

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

KENNETH HARRELSON,

Defendant.

Case: 1:21-mj-00283
Assigned To : Meriweather, Robin M.
Assign. Date : 3/5/2021
Description: Complaint w/ Arrest Warrant

VIOLATIONS:
18 U.S.C. § 371 (Conspiracy)
18 U.S.C. §§ 1512(c)(2), 2
(Obstruction of an Official Proceeding
and Aiding and Abetting)
18 U.S.C. §§ 1361, 2
(Destruction of Government Property
and Aiding and Abetting)
18 U.S.C. § 1752(a)(1)
(Entering and Remaining in a
Restricted Building or Grounds)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kelsey Harris, being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. This Affidavit is submitted in support of a Criminal Complaint charging Kenneth Harrelson with violations of 18 U.S.C. §§ 2, 371, 1361, 1512(c)(2), and 1752(a)(1) (hereinafter, “Subject Offenses”). This Affidavit sets forth evidence establishing probable cause that Kenneth Harrelson conspired with others known and unknown to obstruct the United States Congress’s affirmation of the Electoral College vote regarding the results of the 2020 U.S. Presidential Election, and that they committed other related federal crimes in furtherance of that purpose, as set forth below.

2. On February 19, 2021, a federal grand jury in Washington, D.C., handed up a superseding indictment in case number 21-CR-00028, charging Jessica Watkins, Donovan Crowl, Thomas Caldwell, Sandra Parker, Bennie Parker, Graydon Young, Laura Steele, Kelly Meggs, and

Connie Meggs on counts of Conspiracy, in violation of 18 U.S.C. § 371; Obstruction of an Official Proceeding and Aiding and Abetting, in violation of 18 U.S.C. §§ 1512(c)(2), 2; Destruction of Government Property and Aiding and Abetting, in violation of 18 U.S.C. §§ 1361, 2; and Restricted Building or Grounds Access, in violation of 18 U.S.C. §§ 1752(a)(1).

3. I respectfully submit that this Affidavit establishes probable cause to believe that Kenneth Harrelson, with the conspirators named above:

- a. Knowingly and willfully conspired with others whose identities are known and unknown to law enforcement at this time to commit an offense against the United States, in violation of 18 U.S.C. § 371, that is, to corruptly obstruct, influence, or impede an official proceeding in violation of 18 U.S.C. § 1512(c)(2);
- b. Attempted to willfully injure or commit depredation against any property of the United States, and aided and abetted the willful injury of or depredation against any property of the United States, in violation of 18 U.S.C. §§ 1361 and 2;
- c. Corruptly obstructed, influenced, and impeded an official proceeding, in violation of 18 U.S.C. § 1512(c)(2); and
- d. Entered and remained in any restricted building and grounds without lawful authority, in violation of 18 U.S.C. § 1752(a)(1).

4. Specifically, Harrelson, operating as a group with the individuals identified in paragraph 2, and others, breached the U.S. Capitol, directly or indirectly damaged property of the Capitol, and obstructed Congressional proceedings.

BACKGROUND OF AFFIANT

5. As a Special Agent with the Federal Bureau of Investigation (“FBI”), I am empowered by law to conduct investigations, make arrests, and execute and serve search and arrest warrants for offenses enumerated in Title 21 and Title 18 of the United States Code. I have received training and gained experience in a variety of criminal laws and procedures, including those involving drug distribution, white collar crime and crimes of violence. Through my training, education and experience, I have become familiar with the manner in which criminal activity is carried out, and the efforts of persons involved in such activity to avoid detection by law enforcement. In addition to my regular duties, I am currently tasked with investigating criminal activity that occurred in and around the U.S. Capitol grounds on January 6, 2021.

6. Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as “on or about” dates.

BACKGROUND

The 2020 United States Presidential Election and the Official Proceeding on January 6, 2021

7. The 2020 United States Presidential Election occurred on November 3, 2020.

8. The United States Electoral College is a group required by the Constitution to form every four years for the sole purpose of electing the president and vice president, with each state appointing its own electors in a number equal to the size of that state’s Congressional delegation.

9. On December 14, 2020, the presidential electors of the U.S. Electoral College met in the state capital of each state and in the District of Columbia and formalized the result of the

2020 U.S. Presidential Election: Joseph R. Biden Jr. and Kamala D. Harris were declared to have won sufficient votes to be elected the next president and vice president of the United States.

