

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

UNITED STATES OF AMERICA	:	Case No.: 21-cr-378-1 (TJK)
	:	
v.	:	
	:	
ARTHUR JACKMAN,	:	
	:	
Defendant.	:	

STATEMENT OF OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the Acting United States Attorney for the District of Columbia, and the defendant, Arthur Jackman, with the concurrence of his attorney, agree and stipulate to the below factual basis for the defendant’s guilty plea—that is, if this case were to proceed to trial, the parties stipulate that the United States could prove the below facts beyond a reasonable doubt. It does not represent all relevant facts known to defendant Jackman or the government.

The Transfer of Presidential Power in the United States

1. The 2020 United States Presidential Election occurred on November 3, 2020. As of November 7, 2020, the incumbent President Donald J. Trump was projected to have lost the Presidential Election.

2. The United States Constitution and federal statutes codify the procedures and dates governing the transfer of presidential power in the United States. The Twelfth Amendment requires presidential electors to meet in their respective states and certify “distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each.”

3. On December 14, 2020, the presidential electors of the 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.

4. The Twelfth Amendment also requires that the Vice President “shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.” Title 3, Section 15 of the United States Code provides that the United States Congress must convene during a joint session proceeding (“the Joint Session”) at 1:00 p.m. “on the sixth day of January succeeding every meeting of the electors,” with the Vice President presiding, to count the electoral votes, resolve any objections, certify their validity, and announce the result (“Certification of the Electoral College vote”).

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

5. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured 24 hours a day by U.S. Capitol Police (“USCP”). Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.

6. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

7. On January 6, 2021, a Joint Session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the Joint Session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The Joint Session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and

presiding, first in the Joint Session, and then in the Senate chamber.

8. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and USCP were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

9. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the USCP, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by USCP Officers or other authorized security officials.

10. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the USCP attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of law enforcement, as others in the crowd encouraged and assisted those acts. The riot resulted in substantial damage to the U.S. Capitol, requiring the expenditure of more than \$2.8 million dollars for repairs.

11. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the Joint Session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including

the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

12. The attack at the U.S. Capitol adversely affected the United States Secret Service, which was protecting Vice President Michael Pence, and the United States Capitol Police's protection of the Capitol and its occupants. It also affected commerce within the District of Columbia.

13. The attack at the U.S. Capitol was a "civil disorder" as defined in 18 U.S.C. § 232(1).

Arthur Jackman

14. Arthur Jackman is a 34-year-old resident of Orlando, Florida. Since at least as early as 2017, Jackman has been a member of the Proud Boys organization.

15. The Proud Boys describes itself as a "pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists." Proud Boys members routinely attend rallies, protests, and other events, some of which have resulted in violence involving members of the group. There is an initiation process for new members of the Proud Boys, and members often wear black and yellow polo shirts or other apparel adorned with Proud Boys logos and slogans to public events.

16. Through at least January 6, 2021, Enrique Tarrío was the national chairman of the Proud Boys organization. Throughout the United States, there are local Proud Boys chapters, which are typically led by chapter "presidents." Each chapter has a degree of autonomy insofar as the president of a local chapter governs that chapter in its geographic location.

17. As of January 6, 2021, Arthur Jackman was the Vice President of the “Zone 4” or “Space Force” chapter of the Proud Boys, which chapter was based in central Florida.

Arthur Jackman’s Statements About the Stolen Election

18. In the period between the November 3, 2020 U.S. Presidential Election and January 6, 2021, Jackman made a number of posts on Telegram reflecting his belief that the Presidential Election had been “stolen.”

19. On November 4, 2020, Jackman posted a message to the Space Force group chat in Telegram that included a link and text from an article that began with the statement, “As of this writing, it appears that Democratic Party machines in Michigan, Wisconsin, and Pennsylvania are trying to steal the election.”

20. On November 5, 2020, Jackman posted a message to the Space Force group chat in Telegram that read, in part, “It may require some work--we may have to march on the capital building, shutdown these vote counters, or worse, but I am honestly not panicked about how this election will turn out--I haven’t been. If you are worried, then that is a show of your lack of faith. Pray it through.”

