

# [***'Free Speech Is Dead': Steve Baker's J6 Arrest Revolves Almost Entirely Around His Public Statements, Analysts Say***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BR2-88P1-JBFB-H01K-00000-00&context=1516831)

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**Body**

[*Link to Image*](https://cdn01.dailycaller.com/wp-content/uploads/2024/03/Screenshot-2024-03-01-at-10.38.37%e2%80%afAM-e1709307586915.png)

Blaze Media investigative journalist Steve Baker might've avoided prosecution if it weren't for his political views and public statements after the Capitol riot on Jan. 6, 2021, legal analysts told the Daily Caller.

The distinction, according to these analysts, means the case has certain implications about where a journalist's rights to free speech or free expression begin and end. Rutherford Institute President and attorney John Whitehead said things were “getting very, very dangerous” for journalists, to the point where free speech might be “dead.”

“And that's why I'm telling journalists, 'You've got to get strong. Don't give in. Don't let them muzzle your rights. They want to muzzle you,'” Whitehead said.

Baker, who the FBI [*arrested*](https://dailycaller.com/2024/03/01/fbi-agents-handcuffed-steve-baker-the-blaze/) March 1, was present amid the chaos and entered the U.S. Capitol building on Jan. 6. Baker worked as a freelance journalist that day and later sold footage to The New York Times and HBO, [*according*](https://apnews.com/article/steve-baker-blaze-news-capitol-riot-88004e2ce919d39cc84e1b2922840fc2) to defense attorney Bill Shipley.

Rather than strictly actions, Baker's indictment appears to revolve around a list of comments he made about the riot following the event, including that then-House Speaker Nancy Pelosi was “deserving” of having rioters trespass her office, as well as remarks during the attack. Moreover, after allegedly walking in a “restricted perimeter,” the prosecution says that Baker ignored instructions from Capitol Police to “move off the steps” as he stood near a fence in the West Plaza area of the Capitol.

In a video posted Jan. 6, 2021, to Baker's YouTube channel “The Pragmatic Constitutionalist,” Baker described how he entered Pelosi's office and said he only regrets the fact that he didn't “steal their computers,” the indictment shows. The video appears to have since been deleted.

“The only thing I regret is that I didn't like steal their computers because God knows what I could've found on their computers if I'd done that,” Baker said, according to the indictment. “But by the time I got into Pelosi's office, unfortunately there was some damage done. As I was exiting Pelosi's office the sign was being busted up into little pieces and people were collecting it as souvenirs.”

“Pelosi's office was... ehhh. They got Pelosi's office and you know, it couldn't happen to a better deserving bitch,” Baker said, according to the indictment.[***(RELATED: Reporter Charged For January 6 Coverage Says He Was Put In Shackles, 'Cage With Meth Dealers')***](https://dailycaller.com/2024/03/05/the-blaze-steve-baker-charges-january-6th-arrest-newsmax-interview-attorney-fbi/)

Whitehead said Baker “was aggressive in his journalism” but argued that he should not be charged, even if he expressed regret over not taking a laptop.

“Did he go in and steal the computers?” Whitehead told the Daily Caller. “No, he didn't. So he has a right to say that ... You know, if you're walking down the street and say, 'Oh, I wish I had stolen that car earlier.' Should you get arrested for it?”

“Free speech is dead if you can't do that,” he added. “He didn't do it, did he? So what's the crime?”

Whitehead added that the DOJ was prosecuting Baker because “'They' want journalists to shut up and go home.”

“The only way you get along in a country, any country today, is by bowing your head to the so-called 'government,' and there are people who are not going to do that. That's why you have a First Amendment,” Baker said.

Whitehead said “there's no doubt” that Baker's arrest was politically motivated.

Baker's indictment quotes him as saying that he completely approved of the riot during an interview with WUSA 9 posted Jan. 7, 2021.

“During the interview, BAKER stated, 'Yeah I was quite excited to see this going on,' and stated, 'Do I approve of what happened today? I approve 100%,'” the indictment reads.