10. On January 6, 2021, a Joint Session of the United States House of Representatives and the United States Senate (“the Joint Session”) convened in the United States Capitol building (“the Capitol”) to certify the vote of the Electoral College of the 2020 U.S. Presidential Election (“the Electoral College vote”).

The Attack at the U.S. Capitol on January 6, 2021

11. The Capitol is secured 24 hours a day by United States Capitol Police. The Capitol Police maintain permanent and temporary barriers to restrict access to the Capitol exterior, and only authorized individuals with appropriate identification are allowed inside the Capitol building.

12. On January 6, 2021, at approximately 1:00 p.m., the Joint Session convened in the Capitol building to certify the Electoral College vote. Vice President Michael R. Pence, in his constitutional duty as President of the Senate, presided over the Joint Session.

13. A large crowd began to gather outside the Capitol perimeter as the Joint Session got underway. Crowd members eventually forced their way through, up, and over Capitol Police barricades and advanced to the building’s exterior façade. Capitol Police officers attempted to maintain order and stop the crowd from entering the Capitol building, to which the doors and windows were locked or otherwise secured. Nonetheless, shortly after 2:00 p.m., crowd members forced entry into the Capitol building by breaking windows, ramming open doors, and assaulting Capitol Police officers. Other crowd members encouraged and otherwise assisted the forced entry. The crowd was not lawfully authorized to enter or remain inside the Capitol, and no crowd member submitted to security screenings or weapons checks by Capitol Police or other security officials.

14. Shortly thereafter, at approximately 2:20 p.m., members of the House and Senate (including Vice President Pence)—who had withdrawn to separate chambers to resolve an

objection—were evacuated from their respective chambers. The Joint Session and the entire official proceeding of the Congress was halted while Capitol Police and other law-enforcement officers worked to restore order and clear the Capitol of the unlawful occupants.

15. Later that night, law enforcement regained control of the Capitol. At approximately 8:00 p.m., the Joint Session reconvened, presided over by Vice President Pence, who had remained hidden within the Capitol building throughout these events.

16. In the course of these events, approximately 81 members of the Capitol Police and 58 members of the Metropolitan Police Department were assaulted. The Capitol suffered millions of dollars in damage—including broken windows and doors, graffiti, and residue from pepper spray, tear gas, and fire extinguishers deployed both by crowd members who stormed the Capitol and by Capitol Police officers trying to restore order. Additionally, many media members were assaulted and had cameras and other news-gathering equipment destroyed.

The Oath Keepers Militia

17. Law enforcement and news-media organizations observed that members of an organization known as the Oath Keepers were among the individuals and groups who forcibly entered the Capitol on January 6, 2021. The Oath Keepers are a large but loosely organized collection of individuals, some of whom are associated with militias. Some members of the Oath Keepers believe that the federal government has been coopted by a cabal of elites actively trying to strip American citizens of their rights. Though the Oath Keepers will accept anyone as members, they explicitly focus on recruiting current and former military, law enforcement, and first-responder personnel. The organization's name alludes to the oath sworn by members of the military and police to defend the Constitution "from all enemies, foreign and domestic." The Oath Keepers are led by PERSON ONE.

18. In a widely disseminated video¹ recorded by a photojournalist on January 6, 2021, a “stack” of individuals dressed in matching uniforms consisting of camouflaged-combat attire, to include confirmed Oath Keeper members (further described below), moves up and through a crowd on the east side of the U.S. Capitol. A screenshot of the video is below, with a portion of the “stack” encircled by a red oval, and Harrelson in a green circle:



19. Based on my training and experience, a stack or line formation is a tactical formation used by infantryman in the military. One defining feature of this formation is that members keep their hands on the backs or vests of the person in front of them to remain together while entering a room or weaving through a crowd. The purpose of maintaining direct physical

¹ See <https://apnews.com/article/ex-military-cops-us-capitol-riot-a1cb17201dfddc98291eadead5badc257/gallery/0ecd1781c66d437f92c61b3f4848a74e> (at slide 10).

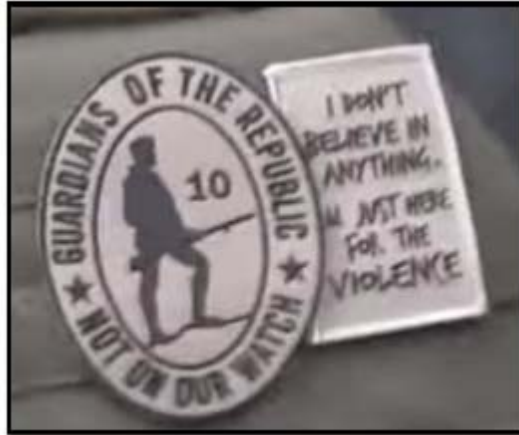
contact with one another is to efficiently communicate with one another, especially in crowded or noisy areas.