21. On November 6, 2020, Jackman posted a message to the Space Force group chat in Telegram that read, in part, “I would say 85-90% on Congress are absolute traitors--even Gowdy, Gaetz, etc.” Approximately 20 minutes later, another participant in the chat responded, “No maybe I didn’t say that very well. I was truly asking, if they steal this election are we ready to fight??? Is everyone ready to go to war? Can’t see how the US survives this kind of corruption.”

22. On November 7, 2020, Jackman posted a message to the Space Force group chat in Telegram that read, “🚨 - BREAKING: us Ronna McDaniel announces on Sean Hannity that the Trump campaign has OVER 100 people in BOTH Michigan AND Pennsylvania who are willing

to go on the record, with sworn affidavits, to testify about election fraud and irregularities in each state.”

23. On November 15, 2020, Jackman posted a message to the Space Force group chat in Telegram that read, “Leftist/BLM agitator threatens citizens with a knife. After swinging the knife at several people the enemy combatant is neutralized and the knife is safely removed. @ProudBoysUncensored.” Jackman then added, “What a great knockout. I might use my once a month wank on this.”

24. On November 23, 2020, Space Force member Nate Tuck posted a message on Telegram that read, in part, “TRUMP ALLOWS BIDEN TRANSITION TO MOVE FORWARD[.] The truth is, the game was rigged from the start. Trump was never our guy[.]” Jackman responded, “Fuck off. Shit isn’t over.” and “I’ll see what happens by January. Still 0% worried.”

25. On November 24, 2020, Jackman posted a message to the Space Force group chat in Telegram that read, “We can fight the vermin in the streets all day, but unless something big happens, the problem is really the vermin in the FBI, CIA, Congress, the Corporations, Hollywood, our courts, Governors, schools...that’s a lot of cleaning up to do.”

Arthur Jackman’s Preparation to Return to Washington, D.C. on January 6

26. Jackman traveled to Washington, D.C. with other members of the Space Force chapter on December 11, 2020, for an election-related event. After the event on December 12, 2020, Jackman celebrated the Proud Boys’ involvement in altercations on the streets of Washington, D.C. For example, on December 13, 2020, Jackman posted a message to the Space Force Telegram group that stated, in part, “It felt good to see some action, punch some commies, and to see the one guy get royally fucked up . . . But, it’s not as though we maimed or murdered

anyone, and so they definitely deserved those blows. One can only hope those punches woke them up to their anti-human, evil ideology and forces them to change...probably not, and if not, at least they know damn well we won't give up and we're here to fight." Jackman later added, "One punched me in the face, only it didn't do much because they were weak, and any force they would've otherwise delivered was castrated by my simultaneous punch to theirs[.]"

27. During the rally on December 12, 2020, several Proud Boys were involved in an altercation in which Proud Boys members were injured, including a knife wound suffered by Proud Boys member, Jeremy Bertino.

28. Also while in Washington, D.C. on December 12, 2020, a group of Proud Boys that included Enrique Tarrío participated in the theft and destruction of a banner that read, "#BLACKLIVESMATTER," which banner was property of Asbury United Methodist Church in Washington, D.C.

29. On December 19, 2020, former President Trump announced plans for a Stop the Steal protest event in Washington, D.C., on January 6, 2021, which date coincided with Congress's Certification of the Electoral College vote. Tarrío, Joe Biggs, and a handful of other members of the Proud Boys created a new chapter for the Proud Boys that would consist of members from across the country. The new chapter was referred to as the Ministry of Self Defense or MOSD ("MOSD"). Tarrío described the MOSD as a "national rally planning" chapter that would include only "hand selected members."

30. On December 27, 2020, Jackman was invited to join the MOSD by Joe Biggs. Prior to joining the MOSD, Jackman completed a form in which he affirmed that: (1) everything spoken within the chapter would "remain private", (2) he was willing to provide "full cooperation with leadership" of the MOSD, (3) he would always "act in self defense," and (4) he would "Fit In or

Fuck Off.” Jackman understood that “leadership” of the MOSD included Tarrío, Ethan Nordean, and Joe Biggs.

