

STATEMENT OF FACTS

Your affiant, Ward Yoder, is a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the Chicago Field Office. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As an FBI Special Agent, I am authorized by law to engage in the prevention, detention, 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.

Conduct of JAMES “MAC” MCNAMARA on January 6, 2021

In mid-July 2021, the FBI Washington Field Office identified a male subject wearing a black baseball cap over a do-rag, possibly in the American flag colors, glasses, blue-white gaiter, black zip-up jacket over an olive shirt, and blue jeans. As explained further below, at approximately 3:10 p.m. on January 6, 2021, while rioters were attempting to overwhelm officers by breaching the barricades and entering the North doors to the U.S. Capitol, the rioter is seen on video lunging forward, swinging his arms in the presence of law enforcement officers, and picking up a railing and ramming it at the door several times. He then leaves and returns to continue to attempt to enter the building before being sprayed by law enforcement with pepper spray.

The unidentified male subject, who was subsequently identified as James “Mac” McNamara, was assigned Assault on Federal Officer nametag AFO-471; the below photos of AFO-471 were posted on [FBI.gov/wanted/capitol-violence](https://www.fbi.gov/wanted/capitol-violence):



Further research revealed AFO-471 is referenced in various open-source channels by the moniker #RailMixer. The following photos can be found on [Jan6attack.com](https://www.jan6attack.com):

jan6attack.com/individuals/railmixer/

#RailMixer

Summary of Observed Actions (from this sheet by MongrelData):
Gets violent at NE Capitol entrance, then uses railing as ram. Throws punch at officer.

Appearance notes (from this sheet by MongrelData):
Older white male. Black baseball cap over a do-rag, possibly in flag colors. Glasses. Blue-white gaiter. Black zip-up jacket over olive shirt. Blue jeans. Grey fanny pack.

Violence

RailMixer on jan6evidence.com by @jan6evidence

RailMixer on seditionhunters.org by @seditionhunters

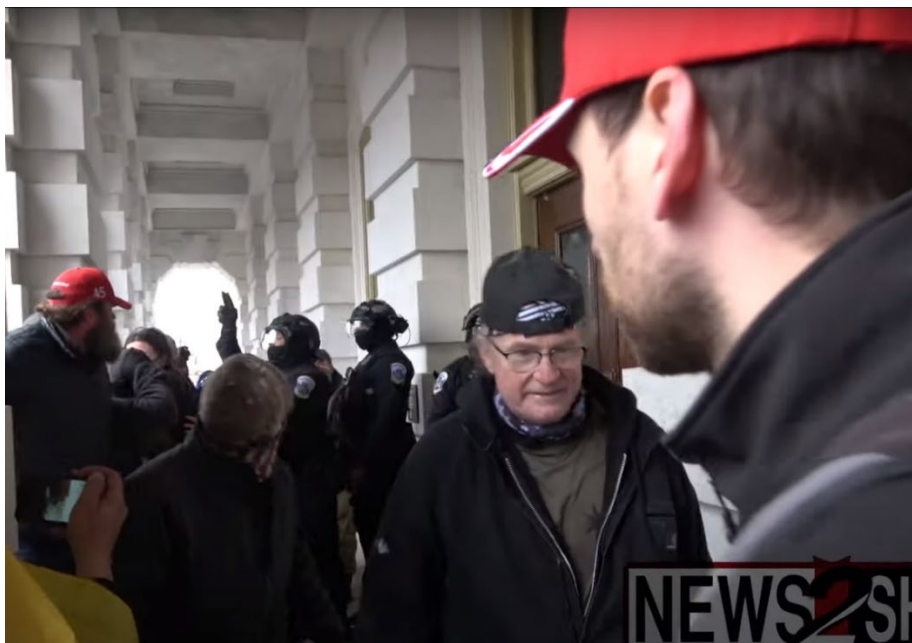
AFO/AOM: 471-AFO

In-Person Interview

Further analysis revealed a possible match for the above image of AFO-471 to McNamara's Illinois driver's license photo.


In June of 2022, law enforcement conducted interviews of known associates of McNamara as part of the FBI's investigation. On June 27, 2022, your affiant received a phone call from attorney ("attorney-1") stating that he represented McNamara and that McNamara wanted to speak with the FBI concerning his involvement in the events of January 6, 2021.

An in-person interview of McNamara was arranged for July 1, 2022. On that date, your affiant met with McNamara and attorney-1 at attorney-1's law offices in Chicago, Illinois. During the interview, your affiant personally observed McNamara's appearance and confirmed that McNamara was AFO-471 a/k/a #RailMixer and was also the same person in the Illinois driver's license photo, as well as other open-source images, including the images below:



yelp.com/biz_photos/fastplumbing247-water-heater-repair-and-install-chicago-7?select=nb4YXHd4_YdCoEawjKybQ

Debra H.