20. A service called “News2Share” uploaded to YouTube a video of the January 6, 2021, attack at the Capitol. At the approximate 3-minute-and-8-second mark, the video shows eight-to-ten individuals in matching uniforms consisting of camouflaged-combat attire aggressively approaching an entrance to the Capitol.² These individuals, who are wearing helmets, reinforced vests, and clothing with Oath Keeper logos and insignia, can be seen moving in an organized and practiced fashion and forcing their way to the front of the crowd gathered around a set of doors to the Capitol.



21. A close-up view of the badges on the vest of one of these individuals, seen just under the Oath Keepers emblem on his shirt, displays the Oath Keepers motto, “Not On Our Watch.” The badge also says, “I don’t believe in anything. I’m just here for the violence.”

² See <https://www.youtube.com/watch?v=b76KfHB0QO8&feature=youtu.be>.



22. Based on the foregoing observations of the video, and information gained in the course of my investigation, it is reasonable to believe that the organized group of individuals marching to the doors of the Capitol in the video above are members and affiliates of the Oath Keepers.

23. On January 6, 2021, the particular Capitol doors through which this “stack” of Oath Keepers (and other members of the crowd) breached were significantly damaged. Among other damage, multiple panes of glass were smashed, and a door handle was missing or broken off. The damage is estimated at over \$1000.

Conspirators: Watkins, Crowl, Caldwell, Sandra Parker, Bennie Parker, Young, Steele, Kelly Meggs, and Connie Meggs

24. Watkins, Crowl, Young, Steele, Sandra Parker, Kelly Meggs, and Connie Meggs were among the “stack” members who breached the Capitol and penetrated the Rotunda.

25. Bennie Parker – the husband of Sandra Parker – remained on restricted grounds just outside of the Capitol.

26. Caldwell, who lives in Virginia, provided logistical assistance, including finding the hotel in Northern Virginia where several members of the conspiracy stayed from January 5 through 7, 2021. Caldwell further coordinated with a group of co-conspirators who agreed to serve

as a “quick reaction force” (“QRF”) to monitor the attack at the Capitol from a distance and be prepared to travel to the Capitol in the event they were called upon, possibly while armed. Caldwell also provided maps informing the QRF team how to most effectively reach the Capitol from their staging area.

27. Crowl, Watkins, Bennie Parker, and Sandra Parker live in Ohio. They traveled together by car from Ohio to a home in Virginia belonging to Thomas Caldwell. From Virginia, the group drove to the Washington, D.C., area in advance of the attack on the Capitol on January 6.

28. Young lives in Florida and Steele lives in North Carolina. They are siblings. In advance of the attack on the Capitol on January 6, Young flew from Florida to North Carolina, and then traveled with Steele by car from North Carolina to the Washington, D.C., area.

29. Kelly Meggs and Connie Meggs are a married couple who live in Florida. They traveled together by car from Florida to a home in North Carolina belonging to Person Three. They then drove to the Washington, D.C., area in advance of the attack on the Capitol on January 6. On December 31, 2020, Kelly Meggs wrote a series of messages to another person on Facebook that said, “You guys Gonna carry?” and “Ok we aren’t either, we have a heavy QRF³ 10 Min out though.”

30. The FBI has obtained an audio recording of Zello⁴ communications between Watkins and other suspected Oath Keepers during the January 6th attack on the U.S. Capitol.

³ Based on the investigation, QRF appears to refer to a “quick reaction force,” as used in paragraph 26.

⁴ Zello is a push-to-talk application that operates like a walkie-talkie on a cellular telephone. The Zello application may, depending on a user’s settings, store recordings and other information about the user’s communications on the user’s phone.