31. In messages exchanged among members of the MOSD on Telegram, members discussed the potential for violence at the Capitol on January 6.

32. On January 3, 2021, the following exchange took place in the “Ministry of Self-Defense – MAIN”:

Gabriel PB: 1776 flag flying over the White House last night.

The Vidivic: ?

John Rackham: Gonna be war soon

Gabriel PB: Yes Sir time to stack those bodies in from of Capitol Hill

[...]

E-Geezy

[Edward George]:



[...]

BrotherHunter

Jack Phillips: Also this 🇺🇸. So are the normies and “other” attendees going to push thru police lines and storm the capitol buildings? A few million vs A few hundred coptifa should be enough. I saw a few normie groups rush through police lines on the 12th.

Deplorable51: cue the music.....“let the bodies hit the floor let the bodies hit the floor 🇺🇸”

33. Later on January 3, 2021, a different MOSD member posted a video message in which he remarked that the people effecting the stolen election had been “caught” and that by

persisting, they were “gonna make the whole country stand up and fuckin’ do bad things to bad people.”

34. On January 4, 2021, members of the MOSD exchanged additional messages that discussed attacking the Capitol on January 6, 2021. One MOSD member posted, “what would they do [if] 1 million patriots stormed and took the capital building. Shoot into the crowd? I think not.” In response, one of the leaders of the MOSD wrote, “They would do nothing because they can do nothing.”

35. Enrique Tarrío was arrested upon his arrival in Washington, D.C. on January 4, 2021. Tarrío was charged with the destruction of the BLM banner on December 12, 2020, and the possession of two high-capacity magazines that were found in his possession during his arrest. Tarrío was released from jail on January 5, 2021. As part of the conditions of his release, Tarrío was ordered to stay away from Washington, D.C., which meant that Tarrío would not be present in Washington, D.C. on January 6, 2021.

36. On January 5, 2021, Jackman was also added to a private message group on Telegram for Proud Boys who had traveled to Washington, D.C. The Telegram group was called “Boots on Ground.”

37. Jackman and other members of the MOSD and Boots on Ground message groups on Telegram were told to meet at the Washington Monument at 10 a.m. on January 6. MOSD members were told via Telegram that “[Ethan Nordean] is in charge, cops are the primary threat, don’t get caught by them or BLM, don’t get drunk until off the street.” Members were told not to wear Proud Boys colors and instead to “[c]ome out [] as patriot!” The same instruction was issued in the Boots on Ground chat.

Arthur Jackman's Participation in the January 6, 2021, Capitol Riot

38. Jackman stayed in a rental unit with Biggs and the Tucks on the evening of January 5, 2021.

39. On the morning of January 6, 2021, Jackman traveled to the National Mall with Biggs and the Tucks and met a group of approximately one hundred Proud Boys members near the Washington Monument shortly after 10 a.m. As instructed, Jackman did not wear any Proud Boys colors. Jackman wore a black and red checkered shirt, blue jeans, white sneakers, and (at times) a black skeleton mask over the lower portion of his face.

40. Shortly after 10 a.m., Proud Boys Ethan Nordean and Joseph Biggs marched the group away from the rally that was taking place near the Washington Monument. Nordean announced to the group that they were going to march to the Capitol.

41. As the group marched toward the Capitol, Nordean and Biggs addressed the men, including Jackman, through a megaphone—telling them that in their view the police and government had failed them. As the group walked past the west side of the Capitol at approximately 11:20 a.m.—more than an hour prior to the initial breach—Nordean announced, “We represent the spirit of 1776. If you haven’t noticed, real men are here. We know what the oath is [unintelligible] to support and defend the Constitution . . . Let us remind those who have forgotten what that means.”

42. A few minutes later, as the group marched past U.S. Capitol Police officers at approximately 11:28 a.m., Biggs gave the group of officers the middle finger, and the men marching with Biggs taunted them, yelling “treason,” and warning the officers, “don’t make us go against you.”

