

POLITICO

INSURRECTION FALLOUT

Lawyer: Capitol Police whistleblowers face retaliation

A letter to Congress says Capitol Police intelligence analysts warned leadership of the impending Jan. 6 attack. They were ignored then and are now being targeted for speaking out.



Members of the National Guard work inside a secured area of the U.S. Capitol complex. | Jacquelyn Martin/AP Photo

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Multiple people who worked in the Capitol Police intelligence division on Jan. 6 raised concerns about the department before and after the insurrection and have since faced retaliation, according to an employment lawyer representing the whistleblowers.

“I represent a group of U.S. Capitol Police whistleblowers who worked in IICD [Intelligence and Interagency Coordination Division] on January 6, 2021,” Dan Gebhardt of the Solomon Law Firm, PLLC told POLITICO in a statement. “They have made a multitude of internal complaints regarding gross mismanagement and intelligence failures by certain IICD managers that contributed to the events of January 6, 2021. As a result, there have been multiple retaliatory actions against the whistleblowers, including two proposed removals.”

“My clients are experiencing retaliation for speaking out about Capitol Police management failures related to January 6, 2021,” he added.

Gebhardt did not provide further detail about the nature of his clients’ complaints regarding the Capitol Police department or the retaliation he says they face, beyond his allegations of two potential firings.

But a separate letter — sent by [a person who submitted a whistleblower report](#) to Congress regarding the Capitol Police earlier this year, and who is not Gebhardt’s client — contains detailed allegations about the type of retaliation that police intelligence whistleblowers now face. That letter, which POLITICO reviewed and has not previously been reported, has been sent to the Jan. 6 select committee, as well as the House Administration Committee and the Senate Rules Committee.

Dated Nov. 8, that letter said Capitol Police intelligence analysts have made at least 93 complaints about “abuse and mismanagement of the USCP intelligence operations” before and after Jan. 6. Those complaints have gone to department supervisors, the department’s Office of Professional Responsibility, the department’s inspector general and congressional committees.

“The analysts had overwhelming intelligence indicating that armed militia was going to attack in force to seize the Capitol,” the letter reads. “This was ignored by the ‘experts’ commanding the IICD.”

The letter says there is a “culture of retaliation and intimidation” in the department’s intelligence division.

In the months before the attack, Capitol Police installed new leadership at the intelligence division who began to overhaul it. By mid-November, the unit’s new chief “was laying out new priorities,” [CNN reported](#).

The letter POLITICO reviewed cites the reorganization as a major factor contributing to the failure of Capitol Police to recognize the gravity of the threat posed on Jan. 6 and to plan accordingly. Before that reorganization, according to the letter, “there had never been an intelligence failure related to demonstrations.”

“The failure of the 6th is a stark contrast to the historical success of this unit, but this failure was not on the analysts,” the letter reads. “They provided more than enough very specific warning. No, the intelligence failure rest [sic] squarely on the IICD leadership.”

“The true heartbreak post January 6th is the ongoing retaliation and intimidation that continues against most members of the IICD that sounded the alarms about the intelligence and disorganization prior to tragedies of January 6th,” the letter adds.

A spokesperson for the Capitol Police declined to comment, citing the possibility of litigation.

Federal law provides significant protections to people who work in the executive branch and file whistleblower complaints. But workers in the legislative branch — which includes Capitol Police personnel — enjoy far less protection.

Gebhardt, the lawyer, said this is a problem.

“There needs to be more robust whistleblower protections for employees in the legislative branch,” he told POLITICO.