**Last Steve Baker Interview Before Arrest**

[*Link to Video*](https://www.youtube.com/embed/A5Z3YPdZP2o?feature=oembed)

Blaze Media Investigative Journalist [*@TPC4USA*](https://twitter.com/TPC4USA?ref_src=twsrc%5Etfw) has now been taken into FBI custody for his J6 reporting

Watch: [*pic.twitter.com/OF9WVh26ER*](https://t.co/OF9WVh26ER)

- TheBlaze (@theblaze) [*March 1, 2024*](https://twitter.com/theblaze/status/1763569770127913076?ref_src=twsrc%5Etfw)

**Steve Baker Speaks Out After FBI Arrest**

[*Link to Video*](https://www.youtube.com/embed/jY1shbHkOq8?feature=oembed)

Criminal defense and civil rights attorney Joseph McBride, who currently represents social media influencers Andrew and Tristan Tate in a defamation case, along with other Jan. 6 defendants, had a similar perspective. McBride told the Daily Caller that the DOJ was targeting “right-wing influencers and journalists,” “political dissidents” and those who refuse to “kiss the ring.”

“[Baker] has been at the center of the exchange of information as a journalist since J6 and beforehand, and I think because of that, they want to make sure that number one, his word is discredited,” he told the Daily Caller. “Number two, they want to strike fear into the hearts of anybody else who may have information like he has.”

“And number three, the very obvious answer is because of his ***politics***, because of who he supports as a candidate ... because of the way he looks and because he refuses to bend the knee, kiss the ring or whatever you want to call it. He's not going to do it,” McBride said. “Steve has done a hell of a job, and they want to shut him up,” he added.

McBride argued that even if Baker said “a few stupid things,” if his intent was to protest as a private citizen or be present at the Capitol on Jan. 6 as a journalist, then his conduct is protected under the First Amendment.

“Look, is it first amendment protected speech? Yes, it definitely is. Can it also be used against him as consciousness of guilt? Yes. It's certainly on the line, but you have to juxtapose that with what he did that day.”

 “Hell no,” Baker did not exceed his rights as a journalist, McBride said flatly.

Josh Blackman, a legal [*scholar*](https://joshblackman.com/) at the Cato Institute and Georgetown Center for the Constitution, said it would've been “less likely” for the DOJ to prosecute Baker if he did not make those remarks about “stealing their laptops.”

“I think what that [laptop] statement shows is that he was not really a journalist. He was a guy with a camera, who sold his [footage],” Blackman said. “A lot of people sold their footage with cameras ... But the argument that [Baker] was a person who was just there as a journalist is harder to follow because of [his] statements.”

“The question really, if you think about it, is was there something different about what he did, than what other journalists did?” Blackman added.

Baker also recorded himself making his way to the Capitol, close to an area where “gallows had been constructed,” the indictment reads. The footage captured him saying, “Look out your windows bitches, look what's coming,” according to the indictment.

Aaron Tur, the director of public advocacy at The Foundation of Individual Rights and Expression (FIRE), told the Daily Caller that the First Amendment does not hand a journalist the right “to trespass, disrupt official proceedings, or otherwise break the law.”

“The First Amendment protects journalists and citizen journalists alike. But it's not a license for journalists to trespass, disrupt official proceedings, or otherwise break the law,” Tur told the Caller. “This case would raise First Amendment concerns if the government were retaliating against Baker for his reporting, but that's not clear at this stage. While the FBI affidavit cites comments Baker made after January 6, the agency may simply be using that as evidence he was in the Capitol and intended to disrupt official business, which are elements of charges he faces. We'll keep an eye on this case as it unfolds.”

Baker told the Daily Caller he was “clearly doing the job of a journalist” and complied with demands from a Capitol Police officer to leave the Capitol building.

“I had no flags. I wore no political attire, no MAGA hat, nothing of the sort. And from the moment I walked in, to the moment I left, you can see me clearly doing the job of a journalist, staying away from the fray, videoing, capturing it, stopping and taking notes. And it wasn't until an actual female Capitol police officer came up to me, took me by the arm and said, 'Sir, can I safely escort you out of the building?' And I complied. It's all on video. From the moment she came up to me to when she led me out the door, there was no resistance whatsoever,” Baker said.

**Baker Inside The Capitol**

[*Link to Video*](https://www.youtube.com/embed/LlXLvbk-6YY?feature=oembed)

Many organizations, including the American Civil Liberties Union (ACLU), The Reporters Committee for Freedom of the Press, Gannett, the National Press Club Journalism Institute and the Press Freedom Defense Fund all commented in defense of CNN's Jim Acosta after his press credentials were [*revoked*](https://dailycaller.com/2018/11/09/trump-jim-acosta-cnn-press-pass/) by the Trump White House in 2018 but have not appeared to be vocal about Baker's arrest. The Trump White House revoked Acosta's [*hard pass*](https://dailycaller.com/2018/11/07/white-house-suspends-jim-acosta-access/) after he refused to surrender the microphone to an intern and blocked the young woman's arm as she attempted to retrieve it.

Baker noted the various people who have reached out and expressed their support.

Republican Wisconsin Sen. Ron Johnson called Baker in Nov. 2023 and offered to help him. The senator gave Baker the contact information of Johnson's chief Jan. 6 investigator, with whom Baker spoke to the following week.

Republican Ohio Rep. Jim Jordan [*wrote a letter*](https://twitter.com/BreannaMorello/status/1767683118637502811?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1767683118637502811%7Ctwgr%5Ebadd86bc99356c4e1b1997414f5aaccf5726cccc%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fthepostmillennial.com%2Fjim-jordan-demands-doj-answer-for-arrest-of-journalist-steve-baker-over-j6-reporting) to the DOJ outlining his “serious concerns” about the “selective prosecution” of Baker, noting there were other journalists who entered the Capitol but were not being charged. Jordan, among other things, is seeking to obtain and review all documents and communications regarding Baker's arrest and the DOJ's determination to request pretrial detention.

“This conduct smacks of harassment and selective treatment for a disfavored criminal defendant,” the letter states, adding that Baker's arrest “criminalizes ***politics*** and weaponizes the administration of justice.”

Republican Georgia Rep. Barry Loudermilk [*tweeted*](https://twitter.com/RepLoudermilk/status/1768284324833472989) in March that Baker was receiving “unjust treatment.”

.[*@Jim\_Jordan*](https://twitter.com/Jim_Jordan?ref_src=twsrc%5Etfw) & [*@JudiciaryGOP*](https://twitter.com/JudiciaryGOP?ref_src=twsrc%5Etfw) have launched an investigation into the unjust treatment of [*@theblaze*](https://twitter.com/theblaze?ref_src=twsrc%5Etfw) journalist [*@TPC4USA*](https://twitter.com/TPC4USA?ref_src=twsrc%5Etfw).

Instead of targeting him for his reporting, the DOJ should focus its time on finding the suspects in the RNC/DNC pipe bomb & gallows investigations. [*https://t.co/uDP74zXDtR*](https://t.co/uDP74zXDtR)

- Rep. Barry Loudermilk (@RepLoudermilk) [*March 14, 2024*](https://twitter.com/RepLoudermilk/status/1768284324833472989?ref_src=twsrc%5Etfw)

“Instead of targeting him for his reporting, the DOJ should focus its time on finding the suspects in the RNC/DNC pipe bomb & gallows investigations,” Loudermilk wrote.

Baker also mentioned that Republican Florida Rep. Ron [*DeSantis*](https://twitter.com/RonDeSantis/status/1765006136661467459) and former Republican presidential candidate and entrepreneur Vivek [*Ramaswamy*](https://twitter.com/VivekGRamaswamy/status/1763621028335354271) expressed their support.

Left-of-center journalists haven't been charged but they go after Steve Baker, who reports from a perspective critical of the administrative state.

The charges - and the draconian treatment over alleged misdemeanor offenses - are textbook examples of weaponized justice wielded... [*https://t.co/pjw3RpdoQV*](https://t.co/pjw3RpdoQV)

- Ron DeSantis (@RonDeSantis) [*March 5, 2024*](https://twitter.com/RonDeSantis/status/1765006136661467459?ref_src=twsrc%5Etfw)

Blaze Media investigative journalist Steve Baker being taken into FBI custody for his J6 reporting.

