



# PIRRO FAILS TILLIS TEST

By Tom Joscelyn and Norman Eisen

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Earlier this week, Senator Thom Tillis [said](#): “Does anybody really believe that if I was convinced that Bove had made any statements condoning the violent acts against Capitol Police officers, that I’d be voting for him? Just ask Ed Martin whether or not that’s a red line. The fact of the matter is, I can’t find one piece of evidence where he said that the violent acts against police officers were ok, or condoned. If you find, let me know.”

Using the standard set by Tillis, he and other Republican senators should vote against Jeanine Pirro, President Trump’s nominee to serve as the top federal prosecutor in Washington, D.C. Trump nominated her for the post after Tillis and others refused to confirm Ed Martin for the same post.

As discussed more fully below, the evidence clearly shows that Pirro:

- **Dismissed the violence on January 6th as a political “narrative.”**
- **Argued that Ashli Babbitt was the only real victim – ignoring the approximately 140 police officers who were assaulted.**
- **Defended President Donald Trump’s sweeping pardons of January 6th defendants and convicts, claiming they were “hostages” and making no distinction between violent and non-violent offenders.**
- **Criticized a Trump-appointed judge’s sentencing of Proud Boy chairman Enrique Tarrio – the leader of the conspiracy to attack the U.S. Capitol – to 22 years in prison.** As the judge found, Tarrio’s conspiracy led to “two hundred men amped up for battle encircling the Capitol.” Tarrio’s men led the attack and assaulted multiple police officers.
- **Accused the Department of Justice (DOJ) of “jailing people based upon their political beliefs.”**

## 1. Pirro dismissed the violence on Jan. 6 as a political “narrative.”

During the October 10, 2021, episode of her [WABC radio show](#), Pirro agreed with a caller who criticized the Biden administration handling of January 6th. Pirro [responded](#) to the caller (emphasis added):

So, what you’re saying is that what Merrick Garland is doing here is . . . pretty bad. And the truth is that it’s language. It’s a narrative. And we’ve been watching it since a day and before Joe Biden walked into office. **What they do is they create a narrative, they say January 6th was violent, it**

**was dangerous, when, you know, Ashli Babbitt was shot and killed.** She was an army veteran. And, you know, they still didn't, I don't know did they tell us who actually killed her uh...Was it a Capitol Police Officer and that was it?

Therefore, within months of January 6th, Pirro was dismissing the fact that the attack on the U.S. Capitol was "violent" and "dangerous," claiming it was merely a Biden administration political "narrative."

**2. Pirro argued that Ashli Babbitt was the only real victim on January 6th – ignoring the fact that approximately 140 police officers were violently assaulted. Pirro falsely claimed that the U.S. Capitol Police had failed to identify the officer who shot Babbitt, insinuating they were guilty of a coverup.**

As can be heard in the October 10, 2021 clip above, Pirro argued that Babbitt, a [Trump supporter who shared QAnon conspiracy theories](#), was the only real victim on January 6th.

Pirro made the same claim during a [January 2025 episode](#) of her show, when she said: "Well and the whole idea, Mike Davis, that, you know, **the person who died was Ashli Babbitt**, uh, that the Capitol Police, as I understand, shot, and they will still not identify who shot her." **(emphasis added)**

Facts to keep in mind:

- This issue should be raised directly with Tillis – as Pirro is making the same types of claims that Ed Martin made. According to conservative activist Tom Fitton, Tillis [raised the issue](#) when rejecting Ed Martin's nomination. Fitton claims Tillis "mocked the shooting death of Ashli Babbitt in discussions over support for Ed Martin. Senator Tillis should apologize to Ashli Babbitt's family."
- Babbitt [was shot](#) as she attempted to crawl through a smashed glass door leading to the Speaker's Lobby of the Capitol, just steps away from where Members of Congress were being evacuated. That is, Babbitt was **at the front of the violent mob that threatened lawmakers inside the U.S. Capitol on January 6th.**
  - As [explained](#) by the Department of Justice (DOJ), which closed the investigation into Babbitt's death without pressing charges: Three USCP officers "positioned outside the doors were forced to evacuate" and "[a]s members of the mob continued to strike the glass doors, Ms. Babbitt attempted to climb through one of the doors where glass was broken out."
- Pirro's claim that the U.S. Capitol Police (USCP) did not identify the officer who shot Babbitt is flat false. It was also an attempt to scapegoat the USCP for the violence that day. Contrary to Pirro's claim, Lt. Michael Byrd had spoken out months earlier. "I am afraid, because I know there are people who disagree with my actions," Byrd [told NBC News](#) in August 2021. "I know that that day I saved countless lives."