43. The marching group, including Jackman, continued to the east side of the Capitol. Jackman and Nathaniel Tuck briefly separated from the group. Jackman visited a port-a-potty on the east side of the Capitol.

44. Shortly before noon, Nordean and Biggs led the marching group back to the west side of the Capitol to a group of food trucks located at approximately 2nd Street and Constitution Avenue NW, arriving at approximately 12:10 p.m. There the group stopped and waited for approximately thirty minutes. Jackman and the Tucks rejoined the group near the food trucks. At approximately 12:45 p.m., fifteen minutes before the certification of the Electoral College vote was scheduled to start, Nordean mustered the men into a column and marched them back towards the Capitol.

45. Nordean led the marching group to an area known as the Peace Circle, at the edge of the restricted portion of Capitol grounds, at approximately 12:50 p.m. Prior to their arrival, the Peace Circle was uncrowded and relatively peaceful. The First Street pedestrian entrance to the Capitol, which was approximately 100 feet away, was guarded by a handful of Capitol Police officers. Prominent signs posted on metal barriers at the pedestrian entrance and other locations stated, "AREA CLOSED By order of the United States Capitol Police Board."

46. Upon arriving at the Peace Circle, Biggs led the crowd in chants that included "USA!," "Where's Antifa", and "Whose Capitol? Our Capitol!"

47. At 12:53 p.m., approximately one minute after Biggs led the "Whose Capitol? Our Capitol!" chant, the crowd surged forward towards a police barricade. The crowd quickly overwhelmed the line of officers at the barricades. The crowd trampled the barricades and advanced toward the Capitol building. Jackman walked onto Capitol grounds as part of the advancing crowd. Jackman understood that he was not permitted to be on Capitol grounds.

48. At approximately 12:56 p.m., Jackman advanced into the West Plaza with Kevin Tuck and Nathaniel Tuck. By approximately 1:00 p.m., the group made their way to the front of the crowd and stood opposite a line of officers in riot gear.



49. Jackman remained in the West Plaza for approximately 40 minutes. From his position in the crowd, Jackman saw rioters assault law enforcement using chemical spray and hand-to-hand violence.

50. At approximately 1:45 p.m., Jackman was joined near the front of the West Plaza by other Proud Boys, including Nordean, Biggs, and Paul Rae. The image below shows the group near the base of the concrete stairs. Jackman is circled in yellow.



51. In the area at the base of the concrete stairs, Jackman joined dozens of other Proud Boys who had marched to the Capitol behind Nordean and Biggs. The nearby concrete stairs led to the Upper West Terrace, which abutted the Capitol building and many doors and entrances to that building. A small group of outnumbered officers guarded the entrance to the stairs. One of the Proud Boys who had marched with Jackman and the other Proud Boys to the Capitol, initiated a

push by shoving two officers and pushing them up the stairs. Almost instantaneously thereafter, the crowd overwhelmed the officers and pushed up the scaffolding.

52. Jackman, Rae, and others moved up the stairs and underneath the scaffolding. Law enforcement began to deploy less-than-lethal tactics against the rioters who were under the scaffolding, and Rae and Jackman descended the stairs and backed away from the scaffolding area.