Ex-Fox News reporter Catherine Herridge being held in contempt yesterday for refusing to reveal her sources about a Chinese-American scientist investigated by the FBI but never... [*https://t.co/nlQV589S14*](https://t.co/nlQV589S14)

- Vivek Ramaswamy (@VivekGRamaswamy) [*March 1, 2024*](https://twitter.com/VivekGRamaswamy/status/1763621028335354271?ref_src=twsrc%5Etfw)

Baker told the Daily Caller that authorities originally intended to charge him November 17, 2021, but his actual arrest did not happen until two and a half years later.

Baker said a “friendly journalist” called him in late Feb. 2023, warning that the DOJ was “terrified” with what Baker was working on.

“I was working on and had begun the process of really digging into the corruption currently in the Capitol Police, but also digging into the possible subornation of perjury of two Capitol police officers in the first Oath Keepers' trial, and that would have been Special Agent David Lazarus and officer Harry Dunn,” Baker told the Daily Caller. “And I received a 6:30am phone call in late February of '23 from a friendly journalist who had a source in the DOJ in D.C., and he called me, woke me up at 6:30 specifically to say, 'Hey, I'm sorry, but you need to hear this. My source told me that they are aware of what you're working on, and they are terrified.'”

“Then I got another message in March, just a couple of weeks later, from my own source at DOJ who said very specifically that the water cooler talk at the DOJ was that not only did they know what I was working on, but that they ascended to try to take some sort of preemptive action,” he continued.

During a trial for seditious conspiracy in 2022, defense attorneys for the Oath Keepers argued members were trying to assist Capitol Police officers during the Jan. 6 riot. However, Lazarus and Dunn testified in Oct. 2022 that this was not the case, according to [*NBC News*](https://www.nbcnews.com/politics/justice-department/capitol-officer-harry-dunn-testifies-oath-keepers-werent-helping-jan-6-rcna53924).

Baker warned others to “wake up” to how people of his profession were being treated in the U.S.

“Wake up. Wake up, because if this kind of precedent is allowed now, if this is where we are going, if this is the new America where they're coming after journalists non-violently recording the events that are happening, they're coming after you ... The point being is, is if you've ever read a history book, when the purges begin, they clean their own house first. They clean out the factions of the factions, and that's who goes to the Gulag first.”

Baker argued that the DOJ was attempting to “throw a wet blanket over the First Amendment” and cause people to be afraid of protesting, whether it be at a school board meeting, an abortion clinic or any other politically-related assembly.

The Blaze Media reporter explained why he chose not to agree to a plea deal.

“My attorneys know that I'm in a unique position. I'm single. I'm 63 years old. My children are grown. They believe in me. They support me, and they're with me, no matter where this goes,” he told the Daily Caller. “And if I was, you know, a 30-something with two toddlers, I might take a plea deal just to get past this and get on with my life. Take a hit. Pick a conviction on a single misdemeanor charge, two years probation or a $2,000 fine, hours of community service and then get on with my life. But I'm fortunate that not only did I not lose my job; as soon as I was told that I was going to be charged, The Blaze made me a full time employee and not just a contributing writer. And so I'm inclined to see this all the way through.”

Baker had his first hearing in March with the Washington, D.C., magistrate. His arraignment is April 3.

Baker's five attorneys are currently representing him pro bono, meaning they are not receiving payment.

Baker is charged with knowingly entering and remaining in “any restricted building or grounds without lawful authority to do so” and knowingly intending to disrupt “the orderly conduct of Government business or official functions,” according to the indictment. He is also charged with uttering “loud, threatening, or abusive language,” engaging in “disorderly and disruptive conduct” inside the Capitol building and “parad[ing], demonstrat[ing], or picket[ing] in any of the Capitol Buildings.

“The truth is, my life hasn't been destroyed. Yet. But many others' have been. I intend to show through my investigations that many lives have been destroyed for no good reason - and that cannot stand,” Baker [*wrote*](https://www.theblaze.com/columns/opinion/commentary-my-january-6-legal-saga-continued-but-not-concluded) in Oct. 2023.

Luis Ramirez contributed to this report.

**Graphic**

The Blaze reporter Steve Baker arrested [Screenshot/The Blaze]

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