**3. Pirro has defended Trump's sweeping pardons of the January 6th defendants and convicts, calling them "hostages." In her defense of Trump's pardons, she did not distinguish between non-violent rioters and those who attacked the cops.**

During an [interview](#) with Sid Rosenberg on WABC on January 24, 2025, Pirro defended Trump's January 6th pardons. Rosenberg said he had been asking his guests to grade Trump's first week, and National Review's Rich Lowry had given Trump only an A- because Lowry didn't like the president's "sweeping pardons." Rosenberg added that he thought Pirro would give Trump an A plus.

"A triple plus, squared, whatever, okay, he's off the charts," Pirro responded. "Let me tell you about the January 6th hostages, and I don't want to get into this," Pirro continued.

It should be noted that Rosenberg specifically contrasted Pirro's opinion with that of another conservative guest. Lowry objected to Trump's "sweeping pardons" of the January 6th participants, whereas Pirro did not, repeating the false claim that they were "hostages."

**4. As she defended Trump's sweeping pardons, Pirro criticized the sentencing of Proud Boys leader Enrique Tarrio, the ringleader of the conspiracy to storm the U.S. Capitol. According to a Trump appointed federal judge, Tarrio's conspiracy resulted in "two hundred men amped up for battle encircling the Capitol." Dozens of Tarrio's Proud Boys assaulted on U.S. Capitol Police Officers and Metropolitan Police Officers on January 6th.**

During that same [interview](#) with Sid Rosenberg on WABC on January 24, 2025, Pirro defended Trump's sweeping pardons by saying: "Look, there is so much there, and that's why they're doing an investigation of the January 6th Committee. They destroyed the records, and everything that people started talking about—this guy gets twenty-two years, and he didn't even show up to the place."

That "guy" is Enrique Tarrio, the Proud Boys leader who was [convicted](#) of seditious conspiracy (the most serious crime committed by any of the January 6ers) and other charges, and then [sentenced](#) to twenty-two years in prison.

Here are the facts concerning Tarrio, his sentencing and the Proud Boys:

- Tarrio was sentenced to twenty-two years in prison for January 6th by U.S. District Judge Timothy Kelly – [a Trump appointee](#).
- "Mr. Tarrio was the ultimate leader of that conspiracy. Mr. Tarrio was the ultimate leader, the ultimate person who organized, who was motivated by revolutionary zeal," Judge Timothy Kelly [said](#) when sentencing Tarrio. "That conspiracy ended up with about 200 men amped up for battle encircling the Capitol."
- Judge Kelly also [found](#) that Tarrio's "conduct constituted an official act of terrorism and applied an enhancement to his final sentence," according to a DOJ summary of the case.

- Nearly three dozen Proud Boys and their associates were [charged](#) with assaulting law enforcement officers. As of October 2024, 24 had been convicted of assaulting law enforcement officers and another 11 had their cases pending.
- Tarrio's Proud Boys [led the attack](#) at all the major breach points on the U.S. Capitol.
- Tarrio claimed credit for overrunning the U.S. Capitol, [messaging](#) his Proud Boys during the attack: "Make no mistake...we did this."
- In January, Tarrio was [pardoned](#) by Trump. Pirro's criticism of Tarrio's sentencing came after he received Trump's pardon.

**5. Pirro accused the DOJ of "jailing people based upon their political beliefs, and that's what it was, uh, should never ever be tolerated in this country."**

During a January 2025 [episode of her radio show](#), Pirro agreed with her guest, Mike Davis, that DOJ prosecutors needed to be investigated for their January 6th work, claiming they jailed people for their political beliefs.

"Yeah, yeah, I absolutely agree with that and I think that most of America agrees with that because, you know what, the American people are good people, and not only were they fed up with this liberalism that literally, what, took America right to the edge of the cliff, but we're fundamentally fair people and this idea of, you know, jailing people based upon their political beliefs, and that's what it was, uh, should never ever be tolerated in this country," Pirro [said](#).