfew violations in the immediate vicinity of the Capitol on the evening of January 6, 2021. We also exclude cases of individuals who are likely to have participated but were arrested prior to the Capitol breach.

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