Photos for Fastplumbing247 Water Heater Repair & Install

1 of 1

by Debra H. on October 11, 2019

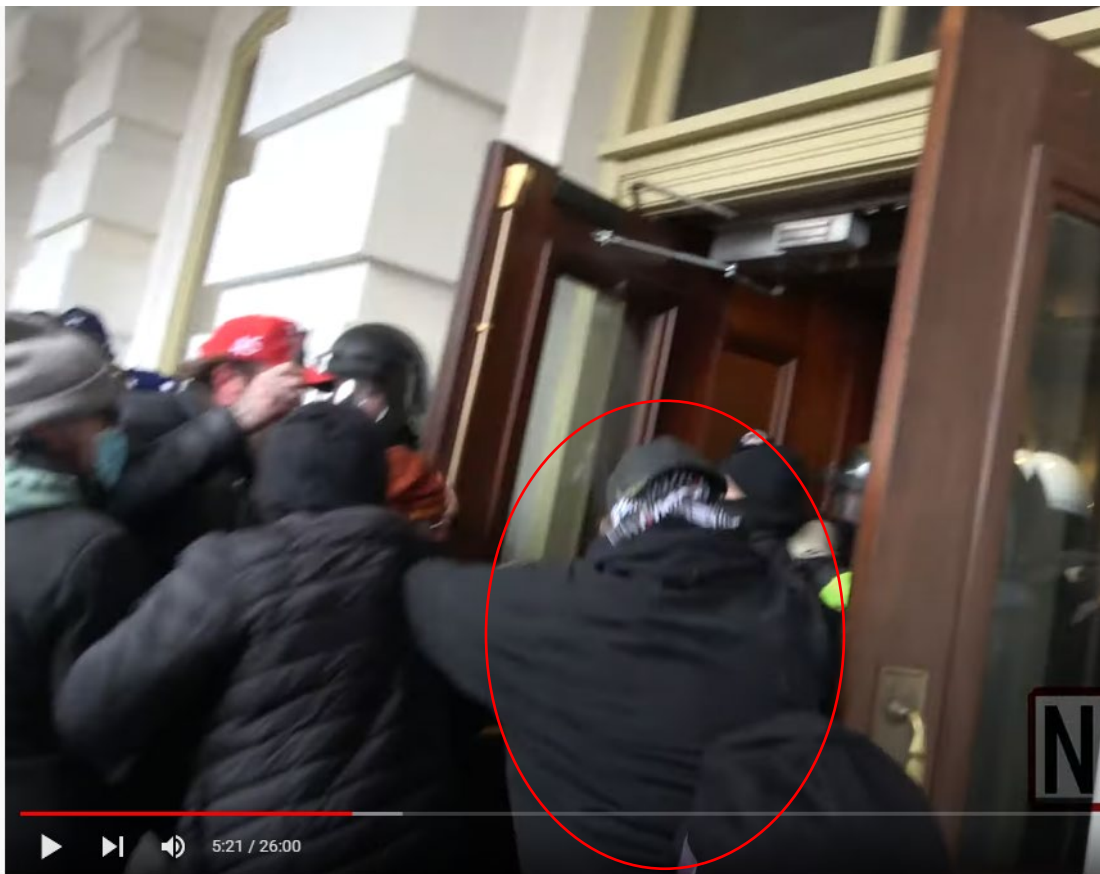
↑ Helpful ↓ Not Helpful



Video Evidence

Law enforcement reviewed several open-source videos of McNamara engaging with law enforcement officers near the North doors to the U.S. Capitol building on January 6, 2021 at approximately 3:10 p.m.

One such video includes a Youtube video entitled “Battle over Northeast entrance to U.S. Capitol on January 6 - PREVIOUSLY UNRELEASED 4K FOOTAGE” shows McNamara, starting at the 5:18 elapsed time mark, lunging forward and swinging his arms near a group of law enforcement officers, who had just forcibly removed protestors from inside the building through the North doors. The video further depicts McNamara picking up a metal bike rack and repeatedly ramming the North doors shortly after the aforementioned conduct. Later in the video, at the 8:14 elapsed time mark, McNamara appears to attempt to enter the building, and his advance is stopped by law enforcement officers using rubber bullets and pepper spray to repel McNamara:

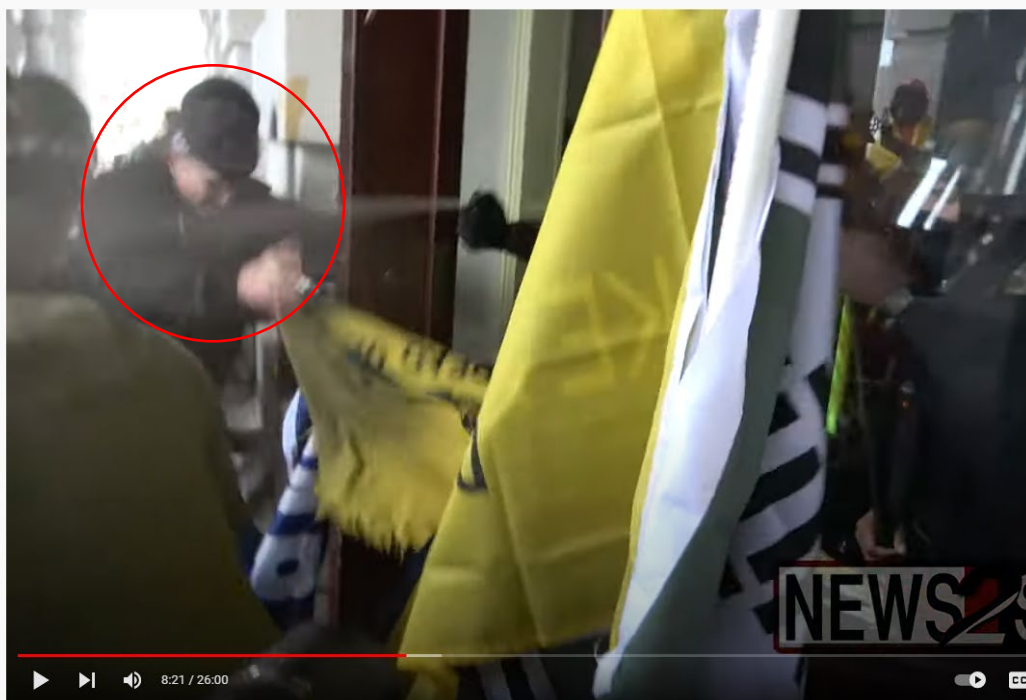




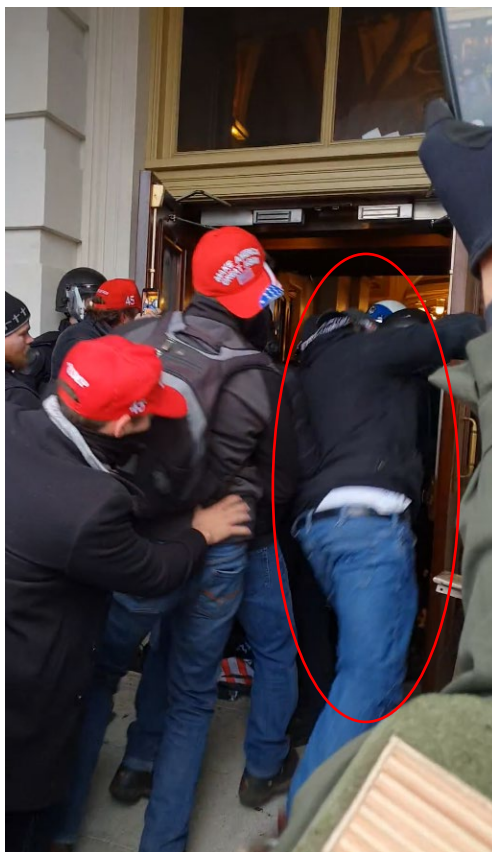
Battle over Northeast entrance to U.S. Capitol on January 6 - PREVIOUSLY UNRELEASED 4K FOOTAGE

2,628 views · Premiered Jun 4, 2021

96 DISLIKE SH



Another open-source video from the social media platform Parler taken from a different angle shows the same events occurring at approximately 3:10 p.m. at the North Doors:



Law enforcement reviewed body worn camera footage (BWC) from the D.C. Metropolitan Police Department (MPD). The below image is a screen capture from MPD Officer G.P.'s BWC, which captures the same conduct occurring at approximately 3:12 p.m. near the North doors, and captures the officer's view of McNamara lunging toward the officers with a closed/clenched fist:



Charges

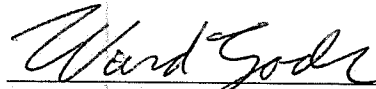
Your affiant submits there is probable cause to believe that JAMES “MAC” MCNAMARA, violated 18 U.S.C. § 111, which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties.

Your affiant submits there is probable cause to believe that JAMES “MAC” MCNAMARA violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Your affiant submits there is probable cause to believe that JAMES “MAC” MCNAMARA violated 18 U.S.C. §§ 1361 and 2, by willfully injuring or deprecating of any property of the United States. The estimated costs to repair the damage to the North Door is more than \$1,000.

Your affiant further submits that there is probable cause to believe that JAMES “MAC” MCNAMARA violated 18 U.S.C. § 1752(a)(1), (2), and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; 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; and (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds;] 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. The statute further criminalizes attempts to violate these Sections.

Your affiant submits there is also probable cause to believe that JAMES "MAC" MCNAMARA violated 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to willfully and knowingly: (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings. An act of physical violence includes damage to, or the destruction of, real or personal property.



WARD YODER,
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 28th day of November 2022.

ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE