

## STATEMENT OF FACTS

Your affiant, Michael J. Banfield, is a Special Agent assigned to the Omaha field office of the Federal Bureau of Investigation (“FBI”). I am a graduate of the FBI Academy in Quantico, Virginia and have been an FBI Special Agent for approximately one year. I have completed training and gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, and various other criminal laws and procedures. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

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.

As the proceedings continued in both the House and the Senate, and with Vice President Mike 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 U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

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 U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

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 Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

### **FACTS SPECIFIC TO THIS CASE**

On or about January 8, 2021, the FBI received a tip indicating the presence and participation of KENNETH RADER in the breach of the U.S. Capitol Building on January 6, 2021. The tip came from Tipster 1 who identified himself as a relative of KENNETH RADER. Tipster 1 reported, “My radicalized [family member] Kenneth Bruce Rader Jr. from Sioux City, IA has been sharing videos of himself on Capital [sic] grounds and inside the building and has verbally articulated a full rage [sic] of threats against VP Mike Pence, stating that ‘We’re not done!’ ... ‘watch what ‘we’ do after Trump is gone.’” Tipster 1 stated that he would attempt to provide to the FBI the videos of KENNETH RADER at the U.S. Capitol Building.

On August 19, 2021, the FBI sent a preservation letter to Facebook regarding an account linked to KENNETH RADER that law enforcement officers had identified through open-source investigation. The Facebook profile utilizes the username Kenny Rader, Facebook UID 1429678011, and Facebook URL kenny.rader.378. Among other items, that public-facing Facebook page showed that the account holder updated his profile picture on November 7, 2020 to show a burning American flag. November 7, 2020 is the date on which President Joseph R. Biden, Jr. was declared the winner of the 2020 presidential election.

The Facebook page utilizing the username Kenny Rader also shows that on February 23, 2021, the account holder updated his cover photo to be a picture that includes a large Q. On March 18, 2021, the account holder updated his cover photo to refer to “the Great Awakening.” Through my training and experience, I know that individuals associated with the QAnon conspiracy theory believed that former President Donald J. Trump would be “reinaugurated” on March 20, 2021, and that, at the moment of a “Great Awakening,” the general public would recognize a fantastical conspiracy of Satan-worshipping pedophile Democratic politicians, abetted by celebrities, who traffic children for sexual purposes. QAnon adherents professed belief that former President Trump took office to battle and take down this cabal and would be reinaugurated to do so.

On August 20, 2021, the FBI sent a preservation letter to Verizon for a telephone number linked to KENNETH RADER that law enforcement officers had identified through open -source investigation. The telephone number identified was XXX-XXX-2889.

On September 3, 2021, Tipster 1 and Tipster 2, another family member of KENNETH RADER, were interviewed by law enforcement officers regarding KENNETH RADER’s activities on January 6, 2021. Tipster 1 and Tipster 2 stated that KENNETH RADER attended a rally in Washington D.C. on January 6, 2021. He traveled to the rally with an unknown group. Tipster 1 and Tipster 2 alleged that KENNETH RADER stated that on January 6, 2021 he “made it in our house,” allegedly in reference to his unlawful entry into the U.S. Capitol Building. KENNETH RADER made several recordings of his activities which Tipster 1 and Tipster 2 shared with the

law enforcement officers. One recording shows KENNETH RADER discussing his travel while driving to the January 6 rally. Another video shows him walking down a street near the U.S. Capitol stating President Trump did not tell them to do “this” and they are doing “this” on their own. Tipster 1 and Tipster 2 stated that KENNETH RADER uses two telephone number, including XXX-XXX-2889.

In three audio recordings sent to Tipster 2 and subsequently shared with the FBI, KENNETH RADER appears to be very agitated in response to text messages sent by Tipster 2. KENNETH RADER and Tipster 2 had been engaged in a text message conversation regarding the events KENNETH RADER had been involved in at the U.S. Capitol on January 6, 2021.

Tipster 1 speculated that KENNETH RADER has a connection with the fringe conspiracy group QAnon. Several months prior to September 2021, Tipster 1 was with KENNETH RADER late at night. At approximately 2:30 a.m., KENETH RADER received a notification on his mobile phone displayed as “Q.” In response to the notification, KENNETH RADER told Tipster 1 he was “waiting for his instructions.”

Although Tipster 1 previously reported to the FBI that KENNETH RADER shared videos of himself inside the U.S. Capitol Building on January 6, 2021, neither Tipster 1 nor Tipster 2 were able to verify that KENNETH RADER had entered the Capitol Building and none of the video they shared with the FBI depicted KENNETH RADER inside the U.S. Capitol Building.

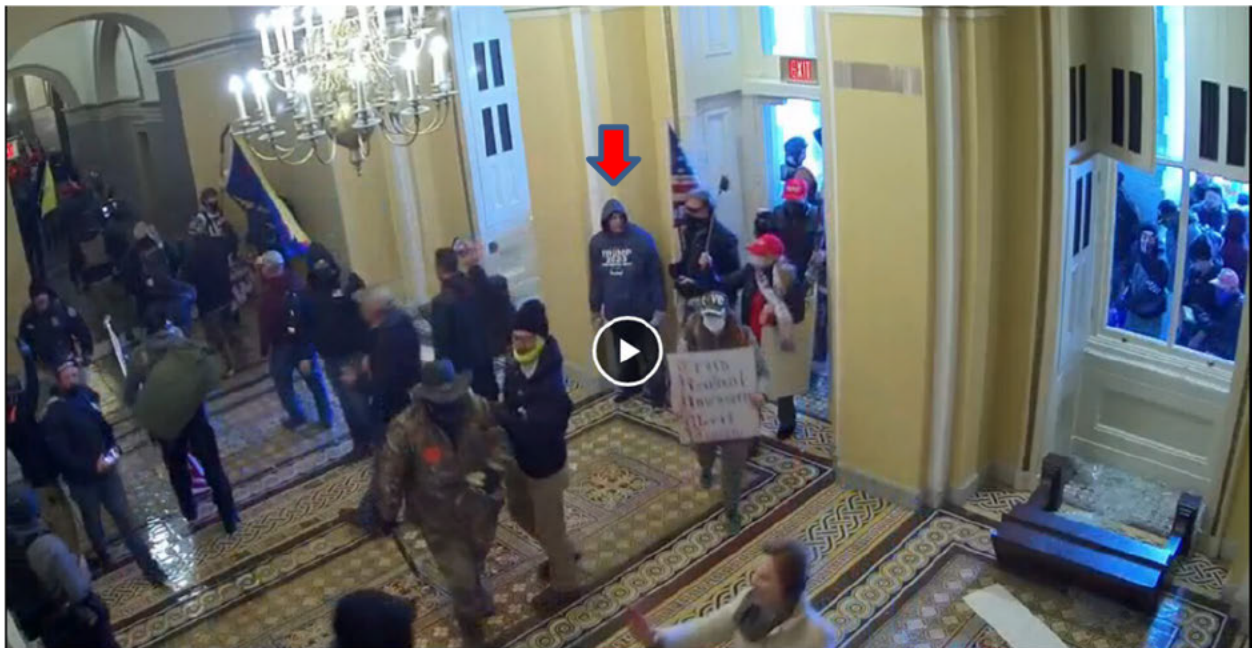
On September 17, 2021, KENNETH RADER participated in a consensual interview with FBI Agents. KENNETH RADER provided the cell phone number XXX-XXX-2889 as his primary phone number. He stated that he uses Facebook as his only social media platform. The username for his account is Kenny Rader. The account is not private and is open for anyone to view his posts. During the interview, KENNETH RADER confirmed his presence at a rally near the Washington Monument in Washington D.C. on January 6, 2021. He stated that he was not initially at the U.S. Capitol Building grounds but walked to the Capitol grounds after hearing a “boom.” He further stated he looked into the U.S. Capitol Building through an open door but never entered the building itself.

Pursuant to an authorized search warrant, law enforcement obtained records from Verizon for cell towers providing service to the United States Capitol. Notwithstanding KENNETH RADER’s statements to the contrary, the records show that the device associated with XXX-XXX-2889 utilized a cell site consistent with providing service to the geographic area that includes the interior of the United States Capitol Building on and around the time of the attack on the Capitol on January 6, 2021.

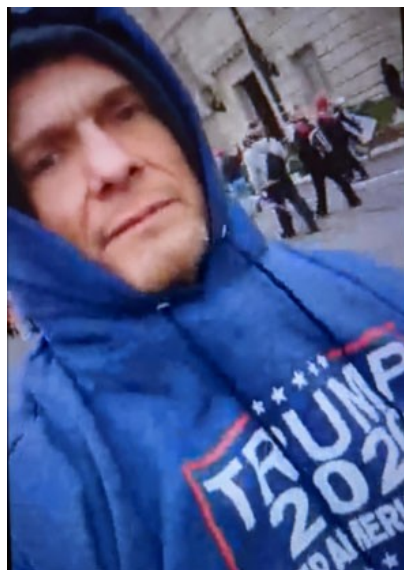
I subsequently reviewed security footage from cameras inside the U.S. Capitol Building taken during the afternoon of January 6, 2021. One such video revealed that KENNETH RADER unlawfully entered the U.S. Capitol Building on January 6, 2021. Security footage shows that at approximately 14:14:29 EST, an individual wearing a blue hooded sweatshirt with the hood up entered the U.S. Capitol Building through the Senate Wing Door. The individual entered through a door that had been previously broken by other protesters. The individual faced the camera several times and appears to be KENNETH RADER. The identification was based on two factors: (1) facial comparison between the individual inside the Capitol and known photographs of KENNETH

RADER, including those on his Facebook account; and (2) a comparison of the clothing worn by the individual inside the Capitol and photograph of KENNETH RADER on a terrace outside of the U.S. Capitol Building. The individual in the CCTV footage from January 6, 2021 also appears to be the same individual (KENNETH RADER) that law enforcement agents spoke with on September 17, 2021.

The surveillance video shows that on January 6, 2021, KENNETH RADER entered the U.S. Capitol Building through the Senate Wing Door, stood near the entrance, walked near a broken window, appeared to speak with several unidentified males, and then exited through the same door he used to enter. He was inside the building for approximately three minutes. He wore a blue hooded sweatshirt, blue jean pants, dark colored tennis shoes, and what appeared to be a black fanny pack.



On November 19, 2021, Tipster 1 and Tipster 2 provided statements during an interview with an FBI Special Agent. Tipster 1 and Tipster 2 were shown three photographs of an individual inside and outside the U.S. Capitol Building. Two of those photographs depicted an individual wearing a blue hooded sweatshirt making a telephone call from a terrace of the U.S. Capitol Building, on restricted U.S. Capitol Grounds, on January 6, 2021. The third photograph depicts the same individual, wearing the same blue hooded sweatshirt, inside the U.S. Capitol Building on January 6, 2021. Tipster 1 stated that KENNETH RADER occasionally wears a fanny pack. Both Tipster 1 and Tipster 2 identified the individual shown in all three photographs as KENNETH RADER. They based the identification on KENNETH RADER's facial features with an emphasis on his nose. Additionally, they recognized the hooded sweatshirt worn in the photographs as the same one that KENNETH RADER wore in videos of himself in Washington D.C. on January 6, 2021 that he shared with his friends and family. Tipster 1 provided an example video of KENNETH RADER wearing the same blue hooded sweatshirt in Washington, D.C. on January 6, 2021, shown below:



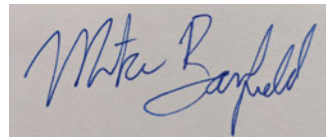
On December 7, 2021, legal process was issued to Facebook and Verizon seeking subscriber information for accounts which were linked to KENNETH RADER. The referenced Facebook account consisted of the following identifiers: username Kenny Rader, account UID 1429678011, Facebook URL Kenny.rader.378. The referenced Verizon account bears the telephone number XXX-XXX-2889.

On December 7, 2021, Facebook returned documentation in response to the legal process. The information provided by Facebook identified the subscriber of the account as "Kenny Rader." Further account details provided link the account to KENNETH RADER via the registered telephone numbers XXX-XXX-2889 and XXX-XXX-1691. These two telephone numbers were previously provided by Tipster 1 and Tipster 2 as telephone numbers KENNETH RADER currently used or had used in the past.

On December 9, 2021, Verizon returned documentation in response to the legal process. The information provided by Verizon identified the subscriber of the account as “Kenneth Rader.” Further account details provided link the account to KENNETH RADER via the registered email [REDACTED] and registered address located in Sioux City, Iowa.

Based on the foregoing, your affiant submits that there is probable cause to believe that KENNETH RADER violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that KENNETH RADER violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



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MICHAEL BANFIELD  
Special Agent  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 11<sup>th</sup> day of January 2022.

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G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE