

**Attorneys' Statement on Threatened Prosecution of Investigative Journalist**

*“My name is Stephen Baker, and I am a journalist. I am now employed by Blaze Media, but I have been a freelance writer and journalist for more than 25 years. I have covered newsworthy events around the country for over ten years. I went to Washington, D.C., on January 6, 2021, just like dozens of other journalists, and I covered the events of the day.*

*For more than 30 months, it has been said to me by representatives of the Department of Justice that I am under investigation, and twice, I have been told that an indictment charging me with crimes would be filed within a matter of days.*

*For the past 8 months, I have been reviewing non-public closed-circuit television video and body-worn camera video in the possession of Congress at the invitation of the Speaker of the House. I have found and published stories about video evidence that contradicts claims made by the Department of Justice – and evidence presented by the DOJ – in various trials of the January 6 defendants.*

*After not having indicted me for 3 years, it is clear that any move to do so now will be in retaliation for my reporting – first about apparently perjured testimony by key government witnesses Harry Dunn and David Lazarus, and now about the true identity of the “passerby” who discovered the pipe bomb outside the DNC headquarters a short distance from the Capitol. The “passerby” was actually a U.S. Capitol Police Officer.*

*I will not be intimidated. I will continue to report the findings of my investigation into the evidence being made available to me to review. I have followed and reported on dozens of trials of January 6 defendants, and the more I investigate, the greater is my unease at what is being done in the name of “justice.”*

Stephen Baker  
January 22, 2024

The undersigned attorneys have volunteered to represent Steve Baker in any criminal proceeding brought against him by the U.S. Department of Justice. We all became acquainted with Steve over the past 18 months, beginning with his daily coverage from inside the courtroom in the first trial of members of the Oath Keeper organization from September to November 2022.

Steve Baker was at the Capitol on January 6, capturing the events of that day on video and taking notes for later reporting. Steve Baker has provided access to his video and his reporting on the events of January 6 to numerous media outlets.

In July 2021 Steve was first advised that he was under investigation in connection with the events of January 6. In August 2021, an interview with the FBI was arranged but canceled at the last minute by the government. In October 2021, Steve submitted to a two-hour interview with FBI

Agents about his actions and the events of January 6. In November 2021, Steve's attorney was told in an email that Steve could be charged "within the week."

That was 26 months ago -- no charges have yet been filed.

In August 2023, the DOJ served Steve with a grand jury subpoena for videos taken by him on January 6. Steve complied and produced the requested material.

On December 14, 2023, the FBI again contacted Steve's attorney and advised him that charges were about to be unsealed and that Steve should appear in federal court in Raleigh, N.C., on December 19.

The very next day, the same FBI Agent contacted Steve's attorney to advise him that the matter was being postponed.

A member of Steve's legal team spoke with the federal prosecutor in charge of the investigation shortly thereafter and was told that a final decision on whether to charge Steve had not yet been made. He would not disclose what possible charges were being considered.

During that call, an explicit assurance was given that if Steve was indicted, it would be communicated to Steve's legal team, and a date would be scheduled for Steve's voluntary appearance in the District of Columbia for arraignment. Steve would not be subject to the public spectacle of a surprise arrest in the early morning hours at his residence.

Notwithstanding his knowledge of all the above, Steve has been unrelenting in continuing to report on his investigation into the events of January 6 and the legal proceedings taking place in the District of Columbia over the past three years.

Hundreds of hours of work by Steve resulted in him uncovering video evidence that calls into question the truthfulness of testimony by two key prosecution witnesses in the first Oath Keeper trial – US Capitol Police Officers Harry Dunn and David Lazarus.

Lazarus was on the Dignitary Protection Detail of former Speaker Nancy Pelosi. The video evidence discovered by Steve contradicts Lazarus' testimony as to his location with respect to a key allegation against some Oath Keeper defendants.

The video evidence discovered by Steve shows Lazarus was at a different location in the Capitol complex at the time he testified he witnessed an alleged confrontation between Officer Dunn and Oath Keepers.

Lazarus' testimony was critical to corroborating Dunn's version of events because Dunn had changed his description of those events multiple times – starting with his original reports and interviews, followed by his statements to the January 6 Committee, then the description in his book, and finally his testimony during the Oath Keeper trial.

Steve has been reporting on this issue for several months – including talking to Harry Dunn multiple times -- but it was only 8 days ago that Steve received permission to publish the video

evidence showing Lazarus at a different location than Dunn when the alleged confrontation happened.

More recently, on Wednesday, January 17 -- 5 days ago -- Steve and The Blaze were the first to report that multiple congressional sources confirmed that the person who first discovered the pipe bomb at the DNC headquarters near the Capitol in the early afternoon on January 6 was not a “passerby” but rather was a U.S Capitol Police Officer in plain clothes. For three years, the Department of Justice and U.S. Capitol Police have withheld the identity of this individual.

For nearly a year, the Department of Justice misrepresented in court filings that then Vice-President-Elect Kamala Harris was inside the Capitol ahead of the proceedings involving the counting of electoral votes. That turned out not to be true, as evidence showed she was at the DNC headquarters a short distance from the Capitol at the very time the pipe bomb was supposedly discovered by a “passerby” outside the building.

As Steve’s reporting revealed, video evidence shows a near total disinterest by the Secret Service Agents assigned to VP Harris’ protective detail when the pipe bomb was supposedly found. Curiously, the Secret Service cannot produce any of its various forms of internal communications – audio recordings or otherwise – from January 6.

This latest reveal by Steve and other media has created a firestorm and media frenzy because there is simply no question that the public and press have been deceived about the pipe bomb incident. The Department of Justice was forced to correct misrepresentations made in court documents about the location of VP Harris, having alleged in many early cases that she was inside the Capitol when, in fact, she was at the DNC headquarters.

The belief among many in the January 6 defense community has long been that the pipe bombs at the DNC and RNC offices were a ruse meant to draw manpower of the US Capitol Police away at the same time the crowd was anticipated to begin arriving for planned and permitted protests scheduled to take place following the end of the rally at the Ellipse. It is believed that the need to address the pipe bombs was going to be offered as an excuse for why the U.S. Capitol Police were undermanned and unprepared to maintain security at the Capitol grounds.

There was a politically motivated desire for the scheduled and permitted protest activities on the afternoon of January 6 to become an unruly spectacle. But an excuse had to be created for why the U.S. Capitol Police – 2000+ strong – would not be able to control the situation. Such an excuse could not create embarrassment for the leadership of that force.

All of the above information is put forward here because of the following:

We now have information that Steve’s reporting has so agitated officials in multiple federal agencies that an effort is now underway to find a basis to charge Steve with more serious crimes and to use those more serious crimes as a pretext for early morning raids to execute search and arrest warrants on him and his family.

If this is true, and search and arrest warrants are used to drag Steve out of his house in the early morning hours someday soon, that will be evidence of retaliation against a journalist exercising his First Amendment rights to report information that is embarrassing to government officials.

This will be ANOTHER breaking of institutional norms by the Department of Justice. Among the undersigned counsel are former prosecutors with the Department of Justice – each having served for more than 20 years – who have witnessed the breaking of other norms of DOJ policy and procedure over the past three years, such as using arrest warrants and SWAT raids to apprehend persons charged with only misdemeanor offenses.

Now a journalist reporting facts embarrassing the government is being targeted for prosecution. There were dozens of members of the media working for various organizations -- as well as numerous independent freelance journalists like Steve – present at the Capitol on January 6. Many went inside the Capitol building to capture what was happening there. We have been compiling a list of all such journalists over the past several months. We will be calling upon those journalists and their employers to publicly stand in favor of the First Amendment and denounce any effort by the Department of Justice to prosecute Steve.

Steve's actions on January 6 have been known to the Department of Justice for 3 years. But it is only now – after Steve has broken two major stories greatly embarrassing to the DOJ – that he is possibly being targeted for arrest and possibly felony prosecution. Any action taken to put him in handcuffs, hold him in custody, and have him transported to court by federal law enforcement will be nothing other than retaliation for his recent reporting.

As Steve's counsel – all volunteers – issue the following challenge to the Department of Justice:

If you are so convinced in the strength of your case against Steve Baker that you file charges against him in the District Court for the District of Columbia, we invite you to join in a stipulation with the defense to have Steve's case tried in the United States District Court for the Eastern District of North Carolina or the Northern District of Texas.

Are citizens of those two districts not suitable for jurors in Steve's case?

Is the federal judiciary in those two districts not able to provide a fair and impartial trial?

On what basis does the United States Department of Justice believe the “United States” can only get a fair trial in the District of Columbia and not one of those “United” States?

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