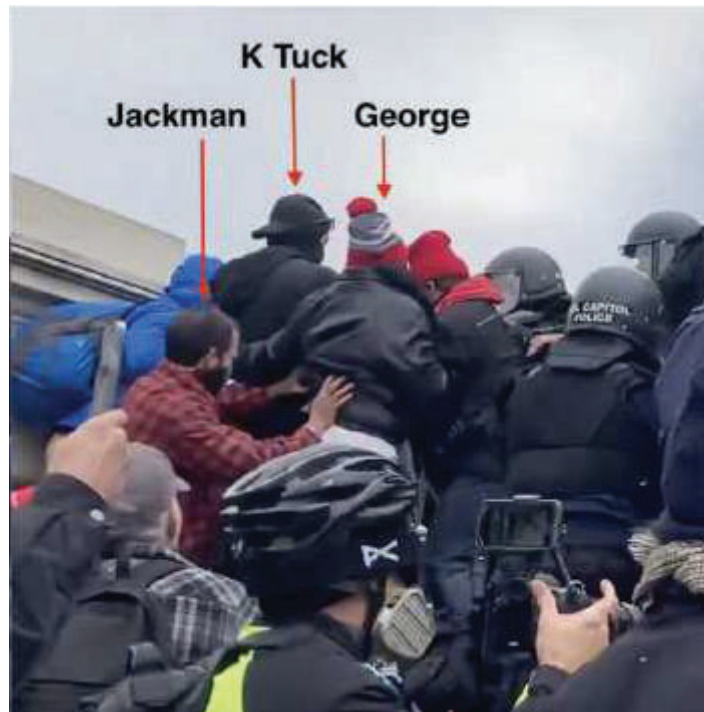
53. They reunited with Nordean, Biggs, Nordean, and the Tucks on the lawn just north of the concrete stairs and scaffolding. From that position, they watched as the crowd eventually overwhelmed the line of officers and surged through the scaffolding and up the concrete stairs toward the Capitol building.

54. Upon seeing the crowd advance toward the building, Rae and Biggs rushed back to the concrete stairs in an attempt to advance to the Capitol. Jackman remained on the lawn with the Tucks.

55. Jackman and the Tucks began to move to the east side of the building by walking on the lawn around the north side of the Capitol building. Jackman and the Tucks reunited with Edward George on the north lawn.



56. The group continued toward the east side of the Capitol where they encountered a line of officers who were attempting to stop the crowd from advancing to the building. At approximately 2:16 p.m., the group attempted to breach the line of officers. Jackman can be seen with his hands on George's back as officers attempted to stop the crowd from advancing.



57. The crowd breached the police line, and Jackman advanced toward the Capitol building with George and the Tucks.

58. Jackman, George and the Tucks attempted to enter the Capitol building near the Senate Carriage Door at approximately 2:18 p.m. Nathaniel Tuck successfully entered the building. George was repelled.

59. Jackman, George, and Kevin Tuck then reunited with Biggs and Rae on the east side of the Capitol. The group climbed the stairs near the Columbus Doors and joined the large crowd of rioters on the east terrace of the Capitol building. The group posed for a selfie.



60. Officers on the east side of the building attempted to stop the crowd from breaching the building near the Columbus Doors. Shortly before 2:40 p.m., the crowd sang the National Anthem. As the anthem ended, the crowd began to violently attack the handful of officers at the Columbus Doors. The rioters eventually overwhelmed the officers at the doors.

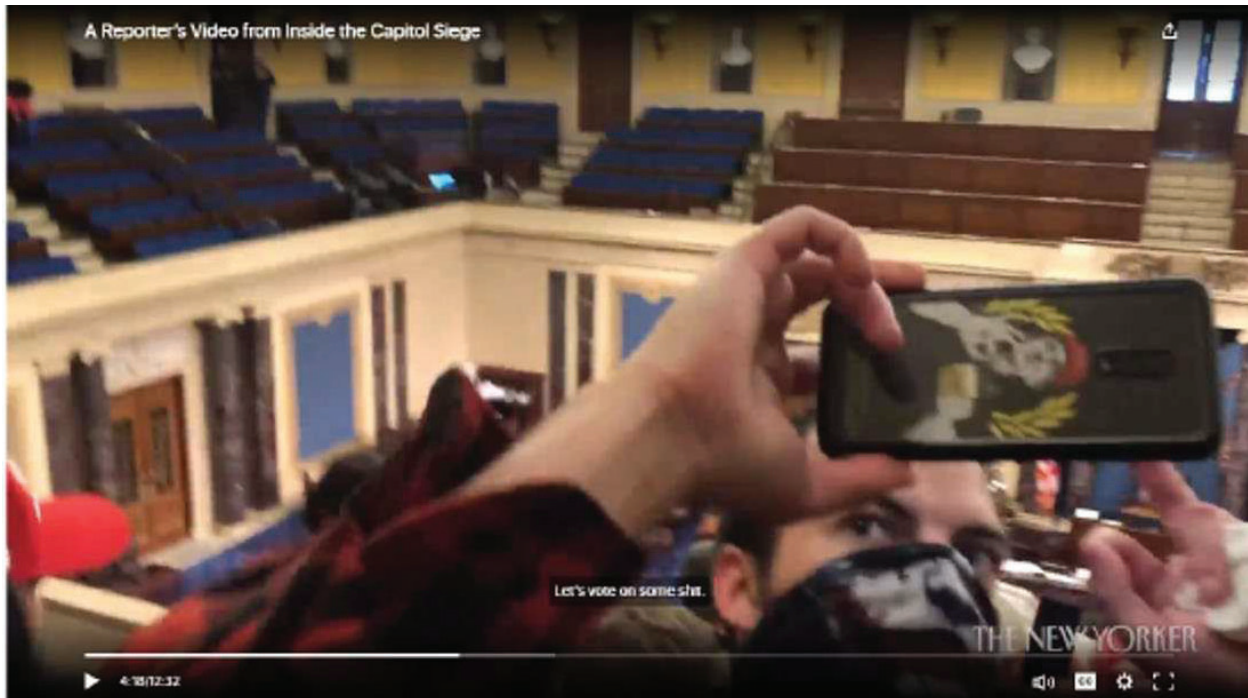
61. At approximately 2:40 p.m., Jackman pushed into the Capitol through the Columbus Doors as part of a stack with Kevin Tuck, Biggs, and George. Jackman understood that he was not permitted to enter the building, and Jackman understood that the Capitol building was restricted to allow Vice President Pence and the members of Congress to certify the results of the 2020 Presidential Election.



62. Jackman climbed the stairs to second floor of Capitol building in stack formation with K. Tuck and George, as well as Biggs. As they climbed the stairs, the crowd around Jackman was chanting “treason!”



63. After reaching the second floor, Jackman walked down a corridor as the crowd around him continued to chant and bang on doors. Jackman then entered the gallery of the Senate Chamber at approximately 2:43 p.m. with Biggs, Kevin Tuck, and George. Jackman posed for another selfie as he made the Proud Boys hand gesture.



64. Jackman and the other men left the gallery approximately two minutes later and entered an adjoining hallway. While in the hallway, Jackman and George combined to remove an American flag and flagpole from its weighted base.



65. Jackman exited the Capitol building with Biggs, George, and Kevin Tuck at approximately 2:53 p.m. through the Senate Carriage Door.

66. Jackman posed for a celebratory photo on Capitol grounds with all of his co-defendants after exiting the Capitol building. In the photograph, below, Rae can be seen holding the American flag that Jackman and George had stolen from the corridor near the Senate Gallery.



67. On January 7, 2021, at approximately 6:40 a.m., Jackman posted a message to the members of the Boots on Ground chat that read, “Get home safe, everyone. Glad to have been there with you at this historical moment.”

Elements of the Offense

68. The parties agree that Entering or Remaining in a Restricted Building or Grounds, 18 U.S.C. § 1752(a)(1), requires the following elements:

- a. First, the defendant entered or remained in a restricted building or grounds without lawful authority to do so.
- b. Second, the defendant did so knowingly.

Defendant’s Acknowledgements

69. The defendant knowingly and voluntarily admits to all the elements as set forth above.

70. Specifically, the defendant admits that he entered and remained in the restricted building and grounds of the United States Capitol without lawful authority to do so, and that he did so knowingly.

Respectfully submitted,

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DEFENDANT'S ACCEPTANCE

I, Arthur Jackman, have read the foregoing Statement of Facts for Stipulated Trial, and I have discussed this proffer fully with my attorney, Eugene Ohm. I fully understand this Statement of Facts, and I accept it without reservation. I do this voluntarily and of my own free will. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this Statement of Facts fully.

Date: 07/23/2024



Arthur Jackman
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read every page of this Statement of Facts with my client, Arthur Jackman, and have fully discussed it with my client. I concur in my client's desire to adopt this Statement of Facts as true and accurate.

Date: 7/25/24



Eugene Ohm
Attorney for Defendant Arthur Jackman