During the recorded transmission—believed to be among Watkins and other Oath Keepers on a Zello channel called “Stop the Steal J6”—Watkins had the following exchanges (among others), which are approximately transcribed:

- a. At the approximate 5-minute mark, the voice believed to be Watkins reports, “We have a good group. We have about 30-40 of us. We are sticking together and sticking to the plan.” An individual responds, “We’ll see you soon, Jess. Airborne.”
- b. At the approximate 7-minute-and-44-second mark, an unknown male states, “You are executing citizen’s arrest. Arrest this assembly, we have probable cause for acts of treason, election fraud.” The voice believed to be Watkins responds, “We are in the mezzanine. We are in the main dome right now. We are rocking it. They are throwing grenades, they are fricking shooting people with paint balls. But we are in here.” An individual responds to Watkins, telling her to be safe, and states, “Get it, Jess. Do your fucking thing. This is what we fucking [unintelligible] up for. Everything we fucking trained for.”

31. On December 30, 2020, Watkins and Caldwell exchanged several text messages coordinating their plans and the plans of others for January 6, 2021, including the following message sent by Caldwell to Watkins:

Talked to [Person Three].⁵ At least one full bus 40+ people coming from N.C. Another group (unclear if Mississippi guys) also a bus. Busses have their own lane on the 14th street bridge so they will be able to get in and out. [Person Three] is driving plus 1 and arriving nite before. As we speak he is trying to book

⁵ This individual is referred to in other filings in this matter as “Person Three,” so I am using that nomenclature in this affidavit even though this affidavit does not reference a “Person Two.”

a room at Comfort Inn Ballston/Arlington⁶ because of its close-in location and easy access to downtown because he feels 1) he's too broken down to be on the ground all day and 2) he is committed to being the quick reaction force and bringing the tools if something goes to hell. That way the boys don't have to try to schlep weps on the bus. He'll bring them in his truck day before. Just got a text from him he WAS able to book a room in that hotel I recommended which is on Glebe Road in Arlington. However it goes it will be great to see you again! I sure hope your arm is getting better!

32. On January 6, 2021, while at the Capitol, Caldwell received the following Facebook message: "All members are in the tunnels under capital seal them in. Turn on gas." When Caldwell posted a Facebook message that read, "Inside," he received the following messages, among others: "Tom take that bitch over"; "Tom all legislators are down in the Tunnels 3floors down"; "Do like we had to do when I was in the core start tearing oit florris go from top to bottom"; and "Go through back house chamber doors facing N left down hallway down steps."

33. Records received from Facebook show that, on the evening of January 6, 2021, Young posted on Facebook: "We stormed and got inside."

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

34. Kenneth Harrelson is a 41-year-old resident of Titusville, Florida. As described more fully herein Harrelson conspired with others known and unknown, to forcibly enter the Capitol on January 6, 2021, and to obstruct the Congressional proceeding occurring that day.

35. An individual matching the description of Harrelson appears in the New York Times article "Tracking the Oath Keepers Who Attacked the Capitol"⁷:

⁶ This is the same hotel at which Caldwell, Watkins, and Crowl stayed, at Caldwell's suggestion.

⁷ <https://www.nytimes.com/interactive/2021/01/29/us/oath-keepers-capitol-riot.html>



36. One of the New York Times images shows an individual who appears to be Harrelson facing the military-style “stack” formation of individuals moving up through the crowd towards the door of the Capitol:



37. And video footage from AP News⁸ shows Harrelson interacting with these individuals as they move up towards him in the stack:



38. Surveillance video from inside the Capitol shows this “stack” of Oath Keepers (and other members of the crowd) shortly after they breached and damaged the doors to the Capitol:



⁸ See <https://apnews.com/article/ex-military-cops-us-capitol-riot-a1cb17201dfddc98291e5badc257/gallery/0ecd1781c66d437f92c61b3f4848a74e> (at slide 10).

39. Members of the “stack” of Oath Keepers that forcibly entered the Capitol then congregated inside the north section of the Rotunda, as seen in surveillance video from inside the Capitol:



40. Surveillance video from inside the Capitol on January 6, 2021, also shows a person consistent with Harrelson, along with other members of the Oath Keepers:



41. While inside the Rotunda, a photojournalist took a picture of Young (red arrow) with his hand on the shoulder of Harrelson (green arrow):



42. From an open source, the FBI received the following photograph of individuals affiliated with the Oath Keepers outside the U.S. Capitol on January 6, 2021. The group includes Young (red arrow), Kelly Meggs (blue arrow), Steele (yellow arrow), and Harrelson (green arrow):



43. Your affiant has reviewed records, including a driver's license photograph from the Florida Department of Motor Vehicles, and confirmed that Harrelson appears to be the person depicted in the above photographs at and inside the Capitol.⁹

44. Pursuant to legal process, the government obtained Verizon records for Kelly Meggs. Call records indicate Kelly Meggs received a phone call from a phone number ending in 0136 on January 4, 2021 (and that the two exchanged multiple additional phone calls in December 2020).

45. Pursuant to legal process, the government obtained records from AT&T, which showed that the phone number ending in 0136 is registered to Harrelson, at an address in Titusville, Florida, that matches Harrelson's address with the Florida Department of Motor Vehicles.

46. The carrier for the phone number ending in 0136 is AT&T. Pursuant to an authorized search warrant, law enforcement obtained records from AT&T for cell towers providing service to the United States Capitol. The device associated with the phone number ending in 0136 was identified as having utilized a cell site consistent with providing service to the geographic area

⁹ Your affiant notes the following information. First, on or around January 13, 2021, after receiving a tip from family members of an individual (Subject-1) that photos and video of Harrelson from the civil unrest on January 6, 2021, depicted Subject-1 (an individual other than Harrelson), the FBI began investigating Subject-1. The FBI determined that Subject-1's driver's license photo resembled the photos of Harrelson from January 6. The FBI showed a family member of Subject-1 a photo of Harrelson from January 6, and the family member positively identified the person in the photo as Subject-1. The family member specifically noted recognizing Subject-1's face, ear, and watch in the photo. The FBI then determined that Subject-1 was not the individual depicted in the photos at the U.S. Capitol on January 6, after the FBI interviewed Subject-1 and learned of Subject-1's whereabouts on January 6.

Second, on or around January 10, 2021, a concerned citizen provided the FBI with a tip that the photo of Harrelson in the Rotunda was a photo of Subject-2, who was an individual with whom the concerned citizen had interacted while in Washington, D.C., on or around January 6. The FBI spoke with the concerned citizen, who stated that Subject-2 had appeared to physically resemble the individual depicted in the photos showing Harrelson. The FBI also spoke with Subject-2's spouse, who confirmed the spouse and Subject-2 were at the rally in Washington, D.C., on January 6. The FBI also determined that open source photos of Subject-2 resembled the photos of Harrelson from January 6. Ultimately, the FBI concluded that Subject-2 was not the individual depicted in the photos of Harrelson.

that includes the interior of the United States Capitol building in and around the time of the attack on the Capitol on January 6, 2021.

47. Pursuant to legal process, the government obtained records from AT&T, which showed an IMEI ending in 5025 is registered on the account of the phone number ending in 0136. According to database information this IMEI is associated with an iPhone XS Max. An IMEI stands for International Mobile Equipment Identity, which is a 15-digit number unique to each device. From your affiant's training and experience, I know that this means Harrelson used an Apple iOS to operate this device.

48. Pursuant to legal process, the government obtained records from Yahoo showing the email address containing "hot_rod" at yahoo.com is registered to user Kenneth Harrelson, with the same phone number ending in 0136 used to verify the account.

49. Pursuant to legal process, the government obtained records from Apple showing that the Apple ID with email address containing "hot_rod" at yahoo.com was associated with the phone number ending in 0136. Further, records from Apple indicate the user accessed Apple's servers from an IP address ending in 158, which resolves to Titusville, Florida.

50. Pursuant to legal process, the government obtained records from Go To Meeting¹⁰ showing that a user named "gator 6" was the organizer for a meeting titled "dc planning call" on January 3, 2021. The user "gator 6" accessed the meeting from a mobile device using the same IP address ending in 158, and the user listed themselves as residing in Titusville, Florida. Between September 30, 2020, and January 3, 2021, the user with the same IP address ending in 158 attended or organized approximately 30 meetings on Go To Meeting affiliated with the Oath Keepers, using

¹⁰ Go To Meeting is an online meeting site that allows users to host conference calls and video conferences via the Internet in real time.

the names “gator 6,” “hotel 26,” or “kenneth harrelson.”

51. Pursuant to legal process, the government obtained records from Stripe showing that Harrelson made payments to Oath Keepers, Inc., in July, October and November 2020.

52. The Department of Defense reports that Harrelson previously served in the United States Army.

CONCLUSIONS OF AFFIANT

53. Based on the foregoing, I submit that there is probable cause to believe that Kenneth Harrelson committed violations of 18 U.S.C. §§ 2, 371, 1361, 1512(c)(2), and 1752(a)(1).

54. As such, I respectfully request that the Court permit the filing of this Complaint.



SPECIAL AGENT KELSEY HARRIS
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, March 5, 2021.

HON. ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE